



Georgia Commission on Dispute Resolution Meeting
Wednesday, January 29, 2020, 2-4 PM
Administrative Office of the Courts
Ratley Conference Room

Conference Call Information:

Computer, tablet or smartphone: <https://global.gotomeeting.com/join/582790045>

You can also dial in using your phone: [1 866 899 4679](tel:18668994679)
Access Code: 582-790-045

AGENDA

- I. Call to Order: Judge Jane C. Barwick
- II. Swearing in of New Commission Members: Justice John J. Ellington
- III. Introductions
- IV. Meeting Minutes from November 6: Approved via email
- V. ADR Program Spotlight: Coweta Judicial Circuit ADR Program - Ms. Lindsay Fenn
- VI. Standing Committee Reports:
 - Budget and Personnel Committee: Judge C. Andrew Fuller
 - Ethics Committee: Judge M. Cindy Morris
 - Training and Credential Committee: Ms. Melissa C. Heard, MSSW
 - Liaison Committee: Mr. Hal Gray, Esq.
- VII. Special Committee Report:
 - UMA Working Group: Ms. Mary Donovan, Esq.
 - DV Rules Implementation Committee: Judge Charles E. Auslander, III
- VIII. Website update: Mr. Sterling Perry & Ms. Juliana Tyler
- IX. GODR Report: Ms. Tracy Johnson & Ms. Karlie Sahs
 - 2019 Renewal Registration
 - Registrar Improvements
 - 2019 ADR Institute
 - Strategic Projects update
 - Upcoming Events
 - GCCA: March 23-25 in Athens
 - Probate Judges' Conference: April 21 in Athens
 - ABA Dispute Resolution Conference: April 22-25 in New Orleans
- X. Chairman's Report: Judge Barwick
- XI. New Business
 - FY2021 Special Projects Budget Consideration
 - Court ADR Program Updates
- XII. Old Business
- XIII. Executive Session
- XIV. 2020 Commission Dates: May 6, August 5, November 4
- XV. Adjournment

Next Meeting Date: May 6, 2020 at the Nathan Deal Judicial Center



Georgia Commission on Dispute Resolution Meeting

Minutes

Wednesday, January 29, 2020

Chair Judge Jane C. Barwick called the meeting to order. In addition to Judge Barwick, Commission members and Office staff present were:

Judge Charles E. Auslander, III; Emily S. Bair, Esq.; Mary Donovan, Esq.; Judge C. Andrew Fuller; Judge M. Cindy Morris; Judge Renata D. Turner; and Peggy McCoy Wilson. Melissa Heard, MSSW and Randall Weiland attended by phone.

Tracy B. Johnson, Executive Director, and Karlie A. Sahs, Program Manager, Office of Dispute Resolution

JC/AOC staff members present were: Cynthia Clanton, Esq., Director; Jorge Basto, CTO; Karaey Davis, Research Extern; Herbert Gordon, GCR Project Manager; Alison Lerner, Esq., Staff Attorney; Sterling Perry, Project Manager, IT Division; and Jeffrey Thorpe, Research Analyst.

Guests present were: Lindsay Fenn, Coweta Judicial Circuit ADR Program; Rebecca Lindsey, Coweta Judicial Circuit ADR Program; and Stacey Mitchener, Esq., Chair, Georgia State Bar Dispute Resolution Section. Jill Cheeks, Director, Mediation Center of the Coastal Empire; Charity Messer, 7th District ADR Program; Linda Jezerinac, 7th District ADR Program; and Jody Overcash, 7th District ADR Program observed by phone.

I. Meeting called to order

Judge Barwick called the meeting to order at 2:00 p.m.

II. Swearing in of New Commission Members: Justice John J. Ellington

Justice Ellington administered the oaths to Judge M. Cindy Morris as the Commission's new Chair-Elect and Peggy McCoy Wilson as a new Commission member.

III. Introductions

Members and guests introduced themselves.

IV. Minutes

The minutes of the November 6 Commission meeting were approved prior to the meeting via e-mail vote on December 3, 2019.

V. **ADR Program Spotlight: Coweta Judicial Circuit ADR Program – Ms. Lindsay Fen, Program Director**

Ms. Fenn presented an overview of the Coweta Judicial Circuit ADR program. Staff member Rebecca Lindsey was also present. Judge Barwick and members of the Commission thanked Ms. Fenn for sharing her presentation about the program. The Commission will hear from another program at the next meeting.

VI. **Standing Committee Reports:**

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

Budget documents were included in meeting materials. Judge Fuller reviewed the budget materials, noting that the budget continues to be in good health. Clarity was given to certain line items included in the meeting binder. FY19 closed out at 98% of budget utilized, and charts show that FY20 is projected to see slightly higher year-end revenue. The Committee's goal is to continue to operate in a manner that expenditures and the operational budget run parallel, while income remains steady.

b. **Ethics Committee: Judge M. Cindy Morris**

Judge Morris reported that there is one (1) pending ethics complaint. The complaint was received in late 2019 and will likely be scheduled for a hearing early this spring. Additionally, there are three (3) registration applications pending ethics review. Once staff investigations are complete, the Committee will review and approve or deny applicant registrations. At this time, there are no pending appeals.

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

Ms. Heard shared that the Committee is continuing its work with Appendix B revisions, next reviewing domestic relations and specialized domestic violence mediation training criteria updates, as well as the development of an early neutral evaluation training. Participant fees are still being researched and, once complete, a recommendation will be presented to the full Commission.

Ms. Heard thanked the Commission for approving an exception to the training class size in order to accommodate the 2020 domestic violence supplemental trainings. Additionally, she thanked former Commission member Timothy Hedeem for his service to the Training and Credential Committee.

The Committee is next scheduled to meet on February 11.

d. **Liaison Committee: Herbert (Hal) Gray, III, Esq.**

Ms. Johnson reported on behalf of Mr. Gray, who has assumed the role of Committee chairperson. The next newsletter will be published by March. GODR

is working to add a private forum feature to the new website, which will allow court ADR program directors to receive and share information. The Committee is planning to hold a meeting in the coming month to discuss results from the neutral registration renewal survey as well as additional ways to best serve the court programs.

VII. Special Committee Report:

a. Joint Working Group on Mediation Legislation in GA: Mary Donovan, Esq.

Ms. Donovan explained that, after a tactical pause, the Uniform Mediation Act (UMA) is seeing movement. Ms. Johnson, Shelby Guilbert, Doug Yarn, Christine Butcher-Hayes, and Rusty Sewell recently met with Representative Barry Fleming, Chairman of the House Judiciary Committee. Shelby Guilbert and Doug Yarn are working with Rep. Fleming's staff to make language revisions and the group is close to having a final bill to introduce this legislative session, which is currently underway. UMA also gained a sponsor: Representative Bonnie Rich. Rep. Rich practices domestic law and mediation, and the group believes her sponsorship will be beneficial. Ms. Donovan has also been in contact with Representative Chuck Efrstration, with whom she plans to share a synopsis of the group's work and garner further support.

Ms. Donovan thanked Ms. Johnson for acting as a shepherd for the bill. Ms. Johnson noted for the group that Ms. Donovan has been its champion in staying organized and pushing its progress.

b. Committee for DV Rules Implementation: Judge Charles E. Auslander, III

Judge Auslander remarked that 2020 is the year of DV, as so much of the focus of the Commission and the Office is focused on the implementation of the new Rules for Mediation in Cases Involving Issues of Domestic Violence (IPV/A). He then turned it over to Ms. Johnson to report on behalf of the Committee.

Ms. Johnson provided synopsis of the continuing implementation work:

The Online Screening Tool, developed by JC/AOC IT staff, Mr. Sterling Perry, was showcased in the presentation at the Council of Superior Court Judges Winter Conference on January 24 in Athens. The tool was well received, and Ms. Johnson thanked Mr. Perry for his work.

The new training curricula for the 14-hour SDV training and DR/SDV supplemental trainings have been completed. A screening video was created to train neutrals on the new screening procedures. Already in use, this video has been a great asset to the supplemental trainings.

Communication was sent to all mediators registered in DR and SDV, notifying them of the supplemental training requirement in late November via U.S. Mail, Georgia Courts Registrar, and special news blast. Follow up

notices were sent on January 3 and January 27. Ms. Johnson thanked Herbert Gordon for the Georgia Court Registrar (GCR) team's hard work and assistance.

A copy of the supplemental training schedule was provided with the meeting materials. In total, there are 39 trainings scheduled in 21 locations. Ms. Johnson and Ms. Sahs spent the week of January 13 visiting Dublin and Savannah, administering supplemental trainings to neutrals. An electronic survey is being developed to send to attendees. The Office plans to schedule six (6) court ADR staff training for September through December and is working with Raye Rawls on development.

While attendance at events is recorded, the Office is working with GCR staff to create a process for ensuring smooth documentation process for the Fall 2020 registration renewal cycle. Additionally, work will begin on modifying model court rules with the DV updates so that court ADR programs can update and submit their rules in the coming months.

The Committee continues to seek educational opportunities for judicial stakeholders. Future presentations include: the Family Law Institute in May; the Georgia Council of Court Administrators Conference in March; and the Georgia Commission on Family Violence Conference- in collaboration with Joan Prittie with Project Safe- in September (pending).

The next Committee meeting is scheduled for February 12.

VIII. Website update: Mr. Sterling Perry

Ms. Sahs re-introduced Mr. Perry, thanking him and Ms. Juliana Tyler for all their hard work on developing the new GODR website. Mr. Perry gave a brief overview of features of the new website, which went live in December. Ms. Sahs continues to work with the team to revise content and enhance features. A private forum will be added for court ADR program directors. Additionally, GODR will be reaching out to programs and trainers to ensure all information is up to date.

IX. GODR Report: Ms. Tracy Johnson & Ms. Karlie Sahs

a. 2019 Renewal Registration:

The annual registration renewal period closed on December 31. In total, there were 2,209 on-time renewals and 8 late renewals (to date). Additionally, 531 Inactive neutrals who failed to renew became Inactive II (296 in total) or were Archived (235 in total). Clarity was provided as to the Inactive I, Inactive II, and Archived statuses. GODR will continue to send renewal notices until the late renewal period ends on April 30.

b. Registrar Improvements

On December 18, an improvement to the continuing education reporting process in the Georgia Courts Registrar became live. In addition to submission through an events page, the new feature allows registered neutrals to also report their hours within a tab in the renewal application. Here, users can more easily view and submit hours earned.

c. 2019 ADR Institute

The 26th ADR Institute and 2019 Neutrals' Conference was held on December 13 at the Georgia State University College of Law (GSU). In total, there were 244 attendees: 230 in-person at GSU, 6 at the State Bar of Georgia Savannah office, and 8 at the State Bar of Georgia Tifton office. Ms. Heard was the 2019 Harold G. Clarke recipient- the first non-attorney to receive the award. GODR has inquired with the Institute for Continuing Legal Education, which handled much of the event planning, regarding a recording of the event but there is no known video at this time. The ADR Institute Planning Committee will meet in the coming weeks to discuss options for 2020, which may include bringing all event logistics in-house.

d. Strategic Projects Update

An updated copy of the Office project list was provided with the meeting materials. Ms. Johnson and Ms. Sahs provided a brief status of each project on the list, excluding those projects that had already been mentioned.

1. **Case Management System:** Ms. Johnson updated that the Office continues to work with the vendor on developing product upgrades. A contract has been executed, and the final product is projected to deploy in March 2020.
2. **Registrar Training Component:** Ms. Sahs reported that the Office opened training application renewal for the following categories: arbitration, juvenile delinquency mediation, and juvenile dependency mediation. Receipt and review of all applications is on track to be completed on-time. Review for domestic relations and specialized domestic violence categories is scheduled for Fall 2020.
3. **JV Court Mediation Expansion:** Ms. Sahs notified that a small group meeting was held November 18 to discuss Community Conferencing in Fulton County Juvenile Court. She provided a brief description of Community Conferencing and noted that this idea was developed in response to a training attended by both Ms. Sahs and Judge Renata Turner, hosted by the Mediation Center of the Coastal Empire last August. A conference call was held with Lauren Abramson of Community Transformation, LLC to discuss developing a pilot program. The Office will continue to research undertaking this initiative.

4. **Model Court Program Forms:** Ms. Johnson noted that the deadline has been pushed out. This project will now begin June 2020.
5. **Mediation Prep Kit:** Ms. Johnson noted that the deadline has been pushed out. This project will now begin June 2020.
6. **Website Upgrades, Rules for Mediation in Cases of DV, Appendix B Revisions, and ATLAS/UMA** were discussed earlier in the meeting. **ADR Conferences, ODR, 25th Anniversary, Social Media, and Statewide Partnerships & Education:** No updates to report.

e. Past Events:

1. GA Council of Superior Court Judges
 - i. January 23 at the Classic Center, Athens
 - a. Judge Auslander, Judge Barwick, Judge Morris, and Ms. Johnson presented

f. Upcoming Events:

1. Georgia Council of Court Administrators Conference
 - i. March 23-25 at the Classic Center, Athens
 - a. Ms. Johnson will attend and present, Ms. Sahs will also attend
2. Council of Probate Court Judges Conference
 - i. April 21, Athens
 - a. Ms. Johnson and Eleanor Lanier, Esq. to present on guardianship mediation
3. American Bar Association Dispute Resolution Conference:
 - i. April 22-25 at the Sheraton Hotel, New Orleans
 - a. Ms. Sahs will attend

X. Chairman's Report: Judge Barwick

a. Highlights

1. Judge Barwick shared feedback from Superior Court Judges Winter Conference, where the Commission gave a presentation on the new Rules for Mediation in Cases Involving Issues of Domestic Violence. Since judges in the audience shared that they had assumed such domestic violence in mediation improvements were already in practice, the event offered an opportunity to clarify the process and spread knowledge. The judges were impressed by the Online Screening Tool presentation and overall supportive of the initiative.

XI. New Business

a. FY2021 Special Projects Budget Consideration

1. 2020 ADR Institute

- i. Ms. Johnson made the Commission aware that GODR and the State Bar Dispute Resolution Section are exploring new options for the 2020 ADR Institute. The ADR Institute Planning Committee will meet in February to discuss possible changes to this years' event. Ms. Johnson will have additional information for the Commission's consideration at the May meeting.

b. Court ADR Program Updates

1. There were no Court ADR Program updates reported.

XII. Old Business

There was no old business to report.

XIII. Executive Session (3:45 p.m. – 4:15 p.m.)

- a. Budget & Personnel Committee Matters

XIV. Upcoming Commission Dates: May 6, August 5, and November 4

The next meeting is scheduled for May 6, at 2:00 p.m. in new Nathan Deal Judicial Center.

XV. Adjournment

The meeting concluded at approximately 4:15 p.m.

[Minutes prepared by Karlie A. Sahs and Tracy B. Johnson]

[Minutes approved via email February 18, 2020]

Justice John J. Ellington (center) with new Commission Member, Ms. Peggy McCoy Wilson (left) and Chair-Elect Hon. M. Cindy Morris (right)



Justice Ellington swearing in Judge Morris as Chair-Elect.



Justice Ellington swearing in Ms. Wilson.

