



Georgia Commission on Dispute Resolution Meeting
Wednesday, February 3, 2021
2-4 PM

Zoom Meeting

<https://us02web.zoom.us/j/81721419281?pwd=b0hXanhaa3JPWkJ5MkVYQVFFdkNJQT09>

Meeting ID: 817 2141 9281

Passcode: 830048

AGENDA

- I. Call to Order: Judge Jane C. Barwick
- II. Swearing in of new Chairperson Judge M. Cindy Morris: Justice John J. Ellington
- III. Introductions
- IV. Meeting Minutes from November 4, 2020: Approved via email (*Doc #1*)
- 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
 - Outreach Committee: Mr. Hal Gray, Esq.
 - DV Rules Committee: Judge Charles E. Auslander, III
- VI. Special Committee Report:
 - UMA Working Group: Ms. Mary Donovan, Esq.
- VII. GODR Report: Ms. Tracy Johnson & Ms. Karlie Sahs
 - 2020 Registration Renewal
 - 2020 ADR Institute
 - Strategic Projects update (*Doc #2*)
 - Upcoming Events
 - GCCA spring conference: March
 - ABA Dispute Resolution conference: April
- VIII. New Business
 - Action Item:
 - i. Dougherty Judicial Circuit ADR Program Application (*Doc #3*)
 - Review Items:
 - i. Appendix B: Training and Qualifications of Neutrals (*Docs #4 & 5*)
 - ii. Training Program Guidelines (*Docs #6 & 7*)
 - iii. Appendix A: Uniform Rules for Dispute Resolution Programs (*Doc #8*)
 - iv. Model Court Mediation Rules (*Doc #9*)
- IX. Court ADR Program Updates
- X. Chairman's Report: Judge Barwick
- XI. *Passing of the Gavel*
- XII. 2021 Commission Dates: May 5, August 4, and November 3
- XIII. Adjournment

Next Meeting Date: May 5, 2021



Georgia Commission on Dispute Resolution Meeting

Minutes

Wednesday, February 3, 2021

Due to the public health crisis, this meeting was held virtually using Zoom; all members and guests participated by video and/or phone.

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

Justice John J. Ellington; Judge Charles E. Auslander, III; Emily S. Bair, Esq.; N. Staten Bitting, Jr., Esq.; Judge Clarence Cuthpert, Jr.; Mary Donovan, Esq.; Judge C. Andrew Fuller; Herbert H. (Hal) Gray, III, Esq; Melissa Heard, M.S.S.W.; Nicole W. Hull, Esq.; Judge M. Cindy Morris, Chair-Elect; Patrick T. O'Connor, Esq.; Judge Renata D. Turner; Randall Weiland; and Peggy McCoy Wilson.

Tracy B. Johnson, Executive Director and Karlie A. Sahs, Program Manager

JC/AOC staff members present were Cynthia Clanton, Director and Alison Lerner, Esq., Senior Staff Attorney

Guests present were: Patti Anderson, Cobb County Superior Court ADR Program; Rita Carroll, Carroll County ADR Program; Jerrell Bogan, Dougherty County Superior Court; Caroline Brackette, Mercer University; Jill Cheeks, The Mediation Center of the Coastal Empire; Tim Hendrick, Southern Judicial Circuit ADR Program; Ellen Lahtinen, Kennesaw State University; Tamara McGee, Southern Judicial Circuit ADR Program; Rob McNiff, University of Georgia School of Law; Charity Messer, 7th District ADR Program; Patricia Murphy, The Mediation Center of the Coastal Empire; Jody Overcash, 7th District ADR Program; Carlene Redmond, Cobb County Juvenile Court; Kathleen Sterne, Clayton County ADR Program; Shannon Watts, Southern Judicial Circuit ADR Program; and Rebecca Zimmerman, Registered Neutral & ADR Trainer.

I. Meeting called to order

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

II. Executive Session (12:30-1:45pm)

- a. Budget & Personnel Committee matters
- b. 27th Annual ADR Institute & Neutrals' Conference
- c. Training & Credentials Committee matters

III. Swearing in of new Chairperson Judge M. Cindy Morris: Justice John J. Ellington

Justice Ellington administered the oath to Judge Morris as the Commission's new Chairperson. Justice Ellington also thanked the Commission for the work that members have been doing during the pandemic. He remarked that, in order to keep cases moving toward settlement and find resolution, it is important that people continue to have confidence in our

judicial system; he thanked the Commission for accomplishing this task as a face of the judiciary.

IV. Introductions

Members and guests introduced themselves.

V. Minutes

The November 4 Commission meeting minutes were approved prior to the meeting via e-mail vote on November 25, 2020.

VI. Standing Committee Reports:

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

Judge Fuller advised that the operational and special project budgets are in line with mid-year targets; operational expenditures are at 48% of the budgeted amount, and special project expenditures are at 54%. No further budgetary issues were noted, and no personnel matters to report.

b. Ethics Committee: Judge M. Cindy Morris

Judge Morris reported that there is one (1) pending ethics complaint, which is currently in the process of being dismissed. Since the November 4 Commission meeting, no new complaints have been received.

There are currently nine (9) pending registration applicants who are undergoing investigation by staff for a criminal background issue or a history of professional discipline. These matters will be discussed at the Ethics Committee's next meeting. There are currently no pending appeals.

With Judge Morris sworn in as new GCDR Chairperson, Judge Renata Turner will take over as Chair of the Ethics Committee. Judge Barwick will also rejoin the Committee as a member.

The next Ethics Committee meeting is scheduled for February 22.

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

Ms. Heard shared that the Committee has completed work to revise Appendix B of the Supreme Court ADR Rules and the Training Program Guidelines. The Commission was briefed on updates during the Executive Session. There are currently no pending credentialing matters.

The Committee has not yet scheduled its next meeting.

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

Mr. Gray shared that he and Randall Weiland, fellow Committee member, have compiled a list of areas of Georgia (organized by district, judicial circuit, and county) which are

believed to be underserved by ADR. They have decided to first connect with district court administrators, beginning with Richard Denney, District Court Administrator for the 1st Judicial District, to gauge where they believe there is a need for an ADR program or expanded services. Then, they will target possible counties over the next six (6) months. Committee Members will then be tasked with reaching out to these counties/circuits to offer assistance in developing a program for their court(s).

The Committee has not yet scheduled its next meeting.

e. DV Rules Committee: Judge Charles E. Auslander, III

Judge Auslander asked Ms. Johnson to share updates on the Committee's recent work.

Ms. Johnson provided summary of the continuing work on the implementation of the new rules:

Implementation Plan Updates:

Online Screening Tool: A link to the Online Screening Tool has been added to the top menu bar on the GODR webpage (godr.org). Overall, the court ADR programs utilizing the tool have reported positive feedback.

Communication with Program Directors: A sample domestic violence screening packet was sent to court ADR program directors on January 14. This packet included a letter of explanation of screening for attorneys & parties, consent to mediate, and fillable screening forms for program use.

Communication with mediators: GODR has prepared an email to all mediators registered in Domestic Relations (DR) and Specialized Domestic Violence (SDV), which includes a screening process flow chart, fillable screening forms, a copy of the new DV Rules, and a link to the Online Screening Tool. These flow charts were vetted by the DV Rules Committee and will hope to serve as a helpful reference for guiding mediators through screening.

Supplemental Training Updates: Pre-approved training providers held additional DV Supplemental Training sessions in both November and December. GODR also made available an alternative, asynchronous program to those who missed a supplemental training due to extenuating circumstances.

ADR Staff Screening Training: GODR hosted the last two (2) of three (3) staff screening trainings on November 18 and December 8. A recording of the December 8 training will be made available for future program staff hires.

Registration and Training Approvals: The deadline for DR and SDV mediators to complete the supplemental training requirement was December 31, 2020. In all, 14 neutrals elected to remove their DR and/or SDV category. GODR also administratively removed the DR and/or SDV category for 51 Active and 43 Inactive neutrals that did not meet the requirement prior to the December 31 deadline.

GODR has received significant feedback from court ADR programs regarding the rollout of the new DV Rules since the January 1. As this has been a major undertaking by GODR for many years, all of the feedback will be discussed at the next DV Rules Committee meeting, scheduled for March 1. And, we will continue an open dialogue with the programs to address any and all concerns

VII. Special Committee Report:

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

Ms. Donovan advised that the UMA moved through the State Bar Advisory Committee on Legislation on December 1 and was brought before the State Bar Board of Governors on January 9, where it passed by vote. After several meetings with the Georgia Trial Lawyers Association to identify and resolve concerns, negotiated changes were incorporated into the draft of the UMA bill. The group is waiting for Senator John Kennedy, the bill's sponsor, to introduce the it to the Georgia legislature.

Ms. Donovan asked the Commission for continued support and thanked members and GODR staff for work on promoting the bill.

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

a. 2020 Registration Renewal

The annual neutral registration renewal period ended on December 31, 2020, but GODR extended a grace period until January 15, 2021. In total, 2,824 neutrals completed their registration renewal during the on-time renewal period. This number is significantly higher than prior years – 2,209 on January 15, 2020 and 2,099 on January 15, 2019.

On January 1, 2021, GODR archived 290 neutrals (those that had not renewed registration in 730 days). This number was 296 on January 1, 2020 and 239 on January 1, 2019.

The late renewal period ends on April 30, 2021. At that time, GODR will have the totals for on-time and late renewals, and they will be reported at the May 5 Commission meeting.

b. 2020 ADR Institute

The 2020 conference was pre-recorded and made digitally available beginning December 4, 2020. The material could be purchased as a package through December 31 and viewed at anytime prior to April 30, 2021. There was a total of 372 attendees- represented by purchasers and guests (Planning Committee and Commission members), as of January 1, which is the highest known attendance for this event on record. Overall, the feedback has been positive. Beginning January 15, sessions are now available for individual purchase and view through April 30, 2021. The session *Enacting the UMA in Georgia* has been made available on godr.org for free, aiming to: offer 1 hour of free CE for registered neutrals, promote the ADR Institute, and spread education about the Uniform Mediation Act.

Hal Gray was the recipient of the 2020 Chief Justice Harold G. Clarke Award in appreciation for his outstanding work in the field of dispute resolution. Mr. Gray was honored to have received the award and thanked the Commission and GODR staff.

Ms. Sahs thanked Sandy Bair, Hal Gray, Mary Donovan, and Rebecca Zimmerman for their presentations.

c. **Strategic Projects Update**

An updated copy of the Office project list (2021-2023) 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. **Neutral Registration System:** Currently, GODR utilizes the Georgia Courts Registrar to manage neutral registration. Ms. Johnson is working with Ben Luke, Chief Technology Officer for the Judicial Council/Administrative Office of the Courts, to identify a new solution for managing neutral registration in the future.
2. **Court Outreach: Expansion and Enhancement:** In addition to the work of the Outreach Committee, GODR was approached by the Tifton ADR Program and the Conasauga Juvenile Court ADR Program for assistance in developing mediation for juvenile cases. Ms. Johnson has also been working with Dougherty County to develop a new ADR program, which was reported at the meeting during New Business.

Ms. Sahs reported that work continues in developing a Community Conferencing pilot program for Fulton County Juvenile Court. The group working on development has met on November 6, December 3, and January 14. They plan to meet again on February 10, and Judge Turner has a Fulton Juvenile Court stakeholder meeting planned for February 22.

Ms. Johnson and Ms. Eleanor Crosby Lanier presented to Probate Court Judges at the COAG Conference on November 11. The presentation received very positive feedback, and GODR will continue to explore ways of promoting the use of ADR in Probate Court.

3. **Case Management System:** Ms. Johnson updated that the case management system “soft launch” was extended and is now in its final stages. GODR has been working with the five (5) test programs and the developer to identify and implement ongoing improvements.
4. **Online Dispute Resolution (includes virtual):** Ms. Johnson reported that this project has not yet started. The focus, in part, will begin with updating the Virtual ADR guides GODR created in response to the COVID-19 pandemic.
5. **Public Education/Resources:** Ms. Sahs reported that work on this project is expected to begin in August 2021.
6. **Expansion of Neutral Services:** Ms. Sahs shared that a significant amount of neutrals are registered in Domestic Relations Mediation and, thus, utilize the Child Support Calculator. As such, GODR is exploring a partnership with the Child Support Commission to host an annual training for registered neutrals.

In the coming months, GODR will begin to develop new member and applicant sample packets. Additionally, new services for neutrals is expected to be met by the Commission approving rollover CE hours – an item included in the new Appendix B revisions. If rollover CE hours are approved, the developer of the Georgia Courts Registrar will implement requisite system updates system free of charge.

7. **Court Program Support:** Ms. Johnson advised that this project is expected to start in June 2021.
8. **ADR Conference:** Earlier in the meeting, Ms. Sahs reported on the 27th Annual ADR Institute and 2020 Neutrals' Conference. In addition, Ms. Johnson shared, GODR is exploring options for continuing to co-host this event and resume an annual conference for court ADR programs.
9. **Statewide Partnerships & Education:** As Ms. Nicole Hull has been representing the Commission in work with the City of Atlanta Mayor's Office of Resilience as a member of the AgLanta's Grows-A-Lot program Advisory Committee, Ms. Sahs asked her to share any updates.

Ms. Hull explained that AgLanta has programs which turn food deserts into urban food forests, teaching different groups how to build sustainable urban agriculture practices. Further, conflict often arises when there are limited resources available; the Advisory Committee seeks to close a gap where a formal resolution process did not previously exist. The first draft of the information resolution process has been submitted to AgLanta's legal department. This process includes opportunities for disputants to participate in a mediation process with community members. Ms. Hull is offering a full General Civil Mediation training to at least five (5) people from within that community, who will then be able to operate by using those skills within their own culture, outside of the court and traditional legal practices. Volunteers mediators will be trained by the end of February. The Advisory Committee is also exploring an initiative to provide skills-based trainings to address deeper areas of conflict resolution.

Ms. Johnson pointed out that, while Ms. Hull is promoting the Commission through this work, she is providing the training for free as a pre-approved training program. She also shared her belief that this work is a great way to get the word out and let people outside of the legal field know that there is a better way to resolve disputes.

10. **Annual Report:** Ms. Johnson advised that this project is not yet in progress; GODR will be exploring options for 2022.
11. **DV Rules and UMA** were discussed earlier in the meeting.

d. Upcoming Events:

1. **Georgia Council of Court Administrators Spring 2021 Conference:** The virtual conference will be streamed live from Athens. Ms. Johnson will be both presenting and attending. Ms. Sahs will also attend.

2. **American Bar Association Dispute Resolution Section Annual Conference:**
The conference will now be virtual. Ms. Johnson & Ms. Sahs will attend.

IX. New Business

a. Action Item

Dougherty Judicial Circuit ADR Program Application: Mr. Jerrell Bogan, Law Clerk to Superior Court Chief Judge Willie E. Lockette, addressed the Commission on behalf of Chief Judge Lockette. Mr. Bogan thanked both the Commission and Ms. Johnson, for her assistance in developing rules for a new ADR program in Dougherty County. The program will begin with Superior and State Court cases, but it is the court's desire to extend services to Magistrate and Probate Court cases within the year.

The program application, including a copy of their rules, letter of support, and proposed budget, was including with the meeting materials. Judge Barwick called for a vote; Mr. Gray made a motion to approve the application as filed and Peggy McCoy Wilson seconded. The Commission voted unanimously in favor of approving the rules.

b. Review Items

- **Appendix B: Training and Qualifications of Neutrals**
- **Training Program Guidelines**
- **Appendix A: Uniform Rules for Dispute Resolution Programs**
- **Model Court Mediation Rules**

Documents were included with meeting materials. These items were also presented to the Commission and discussed more in-depth during the Executive Session. The timeline for rule revisions review and approval is as follows:

February 4 – Revisions sent to Program Directors and Trainers
February 4-19 – Stakeholder Review and Comment Period
February 19-March 3 – GODR to compile feedback and review for additional revisions
March 4 – GODR to submit final drafts to the Commission
March 4-19 – GCDR to review final drafts

A special meeting session will be scheduled for Commission Members to vote on the final versions of each document.

X. Court ADR Program Updates

Judge Barwick asked court ADR program staff present at the meeting to share any local updates.

Online Screening Tool: Mr. Weiland shared that, as a Court ADR Program Director, he has found the Online Screening Tool to be a very successful, helpful tool that has yielded a high rate of response from parties. Additionally, Ms. Rita Carroll included that the

email address field on the first page of the Online Screening Tool (the contact information page) has been helpful to her program's screening process.

XI. Chairman's Report: Judge Barwick

As it was her last time conducting a meeting as Chairperson, Judge Barwick thanked everyone in attendance and shared that it has been a great honor to serve in a leadership role for the Commission.

XII. Passing of the Gavel

The meeting concluded with a tribute to Judge Barwick in appreciation of her service as Chairperson to the Commission (from 2019 to 2021). Among those who gave remarks was Judge Barwick's predecessor and friend, Retired Judge Cynthia Wright and fellow Commission Member and friend, Ms. Sandy Bair.

XIII. 2021 Commission Dates: May 5, August 4, and November 3

The next meeting is scheduled for May 5, at 2 p.m.; location has not yet been determined.

XIV. Adjournment

The meeting concluded at approximately 3:42 p.m.

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

[Minutes approved via email February 19, 2021]



Judge Barwick Passes the Gavel to Judge Morris from their respective courtrooms, officially marking a change in leadership for the Georgia Commission on Dispute Resolution