



Georgia Commission on Dispute Resolution Meeting

Wednesday, May 3, 2017, 2-4 PM

State Bar of Georgia, Room #1

Conference Call Information:

877-273-4202

Conference Room#: 7260376

AGENDA

- I. Call to Order: Judge Charles E. Auslander III
- II. Executive Session (2 – 3 pm)
 - Budget and Personnel Items
 - i. New Program Coordinator position
 - ii. Registrar Enhancements
 - iii. 2017-18 AOC/GCDR MOU
 - iv. 2017-18 Budget
 - Appeals
 - i. Ethics Committee
 - ii. Training and Credential Committee
- III. Meeting Minutes from February 1, 2017: Approved via email
- IV. Standing Committee Reports:
 - Budget and Personnel Committee: Judge C. Andrew Fuller
 - Ethics Committee: Mr. Hugh J. Bell, Jr., Esq.
 - Training and Credential Committee: Ms. Melissa C. Heard, MSSW
 - Liaison Committee: Mr. Raymond G. Chadwick, Jr., Esq.

Special Committee Report:

 - Revision of Guidelines in Domestic Violence Cases Subcommittee: Judge Auslander and Ms. Tracy Johnson
- V. Director's Report: Ms. Johnson
 - Current projects and updates
 - Conferences and trainings
 - Outreach campaign
- VI. Chairman's Report: Judge Auslander
 - CODR Seals update
 - History of dispute resolution project
- VII. New Business: Judge Auslander
 - Vote Item (1): Chattahoochee Judicial Circuit ADR Program: Request for approval of rules
 - Vote Item (2): Henry County Juvenile Court ADR Program: Request for approval of rules
 - Vote Item (3): Cobb County ADR Program: Request for approval of revised rules
- VIII. Adjournment

Next Meeting Date: August 24, 2017



Georgia Commission on Dispute Resolution

Meeting Minutes

Wednesday, May 3, 2017

Chair Judge Charles E. Auslander III called the meeting to order. In addition to Judge Auslander, Commission members present were:

Judge Jane Barwick; Emily S. Bair, Esq.; Mary Donovan, Esq.; Judge C. Andrew Fuller; Timothy Hedeem, Ph.D.; Judge Amanda H. Mercier; Patrick O'Connor, Esq.; Judge Carlisle Overstreet; and Raymond G. Chadwick, Jr., Esq.; Melissa C. Heard; Stefani R. Lacour, Esq.; Vjollca P. Young participated by phone.

Tracy Johnson, Executive Director, Office of Dispute Resolution

AOC staff members present were: Shinji Morokuma, Esq., Program Director; Tynesha Manuel, Operations Manager; Zan Patorgis, Esq., Legal Compliance Officer

Guests present were: Patti Anderson, Cobb County ADR Program; Robert Black, Registered Mediator; Lawrence Harton, DeKalb County ADR Program; Stacey Mitchener, Attorney General's Office of Dispute Resolution; Jerry Wood, Fulton County ADR Program; Jill Cheeks, The Mediation Center of Savannah; Caitlin Lowther, 7th Judicial Administrative District ADR Program; Linda McClellan, Athens-Clarke County ADR Program; Laura Lynn Swafford, Gwinnett County ADR Program;

I. Meeting called to order

Judge Auslander called the meeting to order. Members and guests introduced themselves.

II. Minutes

a. February 1, 2017 Minutes

The minutes of the February 1st Commission meeting were approved prior to the meeting via e-mail vote.

III. Committee Reports:

a. Budget Committee: Judge C. Andrew Fuller

Commission members were provided copies of the FY 2017 summary of revenues and expenditures as of March 2017. Judge Fuller reported the revenues for the fiscal year have exceed expenditures.

Judge Fuller referred members to the year-to-date summary explaining that 76% of the budget has been spent which is in line with the yearly budget.

Judge Fuller also noted the continued upward trend of the fee balance.

There were no further questions or comments.

b. Ethics Committee: Mr. Zan Patorgis, Esq

Mr. Patorgis reported the Committee recently reviewed three complaints. One was voluntarily dismissed by the complainant. The second complaint was filed against an unregistered neutral but arose out of court-referred mediation. He reported that he and Ms. Johnson are still discussing that complaint. The third complaint was submitted without required information so a request will be made to obtain additional information prior to further investigation.

Mr. Patorgis also reported that there are two registration applications that will soon be sent to the Committee for review.

There were no further questions or comments.

c. Training and Credential Committee: Ms. Melissa C. Heard, MSSW

Ms. Heard reported that the Committee intends to do an overall review of Appendix B which outlines neutral qualifications and education requirements for registration. The Committee will begin their work at their next scheduled meeting on July 18, 2017. The Committee will also review Kennesaw State University Graduate Assistant Robert Black's research of national registration requirements for general civil mediation. The Committee is not recommending any changes at this time.

Ms. Heard reported that the committee received three registration appeals. The Committee granted one appeal for general civil mediation training, contingent upon the registrant's completion of diversity and court process training components. The other two appeals were denied.

There were no further questions or comments.

d. Liaison Committee: Raymond G. Chadwick, Jr., Esq.

Mr. Chadwick reported that all of the Committee's initiatives are running smoothly thanks in large part to Ms. Johnson continued communication with program colleagues across the state. The e-newsletters have continued to go out and have received favorable comments from a number of registered neutrals.

There were no further questions or comments.

e. **Revision of Guidelines in Domestic Violence Cases Subcommittee: Judge Auslander and Ms. Tracy Johnson.**

Ms. Johnson reported that the subcommittee met in Athens on April 25, 2017, to work on revisions to the current Guidelines for Mediation in Cases Involving Domestic Violence. The working group is in the process of creating an initial draft of the revisions which will be vetted through program directors and trainers. Ms. Johnson was happy to report that significant progress has been made at the meeting.

Judge Auslander reported that the revised guidelines will first be submitted to the program directors and trainers, then to the Commission on Family Violence, and lastly to the Commission on Dispute Resolution for approval and implementation. He reported this intricate process may take 6-12 months for completion.

There were no further questions or comments.

V. Director's Report: Tracy Johnson

a. Current Projects and Updates:

1. GCIC Access- Access to the GCIC TPO registry has been granted to those programs who have requested. Four programs currently have access and the remaining three will have access once they return an executed GCIC Awareness Statement.
2. Registration Surveys- The registration surveys for inactive and archived neutrals are nearly complete. The surveys are aimed at soliciting information on registration and customer service satisfaction. The final draft is currently being reviewed by the ad-hoc committee and is expected to go out next week.
3. Registration Update: April 30 marked the last day of the late registration renewal period for 2016. There were 253 neutrals who did not renew and were made inactive. This was approximately 100 less than the previous year. A list of the inactive neutrals were sent to all program directors so they would be aware of those neutrals who are no longer able to mediate court-connected cases.

a. *May 19 update:* There are currently 2,226 registered neutrals.

# of Registered Neutrals	
2012	1,985
2013	2,127
2014	2,111
2015	2,257
2016	2,190

4. Data Collection- A meeting will be scheduled to review the findings of Mr. Black's research on national data collection trends and methods. The office is also collaborating with the AOC IT department to create an online reporting tool to make it easier for programs to report.

5. Program Directors' Conference- A planning committee has been created and has set the date of the conference to occur in September. No location has been set as of yet.
 6. State Bar Justice for All Initiative- Currently serving as a resource to the Justice for All Committee in their work to assess the current level of legal services in Georgia and a develop a plan for suggested improvement.
- b. Conferences and Training:
- i. ACR panel at University of Georgia Law School, April 4;
 - ii. GCCA spring conference, April 10-12;
 - iii. ABA Dispute Resolution Spring Conference, April 18-22.
 - iv. Upcoming conferences:
 1. Southeast Conference on Conflict Management, May 10 in Nashville, TN;
 2. Southeastern ADR Fall Regional Conference, October 25-27 in Charleston, SC.
- c. Outreach Campaigns: Visits to the four remaining court ADR programs will be completed by June 30.

VI. Chairman's Report: Judge Charles E. Auslander III

- a. CODR Seals Update- Justice Grant and Justice Blackwell presented the proposed seals to the Supreme Court for review and approval. The seal designated for office use was approved. The seal designated for the use of individual neutrals was not approved at that time. Judge Auslander will meet with Justice Blackwell and Justice Grant in the upcoming months to discuss the use of the individual mediators seal and will update the Commission at the next meeting August.
- b. History of the GODR- Mr. Morokuma completed his first draft of the history of Dispute Resolution in Georgia. The current draft includes dispute resolution history spanning the last 40 years. Mr. Morokuma has begun arranging interviews with Georgia Dispute Resolution pioneers to be included in the draft. He will submit the draft for review of the Commission at the next meeting in August.

VII. New Business: Judge Auslander, III

a. Chattahoochee Judicial Circuit ODR Program Request for Approval of Program Rules

Ms. Johnson recommended the approval of the Chattahoochee Judicial Circuit's ODR program rules. The program was originally part of the Third Judicial District ADR Program and have been operating independently for some time. The proposed rules align with the model rules.

Mr. Tim Hedeem motioned for the approval of the rules. Judge Overstreet seconded. The Commission approved the rules with no opposition.

b. Henry County Juvenile Court ADR Program Request for Approval of Program Rules

Ms. Johnson reported that the Henry County Juvenile Court ADR Program has been operating for over 16 years and are submitting local rules for the Commission's approval. Ms. Johnson recommended the approval of the rules, noting that they were submitted and approved by the 6th District ADR Board of Trustees and align with the juvenile court model rules.

Judge Barwick motioned to waive the Commission approval requirements for new programs based on extensive time the program has been operating. Judge Fuller seconded and all approved with no opposition.

Judge Overstreet motioned for the approval of the rules. Mr. Hedeem seconded. The Commission approved the rules with no opposition.

c. Cobb County Superior Court ADR Program Request for Approval of Program Rules

Ms. Johnson reported that the Cobb County ADR Program has revised their ADR program rules and have submitted them to the Commission for approval. Ms. Johnson recommended the approval of the rules, noting they align with the model rules.

Judge Fuller motioned for the approval of the rules. Mr. Hedeem seconded. The Commission approved the rules with no opposition.

VIII. 2017 Meeting Dates:

Remaining 2017 meetings dates are: August 23; and November 8. All meetings are scheduled for 2:00 p.m. in Room #1, State Bar of Georgia.

IX. Adjournment

The meeting was adjourned at approximately 4:00 p.m.

[Minutes prepared by Bianca Bennett and Tracy Johnson]

[Minutes approved via email May 26, 2017]