

MINUTES: JUNE 10, 2010, MEETING
GEORGIA COMMISSION ON DISPUTE RESOLUTION

Chair Edith B. Primm, Esq., called the meeting to order. In addition to Ms. Primm, Commission members present were: Judge Edward Carriere; Bryan Cavan, Esq.; Laurence Christensen, Esq.; Alan Granath; Melissa Heard; Martha Kitchens; Justice Hugh Thompson. Judge Debra Bernes participated by phone.

GODR staff members present were: Shinji Morokuma, Esq., Director, and Nathelia Davenport, Deputy Director.

1. Visitors:

Ms. Primm welcomed the visitors: Elmira Barrow, Coweta Judicial Circuit ADR Program; Myra Crawford, DeKalb County Juvenile Court Mediation Program; Pete Desrochers, mediator; Linda Gernay, Eastern Judicial Circuit ADR Program; Larry Harton, DeKalb County ADR Program; Chris Patterson, Administrative Office of the Courts; Richard Pincus, mediator; Bonnie Powell, Esq., Fulton County Landlord/Tenant Mediation Program; Kelly Steele, Administrative Office of the Courts; and Jerry Wood, Esq., Fulton County ADR Program. Pam Godfrey, Seventh Judicial District ADR Program, participated by phone.

2. Minutes:

The minutes of the April 8, 2010, Commission meeting were approved prior to the June 10 meeting via e-mail vote.

3. Committee Reports:

Budget and Personnel Committee: Mr. Christensen

Mr. Christensen said after a tumultuous legislative session, GODR was able to retain some state funding for FY2010 and FY2011, thanks to lobbyist Chandler Haydon and accountant Kathie Lesesne. He said there appear to be enough funds to keep GODR open through FY2011, and with a level of 2,000 registered neutrals, GODR will be revenue-neutral through FY2014. The number of registered neutrals will have to increase to 2,500 for GODR to be self-supporting after that. The committee's main goal for at least the next six months is to consider ways to add value to registration in order to boost membership. Among the ideas discussed was to offer neutrals low-cost or no-cost continuing education programs online. Mr. Christensen noted that GODR will soon be rolling out a health insurance program for neutrals, also.

Ms. Primm said for FY2011 GODR was able to retain \$65,000 in state funding, money will help GODR transition to become a self-supporting agency. Increasing membership

is crucial as GODR changes to a membership organization and because GODR has promised the legislature that it would ask for no state money after FY2011, she said.

Mr. Morokuma reported that 1967 neutrals are registered. About half of those due to renew in the 2009 season did so; the Commission decided to honor the registrations of those who were due to renew in the 2010 season. Neutrals who renewed their registrations a year early were given the opportunity to request a refund of their renewal fees. Just more than 200 neutrals have requested refunds, Mr. Morokuma said. The total refunded amount is expected to be about \$29,000. The request deadline was May 31. The last of the requests is being processed.

Ms. Primm reminded the Commission that refunds could have totaled as much as \$90,000 had all eligible neutrals requested them. Instead, most of them chose to decline a refund and support the work of the Commission, she said.

Mr. Morokuma reported that the total collected from trainers in per-participant fees from January 1, 2010, to date is \$7,100 – lower than anticipated. He attributed the low figure in part to the poor economy, which has reduced the number of trainings being held.

Committee on Ethics: Ms. Davenport

Ms. Davenport reported that Committee Chair Judge Auslander was unavailable to meet prior to the Commission meeting, so a meeting will be scheduled for the following week.

Committee on Training and Credentials: Ms. Heard

Ms. Heard reported that the committee plans a hearing in July regarding a neutral's registration application. The committee has accepted a new subcommittee on juvenile mediation, which has already begun to develop training standards and registration requirements for delinquency mediation and deprivation mediation. It is also working on standards for grandfathering neutrals who have previously had juvenile mediation training or experience or both. The committee recently sent out a survey to registered neutrals that asked about their experience and training in juvenile court mediation and their professional backgrounds. Mr. Morokuma said about 200 people have responded, which is a good rate of response. The survey deadline is June 21.

Ms. Heard clarified that all recommendations of the subcommittee would first be reviewed by the Training and Credentials Committee before being presented to the Commission for approval.

Mr. Morokuma reported that one of the members of the subcommittee, Lynn Goldman, Esq., of Fulton County Juvenile Court, had received some grant funds that will allow her to consult with other juvenile courts interested in starting deprivation mediation programs. The funds came from a federal grant administered by Michelle Barclay, Esq., director of the Committee on Justice for Children. Ms. Goldman has already begun consulting with the newly revived DeKalb County Juvenile Court Mediation Program. Mr. Morokuma said GODR will notify other juvenile courts of Ms. Goldman's availability.

ADR Court Program Liaison Committee: Mr. Granath

Mr. Granath stated that a primary goal of the committee is to understand and address the needs of GODR's constituents, including registered neutrals. One result of that work is a new insurance and retirement program that soon will be offered to registered neutrals, he said. The program, which will be operated through BPC Financial, the Recommended Broker of the State Bar of Georgia for Medical, Dental, and Vision Plans, will offer a wide variety of insurance and retirement products at lower rates for registered neutrals.

Earl "Chip" Trefry, Jr., BPC Financial's president, and Nick Trefry, BPC's director of affinity group programs, joined the meeting by phone to explain the details of GODR's new insurance and retirement program. They said that starting July 1, GODR, through BPC, will offer to registered neutrals programs such as health insurance, term life insurance, long-term care insurance, pet insurance, home/auto insurance, business insurance, and 401(k) retirement planning. BPC has used its group purchasing power to negotiate benefits for neutrals such as premium discounts, underwriting concessions, product enhancements, and products unavailable to individuals. These benefits, offered by reputable insurance companies with at least an "A" financial rating will cost GODR nothing to offer to neutrals and will help to attract and retain registered neutrals and increase good will, they said. Many of the products will be available to neutrals' family members as well. And in many cases a neutral's savings in insurance costs will more than pay for his or her annual registration fee, they said.

BPC will be responsible for all marketing to registered neutrals through direct mail, print ads, electronic newsletters, a dedicated branded website, and a dedicated toll-free number, they said. BPC also will be responsible for all contact with neutrals who are interested in the insurance program. Neutrals who contact BPC will be dealing with licensed professionals who have product expertise and experience working with association members, they said. The Trefrys noted that BPC has received only about 10 complaints a year in its 15 years of servicing the 85,000 members of the Florida Bar Association.

Mr. Morokuma added that GODR will send a blast e-mail to all registered neutrals alerting them that they will be receiving initial communications from BPC Financial starting July 1. Neutrals who are not interested will have the opportunity to opt out of further communications from BPC. All BPC communications to registered neutrals must have prior approval from GODR.

[Attachment 1]

4. Director's Report: Mr. Morokuma

-- GODR's Integration into AOC: Mr. Morokuma reminded Commission members that GODR has officially integrated into the Administrative Office of the Courts. He asked Chris Patterson, the AOC's Associate Director for Court Services, to describe GODR's place in the AOC. Mr. Patterson explained that GODR was a natural fit into the Court

Services Division, as every program there serves as staff to a judicial council, committee or commission. GODR would be part of the regulatory section of Court Services, joining the Board of Court Reporting, the Commission on Interpreters, and the County and Municipal Probation Advisory Council, he said. The integration has gone very well, and all the groups have benefitted from it, he reported. Moreover, he said, Mr. Morokuma now is able to attend AOC's weekly senior management meetings, which helps him to see areas in which GODR might collaborate with other court entities. Among the Court Services initiatives that GODR will join, Mr. Patterson said, is the digitization of records that are currently kept on paper. GODR will also benefit from the AOC's plan to hire a customer service specialist who would staff the phones and answer basic public inquiries for the Court Services agencies.

Ms. Primm thanked Mr. Patterson and the AOC for their support. She noted that the AOC assistance would also be welcome in two other areas: management of the neutral database and the production of webinars for neutral continuing education.

Mr. Granath suggested that Mr. Morokuma and Mr. Patterson work together to send out a joint announcement to registered neutrals describing the benefits to them of GODR's integration into the AOC.

-- Savannah, Fulton County Subpoenas: Mr. Morokuma said GODR has been working closely with the Mediation Center in Savannah, as well as friends of the Commission and the center, to prepare the center for a hearing on a motion to quash a mediator subpoena. The hearing has been rescheduled until after the Commission meeting. Ms. Primm said in May she was able to quash a mediator subpoena in Fulton County Probate Court. She noted that mediator subpoenas are likely to become more common after the Georgia Supreme Court's decision in Wilson v. Wilson. In that case, the Supreme Court created an exception to mediator confidentiality when a party's capacity to participate in the mediation is challenged. GODR stands ready to assist any mediator who is served with a subpoena.

-- ADR Institute Planning: Mr. Morokuma reported that planning has begun for the 17th Annual ADR Institute and 2010 Neutrals' Conference. The institute will be held Friday, December 10, 2010, at the State Bar Conference Center in Atlanta. He noted that last year's institute attracted a record 250 registrants, and he said he hopes to at least match that attendance this year.

-- Court Program Staffing Changes: Mr. Morokuma noted that Debbie Blanton, director of the DeKalb County Courts Dispute Resolution Center, took early retirement recently. Pam McClure, longtime director of the Cobb County Juvenile Court Mediation Program, also took early retirement last month. Ms. McClure continues, however, to serve on the Juvenile Mediation Subcommittee, he said. Myra Crawford, who had been working with Ms. Blanton at the DeKalb center, is now director of the newly revived mediation program at DeKalb County Juvenile Court. Lastly, he noted that the Mediation Center in Savannah has moved to different suites in the same building.

7. New Business:

-- Forgiveness Program for Inactive Neutrals: Ms. Powell suggested that the Commission consider making a one-time offer to inactive neutrals that would allow them to reinstate their registrations by paying a lower fee or by fulfilling reduced requirements compared to regular reinstatement. Such an offer could increase the number of registered neutrals, she said, and could generate more fee income to GODR. Reinstatement may be more attractive now that GODR is offering benefits such as the insurance and retirement program to registered neutrals, she said.

-- Next Meeting Dates: September 9; November 18, 2010. Mr. Morokuma said he is putting together a list of proposed meeting dates for 2011, keeping in mind major events that are scheduled for the judiciary and the legal community.

The meeting was adjourned.

Attachments:

1. BPC Financial Powerpoint presentation

[Minutes prepared by Shinji Morokuma, Office of Dispute Resolution]