

MINUTES: NOVEMBER 18, 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 Charles Auslander; Emily S. Bair, Esq.; Hubert J. Bell, Jr. Esq.; Laurence L. Christensen, Esq.; Judge Sara L. Doyle; Alan Granath; Melissa C. Heard; Judge Michael D. Johnson; Martha Kitchens; and S. Lester Tate III, Esq. Judge C. Andrew Fuller participated by phone.

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

1. Introduction of New Members: Ms. Primm

Ms. Primm welcomed four new Commission members who were sworn into five-year terms by Justice Thompson on November 3: Judge Sara L. Doyle, Georgia Court of Appeals; Judge Michael D. Johnson, Fulton County Superior Court; Emily S. Bair, Esq., veteran civil and divorce mediator; and Hubert J. Bell, Jr., Esq., veteran mediator and arbitrator. Ms. Primm briefly noted the professional highlights and qualifications of each new member.

2. Visitors:

Ms. Primm welcomed the visitors: Elmira Barrow, Coweta Judicial Circuit ADR Program; Bob Berlin, Esq., mediator/trainer; Kingsley Buhl, Esq., mediator, arbitrator; Cynthia Clanton, Esq., Administrative Office of the Courts; Amber Gallman, Esq., DeKalb County ADR Program; Linda Gernay, Eastern Judicial Circuit ADR Program; Tracy Johnson, Sixth Judicial District ADR Program; Jim Kenworthy, mediator, arbitrator; Nancy Parkhouse, Clayton County ADR Program; Raye Rawls, Esq., UGA Fanning Institute; Bonnie Powell, Esq., Fulton County Landlord/Tenant Mediation Program; Cary Rosenthal, mediator; Alex Scherr, Esq.; UGA School of Law; Brenda Sutton, Macon and Houston Judicial Circuits ADR Program; Jerry Wood, Esq., Fulton County ADR Program. Pete Desrochers, mediator, and Pam Godfrey, Seventh Judicial District ADR Program, participated by phone.

3. Update on Judge Edward J. Carriere, Jr.: Ms. Primm

Ms. Primm reported that she recently communicated via e-mail with Commission Member Judge Edward Carriere, who said he was doing well and recovering from his treatment. Ms. Primm urged members to appeal to Judge Carriere's sense of humor and send him "irreverent or harassing e-mails" to keep his spirits up. Judge Carriere said he hoped to return to full Commission duties by the January 6 meeting, she reported.

3. Minutes:

The minutes of the September 8, 2010, Commission meeting were approved prior to the November 18 meeting via e-mail vote.

4. Committee Reports:

Budget and Personnel Committee: Mr. Christensen

Mr. Christensen reported that GODR has about \$168,000 in the bank and \$226,000 in revenue is expected through registration and renewal fees. The renewal season has begun and so far about \$25,000 has been collected, he said, and GODR is expected to reach its revenue goals in the six weeks remaining of the renewal season.

[Attachment 1]

Committee on Ethics: Judge Auslander

Judge Auslander reported that the committee reviewed and approved three registration applications. It also held a hearing just prior to the Commission meeting for an applicant from a previous review. After hearing from the applicant directly, the committee voted to approve his registration. The committee also has one ethics complaint against a registered mediator that it will consider at its next meeting.

Committee on Training and Credentials: Ms. Heard

Ms. Heard reported that the committee has been reviewing the registration requirements for out-of-state mediators, as well as the definitions of terms such as “court-annexed,” “court-referred,” “court-connected” and “court-ordered” as used in the ADR Rules. She said the latest proposal on the per-participant training fee to be paid by students in academic trainings should be considered by the Commission in executive session. The Juvenile Mediation Subcommittee is currently drafting training and registration requirements for delinquency and deprivation mediation, including grandfathering requirements for neutrals who have previous training or experience in juvenile mediation. Because training costs can be high, while compensation rates are low for juvenile cases, the subcommittee is considering an idea for GODR to provide some initial training statewide at a subsidized rate through grants or other funding sources. Lastly, the Commission’s letter to the Council of Superior Court Judges regarding training exemptions for senior judges has been drafted, Ms. Heard said, and will be reviewed in executive session.

ADR Court Program Liaison Committee: Mr. Granath

Mr. Granath recognized the work of two committee advisors – Tracy Johnson and Pete Desrochers – for volunteering their time and effort to help the committee accomplish its goals. Ms. Johnson has worked most of the year to offer new ADR data-collection software to court programs at little or no cost. The software, based on Microsoft Access

and written by registered mediator and attorney Jackson Hughes, is a comprehensive update of software that GODR had originally offered to court programs in 1997. Both Ms. Johnson and Amber Gallman of the DeKalb County used their court programs as test sites for the new software, and with promising results. Mr. Granath said he expected the new software to become available to program directors in January.

Mr. Desrochers, together with committee advisors Steve Gold and Ray Chadwick, developed two surveys of registered neutrals to solicit their comments on how the Commission and GODR were doing and how they could serve neutrals better. The research section of the Administrative Office of the Courts helped design the surveys to be easy to use, Mr. Granath said. The surveys, one for in-state neutrals and one for out-of-state neutrals, were distributed to neutrals in GODR's November e-newsletter. So far, responses have come in from about 50 in-state neutrals and three out-of-state neutrals. An e-mail to neutrals will be sent later to encourage more responses. The results of the surveys will be compiled and presented to the Commission and GODR.

Mr. Morokuma reported that GODR's November e-newsletter was distributed to more than 4,000 registered and inactive neutrals and others. The "open rate" continues to be high – between 25 and 30 percent. The most popular types of articles appear to be: the case analyses by registered mediator and attorney Mary Ellen Cates about updates on domestic relations law and their effects on mediation; job notices; and GODR's continuing education listing. A recent article on tax changes for small business also was very popular, Mr. Morokuma said. He said he hopes to continue to provide useful content to neutrals, such as practice tips from approved trainers and theory-to-practice article from Georgia ADR academics. He thanked registered neutral Michele Gibson, who has done most of the production and distribution work on the newsletter.

[Attachment 2]

Mr. Morokuma reported that 15 neutrals have signed up for professional liability insurance through GODR's program with Complete Equity Markets. BPC Financial reported on activity in the GODR insurance and retirement product program. The program has received 61 quote requests, six insurance policies have been applied for, and three policies have been sold – two in dental and one in vision, he reported. BPC plans to begin a direct-mail campaign to neutrals in early 2011.

Ms. Primm noted for the benefit of the new Commission members that a year ago GODR began a critical transition from a state-funded office to a membership-supported office. The surveys, insurance programs and e-newsletter are examples of the Commission's efforts to provide more value to registered neutrals for the fees they pay annually.

5. Director's Report: Mr. Morokuma

-- Mr. Morokuma reported that he, Lynn Goldman, Esq., director of the deprivation mediation program in Fulton County Juvenile Court; Judge Gregory Poole of Cobb County Juvenile Court; and Judge Deborah Edwards of Houston County Juvenile Court recently gave a presentation on deprivation mediation at the Council of Juvenile Court

Judges meeting in Athens. The goal of the presentation was to introduce mediation as a proven and effective way for courts to process deprivation cases, which are often the most complex cases and which frequently involve the issue of whether a parent's rights to a child should be terminated. Several judges expressed interest in starting deprivation mediation programs in their courts. Mr. Morokuma reported that he, Ms. Goldman, and Judge James Morris, retired from Cobb County Juvenile Court, also gave a similar presentation in Atlanta at the 2010 Youth Law Conference. The panel fielded several questions from the audience, who comprised mostly attorneys who worked in the juvenile area. Mr. Morokuma thanked the judges and recognized Ms. Goldman's leadership of GODR's work in juvenile mediation.

-- Registration is open for the 17th Annual ADR Institute and Neutrals' Conference, to be held on December 10 at the State Bar Conference Center. The institute is GODR's biggest event and is a joint effort of GODR and the Dispute Resolution Section of the State Bar. Mr. Morokuma noted that registration for the 2009 Institute was a record 250 lawyers and neutrals. So far 50 lawyers and 32 neutrals have registered; registration will pick up dramatically as the event nears.

[Attachment 3]

-- Neutral registration renewal season opened November 1 and runs through December 31. Mr. Morokuma noted that the renewal season is GODR's busiest time of the year, and it expects to process at least 2,000 renewal applications that will generate about \$250,000 in operating funds for the office. The renewal fees taken in during the season are all the more critical because GODR will no longer receive any state funding. 150 applications have been received so far, and the number will rise dramatically as the year-end renewal deadline approaches, he said.

6. New Business:

-- Next Meeting Dates: January 6, 2011; March 3; May 26; September 1; November 10.

The meeting was adjourned.

The Commission went into Executive Session.

Attachments:

1. GODR budget reports
2. Printout of November e-newsletter
3. ADR Institute flyer

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

