



Georgia Commission on Dispute Resolution Meeting
Wednesday, November 6, 2019, 2-4 PM
State Bar of Georgia, Room #1

Conference Call Information:

Access Number: 1-866-705-2554

Guest Passcode: 770950

AGENDA

- I. Call to Order: Judge Jane C. Barwick
- II. Introductions
- III. Meeting Minutes from August 21: Approved via email
- IV. ADR Program Spotlight: DeKalb County Dispute Resolution Center: Ms. Caitlin Lowther
- V. 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. Raymond G. Chadwick, Jr., Esq.
- VI. Special Committee Report:
 - UMA Working Group: Ms. Mary Donovan, Esq.
 - DV Rules Implementation Committee: Judge M. Cindy Morris
- VII. Website and online screening tool update: Mr. Sterling Perry
- VIII. GODR Report: Ms. Tracy Johnson & Ms. Karlie Sahs
 - Strategic Projects update
 - 2019 Renewal Registration
 - Registrar Improvements
 - Atlantic Judicial Circuit Mediation Training
 - Upcoming Events
 - 2019 ADR Institute: December 13
- IX. Chairman's Report: Judge Barwick
- X. New Business
 - Action Items: DV Rules Implementation Committee
 - i. Class size exception for 2020 supplemental trainings
 - Court ADR Program Updates
- XI. Old Business
- XII. Recognition of Retiring Member Ray Chadwick: Judge Barwick
- XIII. 2020 Commission Dates: January 29, May 6, August 5, November 4
- XIV. Adjournment

Next Meeting Date: January 29, 2020



Georgia Commission on Dispute Resolution Meeting Minutes

Wednesday, November 6, 2019

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.; Raymond G. Chadwick, Jr., Esq.; Herbert H. (Hal) Gray, III, Esq.; Judge Amanda H. Mercier; Judge M. Cindy Morris; Judge Renata D. Turner; and Randall (Randy) Weiland. Timothy Hedeem, Ph.D.; Nicole W. Hull, Esq.; and Patrick T. O'Connor, Esq. attended by phone.

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

JC/AOC staff members present were: Alison Lerner, Esq., Staff Attorney; Sterling Perry, Project Manager, IT Division; Jeffrey Thorpe, Research Analyst; and Juliana Tyler, Webmaster.

Guests present were: Valerie Lyle, 9th Judicial Administrative District ADR Program; Caitlin Lowther, DeKalb County Dispute Resolution Center; and Angela Taylor, Fulton County ADR Program. Charity Messer, 7th District ADR Program; Liesl Owen, 6th 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. Introductions

Members and guests introduced themselves.

III. Minutes

The minutes of the August 21 Commission meeting were approved prior to the meeting via e-mail vote on September 5, 2019.

IV. ADR Program Spotlight: DeKalb County Dispute Resolution Center – Ms. Caitlin Lowther, Program Director

Ms. Lowther presented an overview of the DeKalb County Dispute Resolution program. Judge Barwick and the Commission thanked Ms. Lowther for sharing her presentation. The Commission will hear from another program at the next meeting.

V. Standing Committee Reports:

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

Tracy Johnson reported on behalf of Judge Fuller. The September budget documents were included with meeting materials. Ms. Johnson reported that the current budget is on track. She informed that the previous years' budgets are reviewed regularly to ensure revenue and expenses are in line with prior years and on target with the current budget. Clarification was given as to budget categories, and she explained that a significant portion of the fund balance will be spent on 2020 projects.

The Budget Committee approved \$4,800 for registrar enhancements. The enhancements were requested in response to a registration renewal survey which outlined neutrals' desire for improvements to the continuing education submission process. This feature is in testing and will be implemented during the current registration renewal period. Included in the enhancements is a report of all registered neutrals with corresponding demographics and registration categories. The report will be backed up once per month to an external hard drive to safeguard against future data loss.

The Committee also approved a request from member and court ADR program director Randall Weiland to supplement the cost of a general civil mediation training. The training is aimed at recruiting new local neutrals for the program roster. The \$7560 approved budget will cover the majority of training, with the program providing the venue and associated food cost. The mediators will be required to pay \$200 toward tuition and mediate 8 pro bono cases in the first year.

Judge Barwick thanked Judge Fuller for the urgent work of the Committee outside of Commission meetings.

b. Ethics Committee: Judge M. Cindy Morris

Judge Morris reported that six (6) registration applicants were approved, one (1) applicant was denied, and one (1) application was tabled for further discussion at the November 6 Ethics Committee meeting. Additionally, the Committee considered one (1) appeal from a denial by GODR staff of an application for pre-certification. The Committee decided to uphold staff's denial. Currently, there is one (1) pending complaint against a neutral or program. A formal hearing to further explore the complaint will be set for this spring.

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

Ms. Johnson reported on behalf of Ms. Heard. The Committee has been working very hard. Since the last Commission meeting on August 21, the group met on October 24. The process of working on rules and the Appendix B update is ongoing, with a few remaining items to be reviewed prior to submitting to the full Commission for review. The larger topics pending include domestic relations

mediation, specialized domestic violence, and the creation of early neutral evaluation training.

At the last Committee meeting, there was discussion regarding the participant fees assessed to trainings and whether there is a need to continue levying the fee. The matter will be further researched, and the appropriate proposals will be submitted to the Commission as needed.

Ms. Johnson conveyed the Committee's sadness to lose Committee member Raymond Chadwick, as his term with the Commission expires. The Committee invited Mr. Chadwick to remain engaged with ongoing matters.

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

Mr. Chadwick reported that the Committee has not received any inquiries. The Office is delayed on sending out the latest newsletter, but it is expected to be sent out by the end of November. While the newsletter is still pending, a few other news-blasts were sent out, including notice of the 2019 registration renewal period and announcement of the 2019 ADR Institute in December. Additionally, the interim GODR Resources webpage continues to be updated regularly.

VI. Special Committee Report:

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

Ms. Johnson reported on behalf of Ms. Donovan. The Working Group continues to move forward on work to introduce the Uniform Mediation Act (UMA) in Georgia. Members have on-going meetings with Legal Counsel to the GA House Judiciary Committee, where drafts are being negotiated in a way that ensures changes will not substantially change the uniform law. Ms. Johnson continues to represent group at Judicial Council meetings, including the meeting on August 23.

ATLAS (Atlanta International Arbitration Society) gave the Working Group a full vote of confidence at their meeting on Friday, November 1. Two members of ATLAS will update the Georgia Chamber of Commerce and the Atlanta Chamber of Commerce regarding UMA at their next meeting. Additionally, the group learned that several Georgia lawyers are represented on the Uniform Law Commission (a national commission). Ms. Donovan is in communication with these attorneys and is requesting their assistance and guidance.

Ms. Johnson clarified that the hope is to introduce a proposed bill during the next legislative session, but there are time constraints. Christine Butcher-Hayes and Rusty Sewell from the State Bar are considering sponsors for the bill.

b. Committee for DV Rules Implementation: Judge M. Cindy Morris

Judge Morris turned it over to Ms. Johnson to report on behalf of the Committee. Ms. Johnson provided a brief review of the Committee's last meeting. A train the trainer session is scheduled for December 9. Training programs that are pre-approved in domestic relations and specialized domestic violence mediation will receive training on the new curriculum changes. A video for roleplays will be developed- possibly at this session- to improve consistency for the 2020 domestic relations and specialized domestic violence supplemental trainings. The training schedule for the supplements is very aggressive, including 27 training dates between January and August (any after August will not be free or guaranteed to be offered by trainers), and information will be sent to mediators registered in these categories via news blasts, Georgia Courts Registrar, and U.S. mail. Mediators who do not attend the training by December 31, 2020 will be allowed to remove one or both categories but will be unable to add without meeting all initial requirements to add a category. The Office is seeking ICLE & ICJE approval for all sessions. The training schedule is still in development, and a copy of the recent schedule was provided in the materials. To be as fair as possible, pre-approved training program providers will be able to bid on training sessions through a lottery system. There will be six (6) court ADR program staff screening trainings scheduled between September and December with details forthcoming.

The Committee is also seeking educational opportunities for judicial stakeholders. Future presentations include: Superior Court Judges Conference in January; the Family Law Institute in May (pending); the Georgia Council of Court Administrators Conference (Spring or Fall); and the Georgia Commission on Family Violence Conference in September.

Work continues on the online screening tool, and a presentation of the tool in-development was presented after the report.

The next Committee meeting will be scheduled for February

VII. Website and online screening tool update: Mr. Sterling Perry

Mr. Perry introduced Juliana Tyler, the new webmaster for JC/AOC. Mr. Perry and Ms. Tyler gave a demonstration on the new online domestic violence screening tool, which is in its final stages of development. The group had some discussion regarding the tool's function and features. The testing website information was announced for any members interested in testing. Judge Barwick reiterated the need for outreach for educating our external stakeholders.

The pair also showcased the new GODR website, which is being rebuilt after the recent cyberattack. The tentative deployment date is Monday, December 16. Mr. Perry noted that the goal is to create a website that is visually clean, easy to navigate, and can be built on for years to come.

VIII. Director's Report: Ms. Johnson

a. 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 JC/AOC Legal and IT departments have been working with the vendor on a contract. Selected programs have tested the system in development and provided feedback for the vendor.
2. **Website Upgrades:** Mr. Perry and Ms. Tyler gave a brief demonstration of the new website earlier in the meeting. The tentative deployment date is Monday, December 16.
3. **ADR Conferences – Program Directors:** Ms. Sahs provided a final overview of the 2019 Program Directors’ Conference, held on September 9-11 in St. Simons Island. In all, 25 ADR Program representatives (including Commission member Randall Weiland), seven Commission members, and three office staff and support attended. Scholarships for lodging were given to five program representatives. A survey was distributed, and overall feedback was very positive, especially regarding location and relevancy of program content. The Commission budgeted \$30,000, and final cost was \$25,772.72, which was under budget by \$4,22775. A full cost analysis is available to Commission members upon request. Due to the rigorous supplemental training schedule, there will not be a conference held in 2020.
4. **Online Dispute Resolution:** Ms. Sahs attended the 2019 International ODR Forum in Williamsburg, Virginia on October 28-30. She reported that other states (and countries) are mostly still in the pilot or development stages for creating and implementing systems. Many other state programs are still learning and waiting to see what happens in other places.
5. **Registrar Training Component:** As part of the ongoing training renewal initiative, the Office is still planning to review training programs for the following categories: arbitration, juvenile delinquency mediation, and juvenile dependency mediation. The timeline for reviews has been pushed back to accommodate other projects, but review is scheduled to be completed by the end of December. Review for domestic relations and specialized domestic violence categories is scheduled for 2020.
6. **JV Court Mediation Expansion:** Ms. Johnson co-presented on juvenile court mediation with Mr. Jerry Bruce, State Court Improvement Director

for the Committee on Justice for Children and Ms. Lynn Goldman at the Child Welfare Law Specialist (CWLS) conference.

Ms. Sahs, Mr. Bruce, and Ms. Goldman attended meetings with Angela Tyner, Director of CASA and Tom Rawlings, Director of DFACS & Rachel Davidson, Director of Georgia Office of the Child Advocate. The goal was to collaborate with important juvenile court stakeholders and evaluate how to leverage increased exposure for the use of mediation in juvenile dependency cases. Additionally, there was a discussion of the role of guardian ad litem in the mediation process. Ms. Goldman was asked to write an article on mediation for the next DFACS newsletter.

A small group meeting is scheduled for November 18 to discuss Community Conferencing in Atlanta juvenile court.

7. **Social Media:** The Office is maintaining a social media presence, with no goals to expand formats at this time. There are 90 followers on Twitter and 181 on LinkedIn. There is greater opportunity for social media outreach in 2020, as the Office will be traveling around Georgia for the DR/SDV supplemental trainings.
8. **25th Anniversary, Model court program forms, Mediation Prep Kit, and Statewide Partnerships & Education:** No updates to report.

b. 2019 Renewal Registration:

The annual registration renewal period opened on October 1. To date, 340 neutrals have completed the renewal process and 40 are under review. Reminder notices were sent on October 1 and November 4. Additionally, reminders will be sent before the Thanksgiving holiday (November 28) and every week until December 31. Notices will be sent to those in lapsed status thereafter.

c. Registrar Improvements

This matter was discussed earlier in the meeting during the Budget and Personnel Committee report.

d. Atlantic Judicial Circuit Mediation Training

This matter was discussed earlier in the meeting during the Budget and Personnel Committee report.

e. Past Events:

1. Child Welfare Legal Specialist (CWLS) Conference:
 - i. September 12
 - ii. Ms. Johnson participated in collaborative presentation on ADR

2. GCCA Fall Conference:
 - i. September 23-25 at the De Soto Hotel, Savannah
 - ii. Ms. Sahs served as emcee
3. International ODR Forum
 - i. October 28-30 at Williamsburg Lodge, Williamsburg, VA
 - ii. Ms. Sahs attended
4. GA Council of State Court Judges
 - i. October 16 at the King & Prince, St. Simons Island
 - ii. Ms. Johnson presented a plenary session on GODR/court ADR
5. Cobb County ADR Board Meeting
 - i. November 4, Cobb County Courthouse
 - ii. Ms. Johnson presented on new DV rules

f. Upcoming Events:

1. Judicial Council Technology Committee
 - i. November 14
 - ii. Ms. Johnson to seek guidance on creating bridge between the new ADR case management system and local court clerk systems
2. Judicial Council Meeting
 - i. December 6 at the Carter Center, Atlanta
3. 2019 ADR Institute:
 - i. December 13 at the Georgia State University Law School
 - ii. In partnership with the State Bar's Dispute Resolution Section

IX. Chairman's Report: Judge Barwick

a. Highlights

1. Judge Barwick commented on the importance of the domestic violence rules implementation and its intersection with other projects and events. Central to the rules is the focus on educating communities. The rules will be presented at the GA Superior Court Judges conference in January, and they took priority at the recent ADR Program Directors' Conference. She thanked those involved, specifically program directors, for their dedication to keeping litigants safe.

X. New Business

a. Action Items: DV Rules Implementation Committee

1. Class size exception for 2020 supplemental trainings

- i. Ms. Johnson outlined that the Training Approval Guidelines limit class size to 40 participants. With the Office hosting a number of supplemental trainings for domestic relations and specialized domestic violence mediators in 2020, it is expected that a number of these trainings will exceed 40 participants. The DV Rules Implementation Committee requested an exception to the number of allowable participants at the supplemental training sessions in 2020. Mr. Hal Gray made the motion to approve the committee's recommendation, Mr. Chadwick seconded, and all members present voted in favor. No opposition or abstention. Judge Barwick thanked members.

b. Court ADR Program Updates

1. All guests present were asked to share any updates and news. Dr. Angela Taylor was announced as the new program director for the Fulton County Court ADR Program. Dr. Taylor had previously served as the interim director.

XI. Old Business

There was no old business to report.

XII. Recognition of Retiring Member Ray Chadwick: Judge Barwick

Judge Barwick thanked Mr. Chadwick for his dedication and service to the Commission before asking Judge Auslander to provide the formal recognition. Judge Auslander conveyed appreciation of Mr. Chadwick's service. The Commission presented Mr. Chadwick with a service recognition award.

XIII. Upcoming Commission Dates: January 29, 2020

The next meeting is scheduled for January 29, at 2:00 p.m. If the new Nathan Deal Judicial Center is available, the Commission will hold the meeting there. If the building is not complete, the meeting will be held at an alternate venue.

XIV. Adjournment

The meeting concluded at approximately 3:41 P.M.

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

[Minutes approved via email December 3, 2019]