



Georgia Commission on Dispute Resolution Meeting

Wednesday, August 21, 2019, 2-4 PM*

Executive Session 2:00 – 2:45 pm

Meeting will begin at 3:00 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. Executive Session (2:00 – 2:45 p.m.)
- III. Introductions
- IV. Meeting Minutes from May 8: Approved via email
- V. ADR Program Spotlight: Ninth Judicial District ADR Program – Ms. Valerie Lyle, Program Director
- 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. Raymond G. Chadwick, Jr., Esq.
- VII. Special Committee Report:
 - UMA Working Group: Ms. Mary Donovan, Esq.
 - DV Rules Implementation Committee: Judge Charles E. Auslander, III
- VIII. GODR Report: Ms. Tracy Johnson & Ms. Karlie Sahs
 - AOC cyberattack update: Mr. Jorge Basto
 - Strategic Projects update
 - 2019 Continuing Education Events
 - 2019 Renewal Registration
 - Upcoming Events
 - 2019 Program Directors' Conference: September 9-11
 - GCCA Fall Conference: September 22-25
 - State Court Judges' Council Fall Conference: October 16
 - 2019 ADR Institute: December 13
- IX. Chairman's Report: Judge Barwick
- X. New Business
 - Action Items: Training and Credential Committee
 - i. Removal of letter of recommendation requirement for registration in Specialized Domestic Violence category
 - 2020 GCDR Appointment(s)
 - GCDR Online Calendar
 - Court ADR Program Updates
- XI. Old Business
- XII. 2019 Commission Dates: November 6
- XIII. Adjournment

Next Meeting Date: November 6, 2019



Georgia Commission on Dispute Resolution Meeting Minutes Wednesday, August 21, 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; Raymond G. Chadwick, Jr., Esq.; Mary Donovan, Esq.; Timothy Hedeem, Ph.D.; Nicole W. Hull, Esq.; Judge M. Cindy Morris; Judge Renata D. Turner; and Randall (Randy) Weiland. Emily S. Bair, Esq.; Herbert H. (Hal) Gray, III, Esq.; and Melissa C. Heard, MSSW attended by phone.

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

JC/AOC staff members present were: Jorge Basto, CIO and IT Division Director; Alison Lerner, Esq., Staff Attorney; Sterling Perry, Project Manager, IT Division; and Jeffrey Thorpe, Research Analyst

Guests present were: Patti Anderson, Cobb County Superior Court ADR Program; Melissa Dobson, 9th Judicial Administrative District ADR Program; Valerie Lyle, 9th Judicial Administrative District ADR Program; Caitlin Lowther, DeKalb County ADR Program; Rob Parker, 9th Judicial Administrative District ADR Program; Kathleen Sterne, Clayton County ADR Program; Laura Lynn Swafford, Gwinnett County ADR Program; and Angela Taylor, Fulton County ADR Program. Linda Jezerinac, 7th District ADR Program; Charity Messer, 7th District ADR Program; and Liesl Owen, 6th District ADR Program observed by phone.

I. Meeting called to order

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

II. Executive Session (2:00 – 3:05 p.m.)

a. Budget & Personnel Committee Matters

III. Introductions

Members and guests introduced themselves.

IV. Minutes

The minutes of the May 8 Commission meeting were approved prior to the meeting via e-mail vote on May 22, 2019.

V. **ADR Program Spotlight: 9th Judicial Administrative District ADR Program – Ms. Valerie Lyle, Program Director**

Ms. Lyle presented an overview of her ADR program. Staff members Melissa Dobson and Rob Parker were also present. Judge Barwick and the Commission thanked the group and asked that other program directors to volunteer for presentations at future meetings.

VI. **Standing Committee Reports:**

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

June monthly budget documents were included with meeting materials. Ms. Tracy Johnson reported on behalf of Judge Fuller. The FY2019 closed out on June 30, and the Commission finished the year under budget. The recent AOC cyberattack delayed a current update of the FY2020 budget status; an up-to-date status will be provided at the November meeting. Ms. Johnson reported that the current budget is overall on track.

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

Judge Morris reported that three (3) complaints against a neutral were dismissed and seven (7) registration applicants were approved at the May 8 Ethics Committee meeting. Currently, there are no pending complaints against neutrals and programs. There are five (5) pending registration applicants to be considered at the Committee's next meeting, along with one pending appeal from a denial of an application for pre-certification. The next meeting date is forthcoming.

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

Ms. Heard reported that, since the last Commission meeting on May 8, the Committee has met twice: June 6 and August 2. The process of working on rules and the Appendix B update is ongoing. The undertaking was more complex than initially presumed, but the Committee is hoping to have the complete changes before the full Commission soon.

The Committee is also waiting for the new specialized domestic violence training curriculum update, which the DV Rules Implementation Committee is working to have completed.

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

Mr. Chadwick reported that the committee has received one inquiry as to the transparency of the "new" GODR website. Mr. Chadwick explained to the inquirer that the website is a temporary response to the AOC cyberattack recovery, and a new website will launch this fall.

Mr. Chadwick further reported:

1. The Office published a newsletter in June, which featured: four Commission members; information on continuing education; and statewide events, including two CE events and the ADR Institute in December. The next newsletter will be published in September/October.
2. The Office held two CE events- June 18 in Atlanta and August 9 in Gainesville. Overall, 226 attended the sessions. Further information was covered in the GODR report.

VII. Special Committee Report:

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

Ms. Donovan summarized that the Working Group took a tactical pause after concerns with changes that were proposed once the Uniform Mediation Act (UMA) reached the legislation office. The group reorganized, as planned, and have met with Mr. Jordan Reed regarding communication and the bill re-drafting. The group hopes to continue moving along key conversations before the legislative efforts begin in January 2020.

On July 30, the Judicial Council's Legislative Committee unanimously approved to move forward. The Committee advised that anyone may have discussion regarding the proposed bill. Ms. Johnson will represent the group at the full Judicial Council meeting on August 23, where no issues as to full Council approval are anticipated.

Ms. Donovan thanked the working group and Ms. Johnson, specifically, for her ability to organize the group. She advised that she will keep the Commission updated on developments.

b. Committee for DV Rules Implementation: Judge Auslander

Judge Auslander noted that the long process of creating and implementing DV rules is heading into the final phase. He thanked all dedicated members of the working group and Implementation Committee, then asked Ms. Johnson to relay the Committee report.

Ms. Johnson advised that the Committee will meet with DV and ADR stakeholders on August 29 to review new training curricula for the new specialized domestic violence training and staff screening training as well as the supplemental trainings for those mediators registered in domestic relations and specialized domestic violence. A training budget for 21 supplemental domestic relations, 18 supplemental specialized domestic violence, and six court ADR staff program trainings was approved during Executive Session. Trainings are to be held between January 1 and August 31, 2020, across all Georgia regions so that all registered neutrals in the respective categories will have plentiful access to the

required trainings prior to year 2020 registration renewal. Details are also being worked out within the Georgia Courts Registrar to ensure smooth integration. Additionally, all trainers will be able to utilize the new specialized domestic violence curriculum.

Ms. Johnson advised that the AOC cyberattack delayed deployment of the domestic violence online screening tool. The tool is expected to be completed between September and November.

The next Committee meeting is scheduled for October 30 in Atlanta.

VIII. Director's Report: Ms. Johnson

a. AOC Cyberattack Update: Mr. Jorge Basto

Ms. Johnson thanked the AOC and, specifically, the IT team for tending to the Commission/Office's immediate needs during the critical recovery time.

Mr. Basto provided an overview of the cyberattack, which happened on Friday, June 28 and was detected the next morning of Saturday, June 29. The AOC was able to utilize resources of, to name a few, the FBI and U.S. Department of Homeland Security. It has severed the impacted data center and is now rebuilding the network in the AWS cloud. This will allow the team to leverage the full suite of security features. At this time, they are focusing on security, segmentation (diversifying), and recovery. Mr. Basto credits the IT team for their dedication and the Georgia Judiciary for patience and compassion. AOC Director Cynthia Clanton has prioritized customer needs, and Mr. Sterling Perry, specifically, has worked to deliver.

Mr. Perry provided an update on the website debuted at the May 8 Commission meeting. Redevelopment will begin on August 23, with total development concluding by November. The upcoming online screening tool will be integrated with this project. AOC has hired additional staff to assist in meeting deadlines. In the meantime, a temporary website was launched by Mr. Perry to ensure that the public has access to certain priority resources. Ms. Johnson added that Ms. Sahs created a resource page (linked to the temporary website) that can be easily edited by the Office to add/remove materials. Mr. Perry thanked Ms. Sahs for her collaboration.

b. 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 thanked Ms. Lyle for connecting the Office with web developer David Hand. An initial budget was approved during Executive Session, allowing the Office to move forward with a contract. The system will be offered to all interested programs at no cost. Mr. Hand will discuss with program directors onsite at the upcoming Program Directors' Conference.
2. **Website Upgrades:** Ms. Sahs noted that the inquiry to the Liaison Committee regarding the temporary website propelled the need to provide clarity; an email blast was sent to neutrals explaining the cyberattack and website redevelopment. Ms. Sahs also briefly showcased the resource page and asked for suggestions of what materials should be added.
3. **ADR Conferences – Program Directors:** Ms. Sahs provided an update on the upcoming 2019 Program Directors' Conference on September 9-11 in St. Simons Island. In total, 38 Commission members, staff, and program directors will be in attendance. There were 5 scholarship recipients who will receive lodging only. To ensure all costs are covered, an increase in budget was approved during Executive Session.
4. **Online Dispute Resolution:** No updates to report.
5. **Registrar Training Component:** As part of the ongoing training renewal initiative, the Office will review training programs for the following categories: arbitration, juvenile delinquency mediation, and juvenile dependency mediation. The timeline for reviews have been pushed back to September/October.
6. **JV Court Mediation Expansion:** Judge Barwick reported on the Court Forum on June 13 in Macon during the Chairman's Report. Ms. Sahs noted that 14 court programs were represented at the forum.

Ms. Sahs reported that both Douglas and Paulding counties have expressed interest in starting ADR programs in the juvenile court; Ms. Lynn Goldman and Ms. Johnson attended a meeting in Douglas County, and Ms. Goldman attended a meeting in Paulding County.

Judge Renata D. Turner and Ms. Sahs attended a Community Conferencing training at The Mediation Center in Savannah on August 15-16. Judge Turner noted that the training was inspiring and could create positive change in juvenile court.

The Office was invited to collaborate on a juvenile court mediation presentation with Mr. Jerry Bruce, State Court Improvement Director for the Committee on Justice for Children and Ms. Goldman. The presentation will be given at the Child Welfare Law Specialist (CWLS)

conference on September 12 at Lake Lanier, with hopes of growing advocates for mediation in juvenile court.

7. **Social Media:** The Office is maintaining a social media presence, with no goals to expand formats at this time. There are 81 followers on Twitter and 167 on LinkedIn.
8. **Model court program forms, Mediation Prep Kit, and Statewide Partnerships & Education:** No updates to report.

c. 2019 Continuing Education Events

Ms. Sahs provided a review of the two (2) 2019 CE events. A cost analysis was included with meeting materials. Overall, the initiative concluded in under budget. A survey was given to attendees at each event; results have not yet been evaluated, but feedback was generally very positive.

1. Atlanta:
 - i. June 18 at State Bar of Georgia Conference Center
 - ii. Partnership with the Fulton County ADR Program. Thank you to Ms. Angela Taylor, interim director.
 - iii. Presenters: Mr. Bob Berlin, Esq. & Ms. Carolyn Raines, and Ms. Stacey Mitchener, Esq.
 - iv. A total of 70 registered neutrals were in attendance.
2. CE Event in Gainesville:
 - i. August 9 at Brenau University in Gainesville
 - ii. Partnership with the 9th District Court ADR Program. Appreciation to Judge C. Andrew Fuller for providing the welcome, Ms. Valerie Lyle, program director & her team, as well as Ken Frank & Breanu University for providing space accommodations.
 - iii. Presenters: Ms. Nicole Hull, Esq.; Maj. Matt Milligan, Esq.; and Dr. Susan Raines.
 - iv. Of two (2) sessions provided, 156 total registered neutrals attended

Ms. Taylor and Ms. Lyle noted that the neutrals on their respective roster provided positive feedback.

d. 2019 Registration Renewal:

There will be no delay in opening the regular registration renewal period due to the AOC cyberattack; registration will open on October 1 and end on December 31, as planned. The Office has received ongoing feedback regarding entering continuing education hours and will be in conversation with the developers regarding streamlining that application area. Information gathered will be brought forth to the Commission.

e. Upcoming Events:

1. Vietnamese Supreme Court Delegation Visit:
 - i. September 4 at the Justice Center of Atlanta
 - ii. All interested Commission members invited to attend
2. 2019 ADR Program Directors' Conference:
 - i. September 9-11 at the King & Prince Resort, St. Simons Island
3. Child Welfare Legal Specialist (CWLS) Conference:
 - i. September 12
 - ii. GODR invited to participate in collaborative presentation
4. GCCA Fall Conference:
 - i. September 22-25 at the De Soto Hotel, Savannah
5. State Court Judges' Council Fall Conference:
 - i. October 16 at the King & Prince Resort, St. Simons Island
 - ii. Ms. Johnson invited to give presentation on GODR/court ADR
6. 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. Though Ms. Edith Primm was not present for the meeting, Judge Barwick shared with the group that Ms. Primm is the recipient of the American Bar Association's inaugural Frank E.A. Sander Innovation in ADR Award. The award was presented to Ms. Primm in San Francisco at the annual ABA meeting.
2. Judge Barwick provided the welcome at the Juvenile Court Forum on June 13 in Macon. The all-day presentation, facilitated by Jerry Bruce, Lynn Goldman, and GCDR/GODR was an opportunity to discuss best practices for developing juvenile court programs. The event was well attended. Mr. Randall Weiland was in attendance and noted that it was a great opportunity for program directors to receive feedback and have any pending questions answered directly.

X. New Business

a. Action Items: Training and Credential Committee

1. Removal of letter of recommendation requirement for registration in Specialized Domestic Violence category
 - i. Ms. Heard outlined the current requirement that those seeking registration in the category of specialized domestic violence mediation must have a letter from a program/court attesting to their fitness to mediate such cases. She noted that it is difficult to obtain places hardship on programs to verify, justify, support, and execute a letter attesting to such for potential applicants. By removing the requirement, she believes, it would allow more neutrals to register with the Commission in the category.
 - ii. After brief discussion, Ms. Johnson noted that the conversation was initiated in the DV Rules Implementation Committee, who suggested it may encourage more neutrals to complete specialized domestic violence mediation training by removing a barrier to those who may not have access to a local court ADR program. It would also likely remove an administrative burden from court ADR program directors. Program directors present were asked to provide feedback; consensus was that the letter is undesirable and does not serve any real purpose, as they are already able to regulate court rosters.
 - iii. Judge M. Cindy Morris made a motion to immediately remove the requirement from the ADR rules. Ms. Nicole Hull, Esq. seconded the motion. All Commission members able to vote did so in favor of the removal.

b. 2020 GCDR Appointment(s)

1. Judge Barwick explained that some Commission members' terms have been extended due to project continuity. It is unknown if there will be a change in members for the year 2020, but she is open to receiving suggestions. Any potential candidate may be submitted by email.

c. GCDR Online Calendar

1. Commission members agreed that an online calendar of all Commission and Committee meetings and events would be helpful. Ms. Johnson will organize the calendar and send a link to Commission members.

d. Court ADR Program Updates

1. All guests present were asked to share any updates and news. Ms. Kathleen Sterne shared excitement in organizing an outing for the 2019 Program Directors' Conference and reminded all who are able to attend.
2. Laura Lynn Swafford will give the program spotlight in November, and Caitlin Lowther has volunteered for the following meeting.

XI. Old Business

There was no old business to report.

XII. Upcoming Commission Dates: November 6

The next meeting is scheduled for November 6, at 2:00 p.m. in Room #1 at the State Bar of Georgia. Year 2020 meeting dates will be circulated prior to the November meeting.

XIII. Adjournment

The meeting concluded at approximately 4:20 P.M.

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

[Minutes approved via email September 5, 2019]