



Georgia Commission on Dispute Resolution Meeting

Wednesday, May 8, 2019, 1-4 PM*

Open meeting begins at 2:00 p.m.

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. Executive Session (1:00 – 2:00 p.m.)
- III. Introductions
- IV. Meeting Minutes from February 13: Approved via email
- 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 Charles E. Auslander, III
- VII. Director's Report: Ms. Johnson
 - 2018 Data Collection: Mr. Jeffrey Thorpe
 - Website: Ms. Karlie Sahs
 - Insurance and Retirement Program update
 - Registration update
 - Strategic Projects update
 - Upcoming Events
 - ADR Juvenile Court Forum: June 13
 - CE Event in Atlanta: June 18
 - CE Event in Gainesville: August 9
 - 2019 Program Directors' Conference: September 9-11
 - 2019 ADR Institute: December 13
- VIII. Chairman's Report: Judge Barwick
- IX. New Business
 - Meeting Materials survey results
- X. 2019 Commission Dates: August 21, November 6
- XI. Old Business
- XII. Adjournment

Next Meeting Date: August 21, 2019



Georgia Commission on Dispute Resolution Meeting

Minutes

Wednesday, May 8, 2019

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

Judge Charles E. Auslander, III; Emily S. Bair, Esq.; Raymond G. Chadwick, Jr., Esq.; Mary Donovan, Esq.; Herbert H. (Hal) Gray, III, Esq.; Timothy Hedeem, Ph.D.; Nicole W. Hull, Esq.; Judge M. Cindy Morris; and Randall (Randy) Weiland

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

JC/AOC staff members present were: Jessica Farah, Esq., Senior Staff Attorney; Sterling Perry, Project Manager, IT Division; and Jeffrey Thorpe, Research Analyst

Guests present were: Patti Anderson, Cobb County Superior Court ADR Program; Kim Brock, Fulton County Superior Court; Caitlin Lowther, DeKalb County ADR Program; Stacey Mitchener, Georgia Attorney General's Office/State Bar of Georgia Dispute Resolution Section; Kathleen Sterne, Clayton County ADR Program; and Angela Taylor, Fulton County ADR Program. Rita Carroll, Carroll County ADR Program, Linda Jezerinac, 7th District ADR Program; Charity Messer, 7th District ADR Program; and Laura Lynn Swafford, Gwinnett County ADR Program attended by phone.

I. Meeting called to order

Judge Barwick called the meeting to order at 1:20 p.m. The Commission immediately went into Executive Session.

II. Executive Session (1:20 – 2:20 p.m.)

a. Budget & Personnel Committee Matters

III. Introductions

Members and guests introduced themselves.

IV. Minutes

The minutes of the February 13 Commission meeting were approved prior to the meeting via e-mail vote on March 5, 2019.

V. Standing Committee Reports:

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

Budget documents were included with meeting materials. Ms. Tracy Johnson reported on behalf of Judge Fuller. The Committee met prior to the executive session to amend the budget to account for a shortfall. However, revenues this year are stronger than expected, and the overall budget is in excellent shape. The FY2020 budget was presented and approved during the executive session.

b. Ethics Committee: Judge M. Cindy Morris

The Ethics Committee also met on May 8, prior to the full meeting. Judge Morris reported that the Committee discussed and subsequently dismissed three (3) complaints against a neutral, with four (4) additional complaints pending at this time. Additionally, seven (7) registration applicants were discussed, all of which were approved. At this time, there is one (1) remaining registration applicant currently being investigated by staff, which is to be considered at the next committee meeting.

Judge Morris and Judge Barwick thanked Ms. Jessica Farah, Esq. for filling in for Ms. Alison Lerner, Esq. at the Ethics Committee meeting, during Ms. Lerner's absence.

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

Ms. Johnson delivered the report on behalf of Ms. Heard.

Ms. Johnson outlined highlights from the Committee's recent work on Appendix B. The committee met twice since the last Commission meeting to discuss the ongoing revisions, and the Committee plans to meet again to review all changes cumulatively. The Committee hopes to present a full draft of changes to the full Commission in August.

No new or pending appeals or review requests regarding training have been brought before the Committee.

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

Mr. Chadwick reported that the committee has not received any complaints or requests.

Mr. Chadwick further reported:

1. The Office published newsletter in March, which presented a fresh new format and covered, among other items, the new & outgoing members and the *Passing of the Gavel* to a new chair.

2. The Office added Twitter to its social media profile. Individuals can now follow the Commission/Office on LinkedIn and Twitter.
3. The Office also plans to hold two (2) upcoming continuing education events – on June 18 in Atlanta and on August 9 at Brenau University in Gainesville.

VI. Special Committee Report:

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

As reported at the last Commission meeting, Ms. Donovan relayed that the Working Group is taking a tactical pause after concerns with changes that were proposed once the Uniform Mediation Act (UMA) reached the legislation office. The group has met by phone and is planning a strategy meeting with Mr. Rusty Sewell and Ms. Christine Butcher-Hayes this summer. The Committee's goal before the next legislative session includes educating lobbyists on the depth and merits to of the UMA for the citizens of Georgia. Over this summer, the working group will focus their efforts on improving communications and addressing any concerns. They have spoken with legislative members and the State Bar of Georgia past presidents, and plan to meet with the State Bar's new president. There has been positive feedback, and Ms. Donovan will keep the Commission abreast regarding any updates.

b. Committee for DV Rules Implementation: Judge Auslander

Judge Auslander asked Ms. Johnson to relay the Committee report.

Ms. Johnson noted that the Domestic Violence Screening Tool Subcommittee, along with members of the JC/AOC's IT Division, met on May 1. The long meeting yielded great progress. The group defined the tool requirements and developed new ideas. The meeting established that development will be simpler than anticipated, meaning testing can begin as soon as Fall 2019.

The contract for Ms. Raytheon Rawls, Esq. of the University of Georgia's J.W. Fanning Institute to develop new training curriculum has been signed and executed.

The full Committee is scheduled to meet on June 25 at the State Bar of Georgia Conference Center.

VII. Director's Report: Ms. Johnson

a. Data Collection: Mr. Jeffrey Thorpe

Materials were provided in the meeting binder. Mr. Thorpe conveyed that the Office is now caught up in data collection, sharing results from the 2018 calendar

year. The Office saw the highest response rate among programs to date. While some data reporting was collected under other programs, there were new courts that did not report last year. Of those who reported, the total amount of cases referred to mediation in 2018 were 33,181 civil and 1,208 criminal. Mr. Thorpe clarified the data points, noting challenges in those that are hard to track, and shared hope for more uniform data points moving forward.

Mr. Thorpe responded to several questions regarding criminal cases, referrals, the collection period, and goals for more specific data in future years. Ms. Johnson advised that the materials will be circulated to ADR court program directors following the meeting. She thanked those who participated.

b. Website: Ms. Karlie Sahs

Ms. Sahs showcased the new Office website, currently in development, to the Commission. The website presents a cleaner look, more intuitive features, and a clearer delivery of information. The website was written and framed by Ms. Sahs, then developed by JC/AOC's Mr. Sterling Perry. Mr. Perry was presented in-person, then thanked for his hard work. The new website is projected to be in testing late May, then rolled out in June.

c. Insurance and Retirement Program Update

Ms. Johnson advised that MemberBenefits, the company currently offering the elective professional insurance and retirement member benefits, will be terminating the contract effective May 25, 2019. In the number of years available, no neutral has taken advantage of it. She recommended removing from the Office offerings to registered neutrals; attorneys may still obtain identical benefits through the State Bar of Georgia.

d. 2018 Registration Renewal Update:

There were 150 late renewals from January 1 – April 30. A total of 339 neutrals became inactive on May 1 (list sent to program directors), leaving the total number of active neutrals at 2554; this number has increased by 164 from exactly one (1) year ago. The neutrals were asked to complete an optional survey upon completion of registration, and those responses are currently being compiled and will be presented to the Liaison Committee for analysis and review. Demographic information for registered neutrals has also been collected and will be presented at the August Commission meeting.

e. 2018-20 Project List:

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

1. **Case Management System:** It is notable that the Office has identified a likely case management system for court ADR programs, which Ms. Johnson attributed largely to Ms. Valerie Lyle of the 9th District. Ms. Lyle is concurrently working with a program developer. The Office has met with the developer, and statewide implementation- projected for January 1, 2020 seems promising. The Office aims to provide a CMS system to interested programs, along with ongoing maintenance for certain period of time. This program will allow for the collection of better statewide data.
2. **ADR Conferences – Program Directors & Judges:** Ms. Johnson asked that Commission members complete a survey regarding attendance and needs for the upcoming 2019 ADR Program Directors’ Conference, to be held in September at the King & Prince Resort on St. Simons Island.
3. **Online Dispute Resolution:** Mr. Randy Weiland is in the process of implementing online dispute resolution in his district. The Office is planning to revisit conversations with Ms. Sharon Reiss, Executive Director for the Magistrate Judges Council regarding a statewide pilot project in magistrate courts.
4. **Registrar Training Component:** As part of the ongoing training renewal initiative, the Office will review training programs for the following categories this summer: arbitration, juvenile delinquency mediation, and juvenile dependency mediation.
5. **JV Court Mediation Expansion:** There is an upcoming Juvenile Court Forum on June 13 in Macon, intended for all who have or are interested in starting ADR programs in juvenile court. Mr. Jerry Bruce, State Court Improvement Director for the Committee on Justice for Children has provided funding through grant funds; he and Ms. Lynn Goldman are primary contributors in its programming. Ms. Johnson thanked them for their assistance. Commission members were encouraged to attend.
6. **Social Media:** Social media has expanded, with 65 followers on Twitter and 146 on LinkedIn. The Office also switched newsletter format, which has made the delivery of information more modern. Ms. Johnson thanked Ms. Sahs for her role.
7. **Model court program forms, Mediation Prep Kit, and Statewide Partnerships & Education:** The Access to Justice Committee contract attorney Ms. Tabitha Ponder has offered to assist the Office in creating mediation preparation videos and model forms. The program directors will be invited to assist. Ms. Johnson thanked her for her partnership. The Office plans to focus on growing other statewide partnerships in the coming fiscal year.

f. Upcoming Events:

1. ADR Juvenile Court Forum:
 - i. June 13 at Mercer Law School in Macon
 - ii. Judge Barwick to provide opening. Ms. Melissa Heard and Ms. Nicole Hull will be leading the Appendix B discussions.

2. CE Event in Atlanta:
 - i. June 18 at State Bar of Georgia Conference Center
 - ii. Partnership with the Fulton County ADR Program. Fulton County ADR Program neutrals will receive registration priority. Appreciation to Ms. Angela Taylor, interim director and Ms. Kim Brock, Director of Fulton County Superior Court's Family Division.
 - iii. Presenters: Mr. Bob Berlin, Esq. & Ms. Carolyn Raines, and Ms. Stacey Mitchener, Esq.

3. CE Event in Gainesville:
 - i. August 9 at Brenau University in Gainesville
 - ii. Partnership with the 9th District Court ADR Program. Appreciation to Ms. Valerie Lyle, program director.
 - iii. Presenters: Ms. Nicole Hull, Mr. Matt Milligan, Dr. Susan Raines.

4. 2019 ADR Program Directors' Conference:
 - i. September 9-11 at the King & Prince Resort, St. Simons Island

5. 2019 ADR Institute:
 - i. December 13 at the State Bar of Georgia Conference Center.
 - ii. In partnership with the State Bar's Dispute Resolution Section

VIII. Chairman's Report: Judge Barwick

a. Highlights

1. As her first meeting as the new chair, Judge Barwick conveyed her appreciation to past chair Judge Auslander and all Commission members for the amazing work being done by the group under his leadership.

2. She outlined that the number of registered neutrals has seen an 18% increase in the 3 years of Ms. Johnson's role as director.

3. The Commission and Office will work hard to show neutrals the benefits of their registration. She noted that the oversight and guidance provided by the Commission is a safety mechanism for the public. Further outreach is anticipated in the coming years.

4. Judge Barwick asked all guests present to share any updates and news.

IX. New Business

a. Meeting Materials Survey Results

1. Prior to the meeting, Commission members were asked to complete a survey regarding preference for receiving meeting materials. In response to the overall results, the Office will provide materials electronically only. Members who would like the Office to provide a printed copy were asked to advise in advance of future meetings.

X. Old Business

There was no old business to report.

XI. Upcoming Commission Dates: August 21, November 6

The next meeting is scheduled for August 21, at 2:00 p.m. in Room #1 at the State Bar of Georgia.

XII. Adjournment

Mr. Chadwick made motion to adjourn the meeting, seconded by Ms. Bair. The meeting concluded at 3:23 P.M.

[Minutes prepared by Karlie Sahs and Tracy Johnson]

[Minutes approved via email May 22, 2019]