

Georgia Commission on Dispute Resolution
MEETING AGENDA
Wednesday, November 19, 2014, 2-3 PM
State Bar of Georgia

I. Call to Order: Judge Charles Auslander

II. August 20, 2014, meeting minutes approved via email.

III. Swearing in of Mary Donovan, Rep. Jay Powell: Justice Hugh Thompson

IV. Committee Reports:

- Budget Committee: Judge C. Andrew Fuller
Budget report
 - Ethics Committee: Hugh Bell
 - Training Committee: Melissa Heard
 - Liaison Committee: Ray Chadwick
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V. Director's Report: Shinji Morokuma

- Renewal season/Registrar update
- ADR court program data collection update

VI. Chairman's Report: Judge Auslander

- Strategic planning
- Evaluative Mediation Committee

VII. New Business: Judge Auslander

- Review of Commission member ethics policy
- Revised Ethics Exam for out-of-state mediators
- Next Meeting Dates: Wednesday, February 11, 2015, Wednesday, April 29, 2015,
Wednesday, August 12, 2015, and Wednesday, November 4, 2015.

VIII. Adjournment

Executive Session: Ethics appeal hearing

MINUTES: NOVEMBER 19, 2014, MEETING
GEORGIA COMMISSION ON DISPUTE RESOLUTION

Chair Judge Charles E. Auslander III called the meeting to order. In addition to Judge Auslander, Commission members present were: Chief Justice Hugh P. Thompson; Judge Gregory A. Adams; Emily S. Bair, Esq.; Hubert J. Bell, Esq.; Raymond G. Chadwick, Jr., Esq.; Mary Donovan, Esq.; Judge C. Andrew Fuller; Melissa Heard, M.S.S.W.; Timothy Hedeem, Ph.D.; Judge J. Carlisle Overstreet; and Representative Jay Powell, Esq. Judge Sara Doyle and Judge Stefani Lacour participated by phone.

AOC staff members present were: Shinji Morokuma, Esq., Director of Certification and Licensing; Cynthia Clanton, Esq., General Counsel, Administrative Office of the Courts; Zan Patorgis, Esq., contract attorney; Linda Smith, Education Certification Officer; Christopher Hansard, Program Manager, AOC; and Kimberly Miller, Research and Statistical Analyst, AOC.

1. Call to Order:

Judge Auslander called the meeting to order, members and guests introduced themselves, and then Judge Auslander welcomed the sole visitor, Robert Black, a recently retired mediator.

2. Minutes:

The minutes of the August 20, 2014, Commission meeting were approved prior to the meeting via e-mail vote.

3. Swearing in of New Members

Chief Justice Thompson swore in two new Commission members – Mary Donovan, Esq., and Representative Jay Powell, Esq. Ms. Donovan is Mercer Law School’s Assistant Dean for Student Affairs and a Georgia-registered mediator for civil and domestic cases. Mr. Powell is a state representative for District 171 from Camilla, Georgia, who was elected in 2009.

4. Committee Reports:

Budget and Personnel Committee: Judge Fuller

Judge Fuller provided copies of the FY 2015 budget to date, noting that the Commission has spent about 34% of its annual budget as of the end of October. The Commission’s expenditures for the year are on track with other years’.

Ethics Committee: Mr. Bell.

Mr. Bell reported that the GODR received a complaint against a neutral in June, but after GODR staff conducted an investigation, the complaint was dismissed with a letter of instruction in September. In October, the GODR received another complaint against a neutral and is currently awaiting the neutral’s response.

Since August, there has been only one registration request of note. An individual applied for an ethics pre-certification, but the Committee denied his application and found him unfit to register. He has appealed the decision, and the Commission will hear confidential appeal in the coming months.

Training Committee: Ms. Heard

Ms. Heard reported that the Committee has approved a 28-hour course offered by the Emory Ethics Center. The course will be held over an academic period instead of the usual three- to five-day session. Additionally, the Committee received an application from an individual who did not meet the domestic relations mediation requirement of possessing a bachelor's degree. However, the individual has been a public defender for many years after entering law school at a time when a bachelor's degree was not required for matriculation. Because of that fact, the Committee approved the application.

Liaison Committee: Mr. Chadwick

Mr. Chadwick reported that the Committee has recruited new advisors, including several ADR program directors, to discuss concerns and issue recommendations for handling confidential matters between mediators or between program directors. Mr. Chadwick also said it will help establish communication lines between the Commission and neutrals and program directors to have some guidance on the Commission's view of certain rules and procedures. The Committee has also reinitiated the quarterly newsletter; the first issue was sent to 6,500 individuals.

5. Director's Report: Mr. Morokuma

Registrar System Update: The Georgia Courts Registrar, the new custom database in which the AOC has invested, has allowed several certifying and licensing agencies in the judiciary to manage accounts online. Renewal season for neutrals was opened on October 1, 2014, one month earlier than usual, to allow neutrals time to familiarize themselves with the Registrar. Mr. Chadwick confirmed that neutrals he has spoken with have expressed their pleasure with Mr. Morokuma's accessibility and also the system's reliability. Mr. Hansard, who directs the AOC's research department, informed the Commission that the AOC has collected data on neutrals' satisfaction with the old system and will compare it to future data collected on the new system. Mr. Morokuma stated that about 800 people are in the system to date with 370 being approved already, 300 that have begun applications, and 130 awaiting approval. The AOC also intends to introduce an enhancement package in the first quarter of 2015 to assist in smoothing out the application process.

ADR Data Collection Report: Mr. Morokuma reported that the AOC has solicited calendar year 2013 caseload data from local court programs. About half of the programs have responded to date. Court programs have different methods of collecting data and different ways of inputting it, which has prompted the AOC to seek consistent definitions to increase uniformity. Additionally, the AOC plans to assist counties with IT issues.

6. Chairman's Report: Judge Auslander

Strategic Planning: Judge Auslander reported that he was pleased with the strategic planning sessions to date and that the Commission will continue to meet in the coming year. He also said that he received a letter from the Dept. of Audits and Accounts, which said that the Commission would be included in an audit of the Administrative Office of the Courts. There will be a report of findings, and the Commission will have the opportunity for written comment on a draft report.

7. New Business: Judge Auslander

Review of Member Conflict of Interest Policy: Judge Auslander revisited the internal conflict of interest policy to be filled out by members of the Commission and reminded them to turn it into the AOC by December 31. Many members filled out the policy at the meeting and submitted it.

Revised Out-of-State Ethics Exam: Ms. Heard stated that the Training Committee has reviewed a new 25-question ethics exam that will be required of registration applicants who were trained out of state. It displaces the old 100-question test, which will still be available as a training and diagnostic tool. The Commission will review the new test and comment by the next meeting in February.

Next Meeting Date: Judge Auslander reported that the next meeting will be on February 11, 2015.

The meeting was adjourned at 3pm.

[Minutes prepared by Zan Patorgis, AOC; and Shinji Morokuma, AOC]