



Georgia Commission on Dispute Resolution Meeting
Wednesday, May 5, 2021
2-4 PM

Join Zoom Meeting

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Meeting ID: 896 0261 4235

Passcode: 724686

AGENDA

- I. Call to Order: Judge M. Cindy Morris
- II. Introductions
- III. Meeting Minutes from February 3 and March 29: Approved via email
- IV. Standing Committee Reports:
 - Budget and Personnel Committee: Judge C. Andrew Fuller
 - Ethics Committee: Judge Renata Turner
 - Training and Credential Committee: Ms. Melissa C. Heard, MSSW
 - Outreach Committee: Mr. Hal Gray, Esq.
 - DV Rules Implementation Committee: Judge Charles E. Auslander, III
- V. Special Committee Report:
 - UMA Working Group: Ms. Mary Donovan, Esq.
- VI. GODR Report: Ms. Tracy Johnson & Ms. Karlie Sahs
 - 2020 Late Registration Renewal
 - 2021 ADR Institute
 - Rule Revisions update
 - Strategic Projects update
 - Upcoming Events
 - National Association of Court Management: July 11-15
- VII. Chairman's Report: Judge Morris
- VIII. New Business
 - Action Item:
 - i. *Revisions to Rules for Mediation In Cases Involving Issues of Domestic Violence*
- IX. Old Business
- X. 2021 Commission Dates: August 4, November 3
- XI. Adjournment

Next Meeting Date: August 4, 2021, TBD



Georgia Commission on Dispute Resolution Meeting Minutes Wednesday, May 5, 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 M. Cindy Morris called the meeting to order. In addition to Judge Morris, Commission members and Office staff present were:

Justice John J. Ellington; Emily S. Bair, Esq.; N. Staten Bitting, Jr., Esq.; Mary Donovan, Esq.; Herbert H. (Hal) Gray, III, Esq; Melissa Heard, M.S.S.W.; Patrick T. O'Connor, Esq.; Judge Renata D. Turner; and Peggy McCoy Wilson.

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

JC/AOC staff members present were Cynthia Clanton, Director, Alison Lerner, Esq., Senior Staff Attorney, and Jeffrey Thorpe, Judicial Caseload Data Manager.

Guests present were: T.J. BeMent, 10th Judicial Administrative District; Kim Brock, Fulton County Superior Court; Rita Carroll, Carroll County ADR Program; Shanna Boges Diamond, Dougherty County ADR Program; Linda Jezerinac, 7th District ADR Program; Caitlin Lowther, DeKalb County Dispute Resolution Center; Linda McClellan, 10th District ADR Program; Charity Messer, 7th District ADR Program; Lindsay Mobley, Coweta County ADR Program; Patricia Murphy, The Mediation Center of the Coastal Empire; Hilda Ortiz, Conasauga Circuit Superior Courts ADR Program; Jody Overcash, 7th District ADR Program; Hannah Palmer, Resolve to Solve, Inc.; Carlene Redmond, Cobb County Juvenile Court; Kathleen Sterne, Clayton County ADR Program; Laura Lynn Swafford, Gwinnett County ADR Program; Angela Taylor, Fulton County ADR Program; and Joshua Weeks, Whitfield County Juvenile Court.

I. Meeting called to order

Judge Morris called the meeting to order at 12:00 p.m. and went directly into executive session.

II. Executive Session (12:00-1:15pm)

- a. Budget & Personnel Committee matters

III. Introductions

Members and guests introduced themselves. Judge Morris introduced Hilda Ortiz, the new program director for the Conasauga Circuit ADR Program.

IV. Meeting Minutes

Minutes from the February 3 Commission meeting were approved prior to the meeting via e-mail vote on February 19, 2021. The March 29 special set Commission meeting minutes were approved prior to the meeting via e-mail vote on April 16, 2021.

V. Standing Committee Reports:

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

Tracy Johnson reported on behalf of Judge Fuller. Ms. Johnson advised that the Commission remains on target with the FY2021 budget and expenditures. Additionally, it was reported that budget and personnel matters were discussed during Executive Session, where the Commission approved the FY2022 budget as presented by the Committee.

b. Ethics Committee: Judge Renata D. Turner

Judge Turner reported that the Ethics Committee last met on April 26 and discussed an anonymous report received by GODR staff alleging that a registered neutral may have committed criminal in offenses in this country and another country. After an investigation by staff, the Committee determined that the allegations were unsubstantiated and voted to take no action regarding the anonymous report.

Currently, there is one (1) pending ethics complaint, which is in the preliminary review stage. No other ethics complaints have been received since the February 3 Commission meeting.

There is one (1) pending registration applicant who is undergoing investigation by staff for a criminal background issue or a history of professional discipline. This matter will be discussed at the Ethics Committee's next meeting. There are currently no pending appeals.

The next Ethics Committee will hold regular meetings every two (2) months; the next meeting is scheduled for June 21.

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

Ms. Heard shared that the updated Appendix B and Training Program Guidelines were approved by vote of the full Commission during a special set meeting on March 29. These changes are effective July 1, 2021.

Following the March 29 meeting, a roundtable discussion was held with trainers to outline changes, answer questions, and provide any further clarity/guidance for training and training program approval. The 3-year training program approval renewal cycle has been identified, as review of Domestic Relations and Specialized Domestic Violence Mediation training review was delayed due to rule changes; Specialized Domestic Violence Mediation training renewal will be conducted in August 2021, and Domestic Relations Mediation training renewal will be conducted in 2022. Approvals in both categories will be good through the following renewal in 2026. The extension was necessary to allow training providers additional time to update their training materials to adhere to the new Georgia standards. There are currently no pending credentialing matters.

Committee members noted that Ms. Heard's leadership through this endeavor was critical to its success.

The Committee has not yet scheduled its next meeting.

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

Mr. Gray shared that the Committee continues to work toward its goal of expanding the use of ADR among courts in Georgia. Committee members seek to raise the presence of the Committee's work by developing a plan to assess needs and approach local court administrators who may be interested in utilizing ADR. The Committee also seeks to assess needs of existing court ADR programs and will circulate a survey in June. Committee members will have an opportunity to discuss such needs with court ADR program directors at the next program directors' conference, which will be planned for Spring 2022.

The Committee's next meeting in June 18..

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

Ms. Johnson reported the Committee's recent work on behalf of Judge Auslander.

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

Implementation Plan Updates:

Online Screening Tool: A few updates have been made to the screening tool in response to feedback received from court ADR program directors.

Training: GODR has reached out to all court ADR program directors to offer assistance in hosting additional staff screening training. Ms. Johnson met with the Cobb County Superior Court ADR Program on April 22 to discuss their proposed protocol. Ms. Johnson is also in the process of reviewing their standing order for mediation, as requested by the program. All programs are encouraged to submit their updated rules/standing order for GODR review prior to the October 1, 2021 deadline.

DV Rules: Based on the significant feedback received from mediators and court ADR programs regarding implementation of the new rules (effective January 1), the Committee was presented with suggested revisions. These proposed changes included clarification to confidentiality in screening and updates to certain Tier I and Tier II screening questions.

Ms. Johnson provided an overview of all proposed updates to the DV rules and answered questions regarding effective date and impact on local rules.

Mr. Hal Gray III made a motion to adopt the rule changes, which Ms. Emily Bair provided a second. All remaining members voted in favor, with Ms. Primm voting by proxy

The Committee will plan to meet in September of 2021, unless a more immediate meeting is needed.

VI. Special Committee Report:

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

Ms. Donovan advised that the Georgia Uniform Mediation Act (GUMA) is meant to provide uniformity and clarity and, further, to define confidentiality and certain protections as it relates to private mediation in Georgia. Passage of GUMA would provide greater exposure of the work of the Commission and establish Georgia as a desirable, competitive venue for international mediation and arbitration.

The bill (SB 234) was introduced to the Georgia legislature during the 2021 legislative session; it passed the Georgia Senate with a vote of 49-2 and the Georgia House of Representatives with a vote of 159-6. Governor Brian P. Kemp is expected to sign the bill before the May 10 deadline.

Ms. Donovan remarked that the bill's sponsor, Senator John Kennedy (from Macon) was a great asset, as was the Commission and the Atlanta International Arbitration Society (Atlas). She thanked the Commission for their support and, specifically, to those that were able to yield influence with lawmakers. Commission members noted Ms. Donovan's key role in the bill's success. Judge Morris noted that recognition will be made at the August Commission meeting, after Governor Kemp signs the SB 234 into law.

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

a. 2020 Registration Renewal

Ms. Johnson shared that the late registration renewal period ended on April 30, 2021. As of May 4, 2021, there are a total of 2,935 neutrals in approved or pending approval status.

b. 2021 ADR Institute

Ms. Sahs reported that the ADR Institute Planning Committee met on April 28 and to begin planning the 2021 conference. This year, the Committee looks to move the event to November, prior to the beginning of the holiday season. Members also explored the conference format (live stream, live in-person, hybrid, etc.) and discussed possible topics. Due to passage of UMA, a follow up to the 2020 session is likely. Additionally, GODR will again contract services with Tangela Richmond (King) of Georgia Lawyer Continuing Legal Education for conference support.

c. Rule Revisions Update

Ms. Johnson provided an update regarding work on the Appendix A, Appendix B, and Training Program Guideline rule revisions. Following the Commission vote on March 29, GODR met with court ADR program directors on March 31 and pre-approved ADR

trainers on April 13. These meetings were aimed at outlining the changes, answering any questions, and providing any further needed clarification. Registered neutrals were also sent notice regarding updated to Appendix B and the new fee schedule, sent on May 3. All rules been made available on the GODR website (godr.org).

d. 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:** Ms. Johnson continues to work with Ben Luke, Chief Technology Officer for the Judicial Council/Administrative Office of the Courts, to identify a new solution for managing neutral registration.
2. **Court Outreach: Expansion and Enhancement:** In addition to the work of the Outreach Committee, Ms. Sahs reported that work continues in developing a Community Conferencing pilot program for Fulton County Juvenile Court. The working group has met on February 10, March 18, and April 20. A partner agency was identified to host the program – Atlanta Victim Assistance – and the project has been named Restorative Conferencing Atlanta. The working group will continue to work with Communities Transformation, LLC (the consultant in Baltimore).

A Probate Court Working Group has formed and is scheduled to have their first meeting on May 18. The group will discuss ways of expanding/promoting the use of ADR in Probate Court.

3. **Case Management System:** A “soft launch” of the case management system is still in its final stages, with a number of court ADR programs testing its functionality and one program currently using the system full-time. Two brief instructional videos were displayed, which the system developer walked through its functionality. GODR continues to liaison with the developer and court ADR programs.
4. **Expansion of Neutral Services:** A new partnership has developed with the Georgia Child Support Commission. As several registered neutrals utilize the GA Child Support Calculator, GODR has arranged for two mediator-only Child Support Guidelines and Calculator Trainings on June 9 and August 18. Registration will initially be open to mediators on a court roster first, then open to other registered neutrals as availability allows.
5. **Court Program Support:** As mentioned in the Outreach Committee report, a survey of needs will be sent to court ADR program directors in June.
6. **ADR Conference:** GODR is aiming to host the next program directors’ conference in Spring of 2022.
7. **Statewide Partnerships & Education:** Ms. Nicole Hull continues her work with the City of Atlanta Mayor’s Office of Resilience as a member of the AgLanta’s Grows-A-Lot program Advisory Committee. A full General Civil Mediation training was provided to five (5) people from within the AgLanta

community in February. The Advisory Committee is in the process of rescheduling a follow up training aimed at addressing the nuances of AgLanta and its community guidelines.

8. **DV Rules and UMA** were discussed earlier in the meeting.
9. **Online Dispute Resolution, Public Education/Resources, and Annual Report:** no updates.

e. Upcoming Events:

1. **National Association of Court Management Annual Conference:** The conference will be held on July 11-15, 2021; Ms. Sahs will attend.

VIII. Chairman’s Report: Judge Morris

Judge Morris recognized recent accomplishments of Commission members: Melissa Heard was appointed to the Brenau University Board of Trustees; Staten Bitting and Hal Gray were named as Best Lawyers in their field; and Patrick O’Connor is a “Lawyer of the Year” honoree for mediation.

Also announced was the retirement of Laura Lynn Swafford, program director for the Gwinnett County ADR Program. The Commission and guests extended their well-wishes to Ms. Swafford in her retirement.

IX. New Business

a. Action Item

Revisions to *Rules for Mediation in Cases Involving Issues of Domestic Violence (DV Rules)*: Changes were made to the DV Rules, as outlined during the DV Rules Committee report. The Commission voted unanimously in favor of approving updates to the rules with Ms. Primm voting by proxy

X. Old Business

There was no old business to report.

XI. 2021 Commission Dates: August 4 and November 3

The next meeting is scheduled for August 4, at 2 p.m.; location has not yet been determined, but the Commission hopes to meet in person.

XII. Adjournment

Emily S. Bair made motion to adjourn the meeting, and Justice Ellington seconded the motion. The meeting concluded at approximately 3:12 p.m.

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

[Minutes approved via email May 28, 2021]