



# Georgia Commission on Dispute Resolution Meeting

Wednesday, November 8, 2017, 2-4 PM

**\*Open meeting will begin at 2:30 p.m.**

**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 (2:00 – 2:30 p.m.)
- III. Introductions
- IV. Meeting Minutes from August 23, 2017: Approved via email
- V. 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.
- VI. Special Committee Report:
  - Joint Working Group on Mediation Legislation in Georgia: Mary Donovan
- VII. Director's Report: Ms. Johnson
  - 2017 Dispute Resolution Week Proclamation
  - Program Directors' Conference – November 15-17
  - Registrar Updates
    - Surveys
    - Renewal Registrations
  - ADR Institute
  - Georgia Council of Court Administrators Fall Conference
  - Southeastern Regional ADR Fall Conference
- VIII. Chairman's Report: Judge Auslander
  - Juvenile Court Judges Conference
  - Inactive and Archived survey results
  - History of CODR
  - CODR 25<sup>th</sup> Anniversary
- IX. New Business: Judge Auslander
  - Vote Item (1): Proposed Research Protocol
- X. 2018 Commission Dates: January 31; May 9
- XI. Old Business
- XII. Recognition of Retiring Members Hon. J. Carlisle Overstreet and Mr. Hubert J. Bell, Jr.
- XIII. Adjournment

***Next Meeting Date: January 31, 2018***



# Georgia Commission on Dispute Resolution Meeting

## Minutes

Wednesday, November 8, 2017

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

Judge Jane C. Barwick; Hugh J. Bell, Esq.; Raymond G. Chadwick, Jr., Esq.; Mary Donovan, Esq.; Judge C. Andrew Fuller; Justice Britt C. Grant; Timothy Hedeem, Ph.D.; Judge Amanda H. Mercier; Judge Carlisle Overstreet; and Edith B. Primm, Esq. Melissa C. Heard, M.S.S.W. and Patrick O'Connor, Esq. participated by phone.

Tracy Johnson, Executive Director, and Karlie Sahs, Program Coordinator, Office of Dispute Resolution

JC/AOC staff members present were: Cynthia Clanton, Executive Director; Jessica Farrell, Assistant Director; Zan Patorgis, Esq., Legal Compliance Officer; and Jeffrey Thorpe, Research Analyst

Guests present were: Shinji Morokuma, Esq.; Hon. Kamran Jivani, U.S. Patent and Trademark Office; Jerry Wood, Fulton County ADR Program; Kathleen Sterne, Clayton Judicial Circuit ADR Program; and Rita Carroll, Carroll County ADR Program. Laura Lynn Swafford, Gwinnett County ADR Program observed by phone.

### **I. Meeting called to order**

Judge Auslander called the meeting to order at 2:00 p.m. The Commission immediately went into Executive Session.

### **II. Executive Session (2:00 – 2:30 p.m.)**

- a. Trainings and Credentials Committee: Appeal
- b. Budget and Personnel Committee: FY18 AOC MOU

### **III. Introductions**

Members and guests introduced themselves.

### **IV. Minutes**

The minutes of the August 23<sup>rd</sup> Commission meeting were approved prior to the meeting via e-mail vote on September 8, 2017.

V. **Standing Committee Reports:**

**a. Budget and Personnel Committee: Judge C. Andrew Fuller**

Budget and Personnel Committee matters were discussed during the Executive Session, and Judge Fuller had nothing further to report.

**b. Ethics Committee: Mr. Hugh J. Bell, Jr., Esq**

Mr. Bell reported the Office is looking into two matters. The first involves a litigant's complaint of the fee waiver process in a court ADR Program. The Committee denied the complaint. Mr. Bell raised the question of whether the Commission should consider reviewing the fee waiver processes in court ADR Programs.

Judge Auslander asked Mr. Zan Patorgis if he could draft a summary of the issue for possible discussion at a future time.

The second matter concerns an applicant who had numerous felonies. The Committee reviewed the application and decided to deny registration.

Mr. Bell advised that the Office has one additional review pending at this time. A complaint was received regarding a mediator who allegedly used coercion during a settlement. A response has been received from the mediator, and the Ethics Committee needs to review further.

It was announced that Mr. Zan Patorgis would be leaving the JC/AOC in pursuit of another career opportunity. Ms. Cynthia Clanton praised his work and contribution to the Committee, the Commission, and the Office. Ms. Clanton assured the Commission of continuation of excellent service by the AOC. Judge Auslander, Mr. Bell, and others also expressed gratitude for Mr. Patorgis' excellent service to the Ethics Committee and Commission.

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

Ms. Heard reported that there are no pending registration appeals at this time.

Ms. Heard acknowledged the Committee's continued work on revisions to Appendix B. At her request, Ms. Johnson reported that the Committee has reviewed and revised the Domestic Relations and Early Neutral Evaluation qualifications. The Committee will continue to review all categories with a target completion date of early 2018.

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

Mr. Chadwick reported that no issues are currently before the Committee. The e-newsletter encourages that complaints be sent to his attention, but no such

complaints have been received to date. He will be onsite during the upcoming 2017 ADR Program Directors' Conference, if anyone would like to speak to him in person.

The Committee will be undertaking requests for research pursuant to the research protocol policy. They will also review the inactive and archived neutral survey results and make recommendations to the Commission.

## **VI. Special Committee Report: Mary Donovan**

Ms. Donovan reported on the joint working group on mediation legislation in Georgia. The group recently had a meeting in which Mr. Shelby Gilbert, Esq., Dr. Doug Yarn, Ms Tracy B. Johnson, Mr. Wayne Thorpe, Esq, Dr. Tim Hedeem, and Mr. John Sherrill were present. There were also two Georgia State University interns who reported out on their initial research.

The intention of the work is to compare the Uniform Mediation Act (UMA) with Georgia's ADR rules. The group hopes to draft an UMA act, which is congruent with the Supreme Court's ADR Rules.

The group has several upcoming meetings planned on the following topics: privilege and confidentiality, ethics and conflict of interest disclosure, international issues, and scope of adoption.

Judge Auslander extended his appreciation to the group's willingness to work on this large project.

## **VII. Director's Report: Tracy Johnson**

### **a. 2017 Dispute Resolution Week Proclamation:**

1. Governor Deal signed a proclamation declaring October 15-21, 2017 as Dispute Resolution Week. Prior to signature, the Supreme Court approved the proclamation. A signed copy was provided in the materials and the original was on site for all to view. Ms. Johnson acknowledged the contribution of Mr. Tyler Mashburn, Esq. of the AOC for his assistance in working with the governor's office for signature.

Next year, the Office will look at planning events to promote and highlight dispute resolution week.

### **b. Program Directors' Conference – November 15-17:**

1. The 2017 Program Directors' Conference is set for November 15-17. An updated copy of the agenda was provided in the meeting materials. Ms. Johnson was happy to report that all registrants are still able to attend, along

with a few newcomers. She expressed her appreciation to those Commission Members who are attending or presenting at the conference.

**c. Registrar Updates:**

1. The registration renewal season opened for neutrals on October 13. This was later than the target October 1 deadline, as the Office was addressing some issues with the new Registrar system. As of November 6, 221 (11%) of the 2,440 neutrals have renewed; 1998 still need to complete renewal. A renewal reminder was sent to those pending renewal on November 2, and additional reminders are set to go out on December 1, 8, 15, 22, and 27. A reminder will also be included in a news brief at the end of November.
2. The enhanced Registrar system includes an integrated survey for registrants. Of the renewals thus far, 53 applicants completed the survey. Applicants have generally reported “Satisfied” or “Highly Satisfied” experiences. The survey also reflects that 49% reported total application renewal time of fewer than 10 minutes from start to completion. Ms. Johnson shared some positive comments left by users who completed the survey.

**d. ADR Institute:**

1. The ADR Institute will be held on December 8 at the State Bar of Georgia. A copy of the agenda was include with the meeting materials. A few Commission members are scheduled to make presentations. The event will be web-streamed live, with broadcasts in both Tifton and Savannah. Ms. Johnson stated this would allow more Georgia mediators to take advantage of the Institute. A reminder of the event will be sent out in the November communication to neutrals.

**e. Georgia Council of Court Administrators Fall Conference:**

1. Ms. Johnson and Ms. Karlie Sahs attended the Georgia Council of Court Administrators (GCCA) Fall Conference held on October 23-25 on Jekyll Island. Ms. Johnson was sworn in as President. She expressed her gratitude to Judge Auslander, who made the drive from Athens to Jekyll to swear in the new board.

**f. Southeastern Regional ADR Fall Conference:**

1. Ms. Johnson and Ms. Donovan attended the Southeastern Regional ADR Fall Conference held October 25-27 in Charleston, South Carolina. Directors/Executive Directors from the southeast region attended. Ms. Johnson and Ms. Donovan both commented on how valuable the conference was in learning about challenges and initiatives of other states.

## **VIII. Chairman's Report: Judge Auslander**

### **a. Juvenile Court Judges Conference**

1. Judge Auslander served on a panel regarding dependency mediation at the Juvenile Court Judges Conference in Athens on October 25. He reported interest from several Juvenile Court Judges, with whom he has asked Ms. Johnson to follow-up.

### **b. Inactive and Archived survey results**

1. Included in the materials was the memo outlining the results of the survey performed earlier this year covering those neutrals in inactive and archived statuses. The survey results will be reviewed by the Liaison Committee to determine next steps.

### **c. History of CODR**

1. No further comments have been received on the current draft of the CODR's history as drafted by former director, Mr. Shinji Morokuma, Esq.

### **d. CODR 25<sup>th</sup> Anniversary**

1. The Commission will celebrate its 25<sup>th</sup> anniversary in 2018. Judge Auslander suggested that the history of the CODR be released next year to coincide with the anniversary. He also asked Commission members to think about ways to recognize the achievements of the CODR over the last 25 years. Ms. Primm has agreed to participate on a committee to plan commemorations.

## **IX. New business: Judge Auslander**

### **a. Vote Item (1): Proposed Research Protocol**

1. Dr. Doug Yarn and Dr. Hedeem drafted a research protocol for the Commission's review. Dr. Hedeem noted that this protocol would determine how the Commission would handle request from researchers to survey neutrals.

Judge Auslander opened the floor for questions or comments. With no further discussion, Judge Overstreet made motion to adopt the policy, and Mr. Bell seconded. A vote was taken with all in favor; Justice Grant abstained.

## **X. 2018 Commission Dates: January 31; May 9**

The next meeting is scheduled for January 31, at 2:00 p.m. in Room #1 at the State Bar of Georgia. It is anticipated that a new member orientation will be held prior to the regular meeting.

**XI. Old Business**

Ms. Johnson expressed her gratitude to Mr. Patorgis for his work and service to the Office and Commission.

**XII. Recognition of Retiring Members Hon. J. Carlisle Overstreet and Mr. Hubert J. Bell, Jr., Esq.**

Judge Overstreet and Mr. Bell were recognized for their service to the Commission. Judge Overstreet served the Commission since 2009, sitting on the Strategic Planning; Personnel and Budget; and Liaison Committees. Judge Auslander thanked him for his service and the willingness to assist. Mr. Bell served the Commission since 2010. He was also Chair of the Ethics Committee. Judge Auslander commended Mr. Bell's leadership on expeditiously handling all ethics matters before the Committee.

**XIII. Adjournment**

Judge Auslander moved to adjourn the meeting. Mr. Chadwick made the motion to adjourn, and Dr. Hedeem seconded his motion. All were in favor and the meeting ended at approximately 3:16 P.M.

[Minutes prepared by Karlie Sahs and Tracy Johnson]

[Minutes approved via email November 30, 2017]



*Judge Charles E. Auslander III swearing in the 2017-2018 GCCA Board*



*Judge Auslander and Ms. Johnson, 2017-18 GCCA President*





*Ms. Mary Donovan, Esq. and Ms. Johnson attended the 2017 Southeastern Regional ADR Fall Conference*



*Mr. Hugh J. Bell, Jr. and Judge J. Carlisle Overstreet were presented honorary awards by Ms. Johnson and Judge Auslander at the CODR Meeting on November 8, 2017.*