

MINUTES: MARCH 26, 2009, MEETING
GEORGIA COMMISSION ON DISPUTE RESOLUTION

Judge Joseph Iannazzone called the meeting to order. In addition to Judge Iannazzone, Commission members present were: Judge Charles E. Auslander III; Judge Debra Bernes; Bryan Cavan, Esq. (sitting in for Jeffrey Bramlett, Esq.); Alan Granath; Justice Hugh Thompson; Martha Kitchens; Edith B. Primm, Esq.; and Judge Cynthia Wright.

Wade Coleman, Esq., Robert S. Glenn, Esq., and Judge David Irwin participated by phone.

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

1. Visitors:

Judge Iannazzone welcomed the visitors: Bill Adams, Disputes Limited; Elmira Barrow, Coweta Circuit/Carroll County ADR Program; Bob Berlin, Esq., The New Decision Management Associates; Kim Bunker, Association for Conflict Resolution, Georgia Chapter; Nora Bushfield, Esq., Georgia Mediators Association; Barry Edwards, Esq., The Center for Legal Solutions; Valerie Lyle, Ninth District ADR Program; Linda McClain, Cobb County ADR Program; Nancy Parkhouse, Clayton County ADR Program; Bonnie Powell, Esq., Fulton County Landlord/Tenant Mediation Program; Carolyn Raines, The New Decision Management Associates; Reba Ramey, Ninth District ADR Program; Brenda Sutton, Houston and Macon Circuits ADR Program; Laura Lynn Swafford, Gwinnett County ADR Program; and Jerry Wood, Esq., Fulton County ADR Program.

2. Minutes:

The minutes from the November 20, 2008, meeting were approved without amendment.

[Attachment 1]

3. The New Decision Management Associates training issues

Mr. Berlin, head of The New Decision Management Associates, a Georgia-approved trainer, spoke on what he believed to be GODR's competition with private trainers. Mr. Berlin handed out an outline of his presentation and a history of GODR's training activity. He said there was no need for GODR to be responsible for providing training, and there are no guidelines for how GODR selects providers to train on its behalf.

Mr. Berlin said when the Supreme Court created the Joint Commission on Alternative Dispute Resolution, the commission was charged with setting up court ADR programs, training neutrals and approving trainers. There were no approved trainers at the time, he said. Today, there are

15 approved private training providers, and seven colleges with approved training programs for enrolled students, for a total of 22 approved trainers in Georgia, he said. Since 1990, GODR has registered approximately 2,200 neutrals, he said, and the state now has plenty of qualified neutrals to staff existing and future court programs, so GODR-provided training is no longer necessary. Moreover, more than \$5 million in ADR filing fees was collected by local court program in 2008, so local courts have enough money to contract with private training providers on their own without GODR's assistance, he said. GODR is understaffed, and its resources are better spent than by providing training to court programs, Mr. Berlin said, and he urged the Commission to recommend to the Supreme Court that it do away with GODR's mandate to provide training.

Mr. Berlin also asked the Commission to review the rules and regulations on how GODR selects trainers that train on its behalf. He said his understanding was that the most recent trainings offered by GODR were conducted by three approved private trainers, which means 12 other approved trainers did not have an opportunity to compete for those trainings. By offering training at little or no cost, he asked if GODR was putting private businesses out of business. He also asked: Why would people would pay for training when it is offered for free? How were the training providers selected by GODR? What percentage of the \$5 million collected in ADR filing fees is funneled to GODR to provide training? With recent budget cuts, are not GODR resources better used for other vital duties? Mr. Berlin said it is no longer a vital duty for GODR to provide training, since it has approved 22 providers and registered 2,200 neutrals. GODR should focus on areas that cannot be served by the private sector, he said.

Mr. Berlin concluded his remarks by stating that competition among training providers helps produce high quality training for neutrals. He asked the Commission to consider whether GODR should continue to be required to provide training, and to create greater transparency in the process by which GODR selects trainers so government does not put private business out of business.

Ms. Primm asked to clarify what Mr. Berlin was asking the Commission to do. Mr. Berlin said he would like the Commission to remove the mandate that GODR provide training for free to court programs. Ms. Primm said she thought Mr. Berlin wanted approved trainers to be removed from the list. Mr. Berlin said that was not the case, that his point was that the approved trainers were having to compete with government. He recalled that when he served in the legislature, he heard many times that government should not compete with private enterprise, and this is a situation where it is occurring.

Mr. Adams asked if Mr. Berlin was concerned that GODR was providing training itself or was paying someone else to provide it? Mr. Berlin said there are 22 approved trainers in Georgia, so there is no need for GODR to provide training. But if GODR continues to provide training, then he would like more transparency in how those trainers are chosen.

Ms. Powell asked how many trainings GODR offers in a year and how many people attended those trainings. Ms. Davenport said GODR has offered two to three trainings at most per year statewide, and the total number of trainees was significantly less than 100. Judge Iannazzone asked if the GODR trainings are directed to courts in which the cases do not generate much income for neutrals, such as juvenile court and magistrate court. Ms. Davenport said that may be, but she clarified that the only time that GODR sponsors a new training such as a general

mediation training is when a new court program is starting. For example, GODR sponsored a general mediation training and a juvenile mediation training for the new Waycross Judicial Circuit juvenile court ADR program in 2007. Additional trainings that can be found in the marketplace, such as domestic relations mediation training, GODR does not sponsor unless a court program can show a specific need for that training.

Judge Wright asked if the Judges Mediation Training in the fall was GODR-sponsored. Mr. Morokuma said the training is an ABA training that was going to take place in Georgia whether GODR assisted or not. GODR agreed to help because it wanted the training to be a success and it wanted Georgia judges to have an opportunity to learn mediation with other judges. To the extent that those judges in the ABA training would have sought training from an approved private trainer, he conceded that the ABA training does take away business from Georgia trainers. Judge Wright said most judges can afford to pay for mediation training privately.

Ms. Primm asked what the price was for a GODR-sponsored training. Ms. Davenport responded that the cost of each training differs because the court programs contribute money, food and other items. Generally, the charge to trainees \$75 to \$150 per student depending on the nature of the training. GODR subsidizes some of that cost as part of its mandate, she said. Ms. Primm pointed out that the Justice Center of Atlanta's training is most expensive in the state. She said the point of GODR's training effort to give people access to training that they otherwise would not be able to afford because of money, time or distance constraints unless they were sponsored by their local court program to take a subsidized training. She said her understanding was that if GODR did not go and provide a training once or twice year, then there would likely be no court program there. Judge Iannazzone said his understanding was that these trainings are targeted to courts where the neutrals are not likely to make a lot of money. Such neutrals would have to be extremely altruistic to pay full market price for a training and then go work in, say, juvenile court, where they would be paid \$25 per mediation. Ms. Primm said GODR's trainings and the private trainings are serving distinctly different market niches.

Judge Bernes asked who has been training for GODR. Mr. Morokuma replied that in 1998, when he first started working at GODR under Ansley Barton, the court-connected ADR system was small, and GODR had the staff, time and money to go out to and train mediators. Those trainings were held at the request of new court programs, which had no pool of mediators and no savings of ADR filing fees with which to pay for training. GODR's training was intended as seeds to help the new programs grow. Sometime after he left GODR in 2001, Mr. Morokuma said, the court ADR system was growing and the office's other duties began to require resources that had been available in the past for training. GODR began looking to private trainers to train with staff or take over training completely. Those trainers were selected apparently because they were not approved trainers, they did not train in Georgia, and thus they did not directly compete with the approved trainers in the state. Since he started in the office over two years ago, GODR has changed its practice and now hires Georgia-approved trainers to train on its behalf when a court program expresses a need for training. GODR trains for new court programs and those that face a dearth of volunteers and are willing to sponsor trainees to receive a low-cost training in exchange for pro bono services to the court.

Mr. Morokuma said GODR has a duty to evaluate approved trainings and trainers occasionally. It is a duty that it has not been able to fully meet as the office resources have been diverted to other duties. GODR has recently chosen to combine the duty to train and the duty to evaluate

training when it hires private trainers to train for the office. So priority for training opportunities is given to trainers whom GODR has not evaluated recently. Other factors GODR considers when hiring a private trainer are whether the requesting court wishes to use or not use a particular trainer, the availability and locations of the court and the trainer, and cost, he said. This is a new selection process that GODR is still evaluating, but is hoping will work well.

Mr. Morokuma said the fact remains that in the last two years or so, GODR has hired private trainers to conduct all of its major training. Those private trainers are paid at a negotiated rate, but GODR never asks them to conduct a training for GODR at a rate they cannot afford. Judge Wright asked how much of GODR's budget goes to training. Mr. Morokuma said the cost is unique for each training. Ms. Davenport said the GODR would budget about \$10,000 in training in a full-budget year.

Mr. Morokuma agreed with Mr. Berlin that the court-connected ADR system is no longer in its infancy, but has grown and is maturing. Some older court programs have had nearly 16 years to collect the ADR filing fees, he said. Nonetheless, there are still some court programs that cannot generate enough in filing fees to pay for full-price trainings, yet still have a need to serve their communities.

Ms. Primm noted that when the court program in LaGrange was starting, a private foundation paid for the training of its mediators through the Justice Center of Atlanta. This is one way that private trainers can help finance trainings for court programs without approaching GODR for help, she said.

Mr. Berlin said he understood that GODR was selecting private trainers from out of state. Then he heard that GODR was hiring private trainers in Georgia who did not train frequently. Today he heard that GODR was hiring Georgia-approved trainers, and for the first time heard about the selection criteria. He said his trainings have been reviewed twice by GODR staff, and were well evaluated each time. However, his understanding is that direct competitors to his company were used regularly by GODR for training. And it is impossible for his company to compete with trainings that cost students \$100 each or nothing.

Mr. Adams pointed out that the situation Mr. Berlin described also occurs at the local court program level. He said local court programs may approach a particular trainer with a request to provide a training, and the selection process is often not clear. He asked if Mr. Berlin wanted local court programs to adhere to the same open selection process he is demanding of GODR. Mr. Berlin said he did not.

Judge Iannazzone said the selection criteria are evolving, and GODR would take the discussions into consideration. However, the ADR Rules cannot be changed by the Commission, but by the Supreme Court.

Mr. Morokuma clarified that although the mandate requires GODR to develop the capacity to provide training at no cost, GODR does in fact charge trainees, in part to defray costs, in part because students are more likely to attend and participate if they have invested their own money in a training. He also pointed out that although the trainings GODR sponsors cost the trainees relatively little, GODR always pays the trainers a rate they find satisfactory. GODR does not provide training to just anyone, but only when courts with specific needs request training for

specific people in specific circumstances. And while a trainer may not make as much money providing a GODR-sponsored training, it is unlikely that those trainees would have been able to afford to pay the trainer's full tuition fee anyway. Mr. Morokuma said GODR's intention had been to use Mr. Berlin as a trainer for the next court-requested training for which it made sense to have him and his trainers travel from their home base of Macon.

Mr. Berlin said that because people contact GODR with questions about mediation training, GODR has an unfair advantage against private trainers. Mr. Morokuma pointed out that when GODR receives a query about training, the policy is to always refer callers to the list of approved training providers and to recommend that callers contact the trainers directly. GODR receives no referral fee, GODR never recommends one approved trainer over another, and never offers to include callers in a GODR-sponsored training to keep business from private trainers.

Ms. Primm said it is up to the private trainers to compete with each other for business by showing why each is worth the tuition fee. That is simply the nature of business, she said.

[Attachment 2]

4. Augusta Circuit Program request:

Mr. Morokuma said Judge J. Carlisle Overstreet, chief judge of the Augusta Judicial Circuit, has requested that the circuit be permitted to run its court-connected ADR program separate from the 10th Judicial Administrative District ADR Program, which it joined when the circuit program stated in 2008. Linda McClellan-Horvath, ADR program director for the 10th District program, supported the split, and Tom Gunnels, 10th District Court Administrator, reported that all of the chief judges of the district supported the split, he said. The Augusta program is collecting the ADR filing fee, and it has its own local ADR rules based on the 10th District rules, he said. Judge Iannazzone asked if the Augusta Circuit's split would affect the viability of the 10th District's program. Mr. Morokuma said the 10th District program operated for many years without the Augusta Circuit's participation, and Ms. McClellan-Horvath was happy to revert to that state again.

Mr. Morokuma recommended that the August Circuit be permitted to run its ADR program separate from the 10th District's ADR program. A motion was made and seconded, and the Commission voted unanimously to accept the recommendation.

[Attachment 3]

5. Update on filing fee bill

Mr. Morokuma reminded the Commission that it had given permission at the last meeting for the office to begin drafting a bill that would amend the Georgia Court-Connected ADR Act, also known as the ADR filing fee statute. The bill would raise the cap on the filing fee, now set at \$7.50 on each civil filing, and allow a small percentage of the ADR filing fees collected statewide to be remitted to GODR to support its operations. After consulting with the AOC's legislative liaison, GODR realized that it needed to proceed very carefully and so has not begun work yet on the bill. He said a committee would be formed comprising a Commission member,

a GODR staffer, a representative from the Superior Court Clerks' Cooperative Authority, an ADR program director.

Mr. Morokuma said the clear message from the legislature has been that all state agencies that collect fees must do all they can to be self-supporting from those fees. He said he did not believe the office could support itself on neutral registration fees alone because registered mediators generally do not earn the kinds of fees that allows, for example, the State Bar of Georgia to support itself through annual attorney dues. So a modification of the filing fee statute was one way to achieve self-sufficiency, he said.

Sen. Seth Harp broached the idea of the filing fee during the legislative session, and he has agreed to carry the bill. Mr. Morokuma said he is aware that altering the filing fee statute could endanger funding for local court programs, so he intends to proceed with caution.

6. Director's Report: Shinji Morokuma

- a. FY09 and FY10 Budgets:** GODR's FY2009 budget was just amended by the legislature, resulting in a reduction of 9 percent, Mr. Morokuma said. That means the office must operate for the remaining three months of the fiscal year as if it started the year with 9 percent less money. The reduction was from about \$196,000 to about \$170,000.

For FY2010, the budget began at about \$170,000. The Public Safety Subcommittee of the House Appropriations Committee reduced the budget \$11,000 because of lower state revenue estimates, and the committee chairman further reduced the budget by another \$35,000 to encourage the office to become more self sufficient. The result was an appropriation from the House of \$131,000. Mr. Morokuma said he consulted with Sen. Cowsert to see if some of that reduction could be recovered in the Senate. The Senate Budget Committee was still deliberating.

The legislature is aware that the Commission has taken action to reduce its dependence on state funds and increase registration fee income, Mr. Morokuma said, but apparently it has not acted quickly enough. Interestingly, in FY1996, when GODR first became its own line item in the Judicial Council budget, it was appropriated \$230,000 by the legislature.

- b. Impact of registration fee increase:** The Commission had voted at the last meeting to increase neutral registration fees from a two-tiered system of \$25 and \$125 every two years, to a flat fee of \$125 every two years. Under the old fee structure, annual registration fee income for renewals and new registrations averaged about \$60,000. Looking at the registration fee income to date, about \$117,000 has been brought in through registration fees, Mr. Morokuma said. That figure is close to the hoped for doubling of registration fee income to \$120,000, and will help the office's finances enormously. He thanked the Commission members for their vote to increase the fees.

GODR examined if there was any change in the population of registered neutrals after the fee increase by comparing 2007 and 2008 figures. More neutrals renewed

registrations in 2008, and the ratio of attorneys to non-attorney neutrals, the ethnic make up of neutrals, and the gender make up of neutrals were generally unchanged. So the fears that the fee increase would negatively affect the character of the registered neutral population have not materialized, Mr. Morokuma said.

Mr. Morokuma said he believed the office would be able to remain open in FY2010, based on these figures and some careful spending.

Judge Auslander asked how many registrations came into the office during the first half of FY2009 and how many came in the latter part of the year. Mr. Morokuma said he did not know the answer to that question. But he said the fee income was surprising because the increase in renewal fees was not effective until December 1, 2008, and the original registration fee increase was not effective until January 1, 2009. He did not think there was a significant rush of applications from people trying to beat the fee increase.

Judge Auslander noted that there were 70 more renewals in 2008 than in 2007. Because neutrals renew on a two-year cycle, he asked if the 2009 renewals would drop by 70. Mr. Morokuma said such a prediction is difficult to make from year to year. But he hoped the result of the fee increase, averaged over several years, would remain fairly constant. Judge Auslander asked if the Commission could be asked, say, in October to increase fees again because of further cuts in state funding. Mr. Morokuma said that was a possibility. The hope was that each renewing "class" would go through one renewal cycle with the new flat fee, but that may not be possible, he said. If revenue estimates continue to fall as they have been, FY2011 is expected to be a fiscal "bloodbath," he said. Anything the Commission can do to prepare for that situation would be helpful, he said.

[Attachment 4]

- c. **Upcoming trainings:** On March 27, GODR is co-sponsoring a restorative justice seminar. Mr. Morokuma explained that the "restorative" referred to the idea of making, for example, the victim of a crime whole in a way that the traditional criminal process could not. The most extreme example of restorative justice may be the victim-offender mediation done in death penalty cases, where the family of the dead victim and the convicted murderer are voluntarily brought together to speak to each other about the crime. The March 27 seminar will not be on death penalty but on juvenile courts, where many cases involve quasi-criminal activity such as delinquency and affray. With juvenile offenders there is often an attempt at reconciliation between the offender and the victim. The speaker, Debbie Wilde, is head of YouthZone, a restorative justice program in Colorado. She will talk about her program and about how Georgia might expand restorative justice outside the juvenile courts. Response to the seminar has been overwhelming, he said.

GODR is co-sponsoring an ICLE training in Atlanta on April 24 on the newly revised electronic child support calculators. Also co-sponsoring is the Family Law Section of the State Bar.

Lastly, GODR is co-sponsoring a mediation training in Atlanta on September 21-25, 2009, for judges only. Co-sponsoring are the Judicial Division and the Dispute Resolution Section of the ABA, the Dispute Resolution Section of the State Bar, and the Institute of Continuing Judicial Education. The faculty are Kim Kovach and Peter Robinson, nationally respected mediation trainers of judges. Class size is limited to 32, with 24 spaces reserved for Georgia judges. The cost of training, not subsidized by GODR, is less expensive than trainings in the marketplace. Flyers have been sent to all levels of judicial councils. Coaches will be solicited from among Georgia registered mediators, Mr. Morokuma said.

[Attachment 5]

- d. Senior judges' training:** GODR is not directly involved in the training of senior judges in mediation. However, Mr. Morokuma said he spoke at a senior judges training at ICJE in Athens and educated them on the court-connected ADR system in Georgia. Teaching that day were Ansley Barton, former GODR director; Judge Stephen Boswell, a former Clayton County judge who specializes in teaching judges about mediation; and a judge from the National Judicial College.
- e. 2009 ADR Institute and Neutrals' Conference:** The conference, the biggest event GODR sponsors each year with the Dispute Resolution Section of the State Bar, is normally held in mid-October. However, for 2009, GODR learned that the Association for Conflict Resolution, one of the big membership organizations for ADR professionals, had scheduled its annual national conference in Atlanta a week before the ADR Institute. After attempting to plan a joint conference with ACR, it was decided GODR would help sponsor a reception at the ACR conference instead. It was also decided that the ADR Institute would be moved to December. Registered neutrals will be informed of the new date as soon as it is confirmed with the ICLE, Mr. Morokuma said.
- f. Court programs update:** The Third District ADR Program in Columbus has had some issues in the past. Mr. Morokuma said he recently visited with Judge John Allen, the new chief judge of the Chattahoochee Circuit, who is very enthusiastic about revitalizing the Third District program. Judge Allen said his docket is overflowing, and he needs the program's help in managing cases. GODR is helping however it can to help Judge Allen revive the ADR program.

Mr. Morokuma in January traveled to Tifton to meet with judges of the Tifton Circuit, who are interested in starting an ADR program there. He met with New Chief Judge William Reinhardt, new Superior Court Judge Melanie Cross, and State Court Judge Larry Mims and offered GODR's help in creating an ADR program there.

The Commission in September 2008 approved the Atlantic Circuit's application for an ADR program. The circuit is drafting its local ADR rules, and Mr. Morokuma expected that the Commission would have those rules to review by the next meeting.

- g. Gwinnett County ADR Program acknowledgement:** Judge Iannazzone reported that in January he received a letter from all of the mediators who participate in the

county's magistrate court ADR program. The program was very successful when he was a magistrate, he said, and apparently has become even more successful under the leadership of program director Laura Lynn Swafford. The mediators' letter praised the program and urged the Commission to take notice. Judge Iannazzone then took a moment to recognize Ms. Swafford on the record.

[Attachment 6]

- h. Griffin Bell memoriam:** Mr. Morokuma said when Judge Bell died in January, many obituaries noted his numerous achievements as U.S. attorney general, U.S. appellate court judge, and partner at King & Spalding. What those obituaries failed to mention was the pivotal role Judge Bell played in the development of ADR in Georgia. The ADR system in the courts, in the private sector, in education, and in government owe their very existence and their health today to the vision and groundwork laid by Judge Bell in creating the Neighborhood Justice Center (now the Justice Center of Atlanta) when he became attorney general in 1977. Mr. Morokuma said he wrote a letter to the editor of the Daily Report newspaper to alert readers to Judge Bell's contributions to ADR in Georgia. A copy of the printed letter was made available. Mr. Morokuma said the letter was part of GODR's effort to increase the awareness among lawyers and the public of the existence and purpose of the court-connected dispute resolution system.

[Attachment 7]

7. Committee Reports

Committee on Ethics: Judge Wright

Judge Wright reported that the committee took up six neutral registration applications, and all six were approved.

Committee on Training and Credentials: Bobby Glenn

Mr. Glenn reminded the Commission that two meetings ago it had voted to do away with the requirement of a letter of recommendation from a superior court ADR program director for applicants for registration in Specialized Domestic Violence (SDV) Mediation. Some people objected to that change because of the serious nature and pervasiveness of domestic violence. At the last Commission meeting, on the committee's motion, members voted to impose a moratorium through March on new SDV registrations until another effective method of vetting SDV applicants could be found. The committee had tried to meet with Vicky Kimbrell from Georgia Legal Services and members of the Commission on Family Violence to come up with an effective alternative to the letter of recommendation, but attempts to schedule a meeting failed. Efforts to schedule a meeting will continue, he said.

Ms. Primm said a number of people have taken SDV training recently or are waiting to take the training, and they are in limbo until the Commission decides on a vetting

procedure. The trainers also cannot train. The moratorium is a huge problem, she said, because approximately 34 percent of domestic relations cases involve some violence. There is a greater urgency for a resolution than the Commission may realize, she said, and if a meeting cannot be arranged with the family violence commission, then the Commission should act on its own.

Mr. Morokuma said he heard from several program directors recently, many of whom have sponsored mediators to be trained in SDV because SDV mediators were needed on their local rosters. He assumed that those program directors were willing to write letters of recommendation for those mediators that they sponsored to take the training. Those program directors asked if any exception could be made for SDV registrants who had been sponsored to receive the training by their local ADR programs. Mr. Glenn said he favored that exception if the Commission felt it was necessary. Judge Auslander asked if the Commission was being asked to go back to the old rule of requiring a letter of recommendation from a superior court program director. Mr. Morokuma said he thought the Commission was being offered two choices: to return to the old rule for all SDV applicants, or allow only those whose SDV training was sponsored by their local court programs to submit letters of recommendation. Judge Auslander said returning to the letter of recommendation would address all of the concerns the committee had originally, and said he favored such a change.

Mr. Primm said the original unease with the letter of recommendation was that some program directors might be pressured into writing letters for mediators they were not entirely comfortable with or whom they were not absolutely sure could handle SDV mediation. The committee wanted to see if there was another, better way to determine if a particular mediator should be registered in SDV. Ms. Parkhouse said that as a program director, she absolutely felt that it was her responsibility to assess a mediator's skills and to write a letter of recommendation when appropriate. She suggested that if the committee were to meet with members of the family violence commission – some of whom would like to stop all mediation of cases in which there is violence – that some ADR program directors also be included. Mr. Morokuma assured Ms. Parkhouse that he did not intend to re-engage in the debate over the appropriateness of mediation in domestic violence cases, an issue that the Commission studied carefully and took a stand on years ago.

Judge Iannazzone suggested that until a better way can be found, the letter of recommendation requirement should be revived so mediators, trainers and court programs can continue to contribute as needed to handling SDV cases. Ms. Davenport said she did not favor allowing only those mediators recently sponsored to take SDV training to register. Judge Iannazzone agreed that the registration opportunity should be open to all applicants who meet the criteria. Ms. Davenport said the office can be liberal in enforcing any SDV trainings that may have passed the 18-month rule because of the moratorium. Ms. Lyle, who runs perhaps the largest court ADR program, said she favors the letter of recommendation because no one mediates in her program unless they have been observed and evaluated by staff. She also requires that all domestic relations mediators in her program also be trained and registered in SDV because violence issues come up so frequently and often unexpectedly. Mr. Morokuma said it seems from the

comments that program directors are willing to evaluate mediators and write letters of recommendation when appropriate, even though more work will be involved.

Mr. Granath asked how formal the letter for recommendation needs to be. Mr. Morokuma said it could be as simple as one sentence stating that the program director recommends the following mediators be registered in SDV. Ms. Primm said the letter does not need to go further because the program directors are holding themselves accountable for writing those letters only for mediators they truly recommend.

Mr. Glenn moved that the letter of recommendation be reinstated as a requirement for SDV registration, pending further study by the committee. The motion was seconded, and the Commission voted unanimously to adopt the motion.

7. New Business

a. Next meeting date: Judge Iannazzone asked Mr. Morokuma to look at possible Thursday meeting dates in May and June and ask for available from Commission members.

The meeting was adjourned.

Attachments:

1. March 26, 2009, minutes
2. Letters to the Commission from Bob Berlin
3. Letter from Judge J. Carlisle Overstreet
4. Data on registration fees and neutral make up
5. Flyer of ABA judges mediation training
6. Letter to Commission chair from Gwinnett magistrate court mediators
7. Letter to editor from Shinji Morokuma to Daily Report re Griffin Bell

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