



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

Guests are invited to attend virtually.

Reach out to gaodr@georgiacourts.gov for meeting login information.

AGENDA

- I. Call to Order: Judge M. Cindy Morris
- II. Recognition of Georgia Uniform Mediation Action (GUMA) Working Group
- III. Introductions
- IV. Meeting Minutes from May 5: Approved via email
- V. Standing Committee Reports:
 - Budget and Personnel Committee: Judge C. Andrew Fuller
 - Ethics Committee: Ms. Alison Lerner, Esq.
 - Training and Credential Committee: Ms. Melissa C. Heard, MSSW
 - Outreach Committee: Mr. Hal Gray, Esq.
 - DV Rules Implementation Committee: Judge Charles E. Auslander, III
- VI. Special Committee Report:
 - Ad Hoc Rules Committee: Ms. Mary Donovan, Esq.
- VII. GODR Report: Ms. Tracy Johnson & Ms. Karlie Sahs
 - 2021 ADR Institute: November 19
 - Strategic Projects update
 - Upcoming Events
 - Georgia Council of Court Administrators: September 12-15
 - Georgia Commission on Family Violence Annual Conference: November 8-10
- VIII. Chairman's Report: Judge Morris
- IX. New Business
 - Action Items: Court Program Rules
 - i. Renewal: Atlantic Judicial Circuit ADR Program
 - ii. Renewal: Coweta Judicial Circuit ADR Program
 - iii. New: Conasauga Judicial Circuit JV Court ADR Program
 - iv. New: Columbia Judicial Circuit ADR Program
- X. Old Business
- XI. 2021 Commission Date: November 3
- XII. Adjournment

Next Meeting Date: November 3, 2021, Location TBD



Georgia Commission on Dispute Resolution Meeting Minutes

Wednesday, August 4, 2021

Chair Judge M. Cindy Morris called the meeting to order. In addition to Judge Morris, Commission members and Office staff present were:

Charles E. Auslander III; Emily S. Bair, Esq.; Judge Jane C. Barwick; N. Staten Bitting, Esq.; Justice John J. Ellington; Judge Clarence Cuthbert Jr.; Mary Donovan, Esq.; Herbert H. (Hal) Gray III; Nicole W. Hull, Esq.; and Patrick T. O'Connor, Esq. Melissa Heard, MSSW; Judge Amanda Mercier; and Randall Weiland attended by video.

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

JC/AOC staff members present were: Alison Lerner, Esq., Senior Staff Attorney; Jeffrey Thorpe, Research Analyst; and Miriam Wentzel, Legal Intern.

Guests present were: Shelby Guilbert, Esq., McGuire Woods; Dr. Timothy K. Hedeem, Kennesaw State University; Stacey Hornsby, Esq., Office of the Attorney General; Savannah Matin, Incoming GODR Fellow; Stephen McKinney, Esq.; Rep. Robert Leverett, Esq., GA House of Representatives; Judge G. Jason Souther, Conasauga Judicial Circuit Juvenile Court; Joshua Weeks, Conasauga Judicial Circuit Juvenile Court.

The following guests observed by video: T.J. BeMent, 10th District; Shanna Boges Diamond, Esq., Dougherty County ADR Program; Simon Boehme, Tech Entrepreneur; Rita Carroll, Esq., Carroll County ADR Program; Abby Carter, Gwinnett County ADR Program; Linda Jezerinac, 7th District ADR Program; Ellen Lahtinen, Kennesaw State University; Valerie Lyle, 9th JAD ADR Program; Charity Messer, 7th District ADR Program; Lindsay Mobley, Coweta Judicial Circuit ADR Program; Liesl Owen, 6th JAD ADR Program; Kathleen Sterne, Esq., Clayton County ADR Program; Dr. Angela Taylor, Fulton County ADR Program; and Rebecca Zimmerman, Registered Mediator/Trainer.

I. Meeting called to order

Judge Morris called the meeting to order at 1:55 p.m.

II. Recognition of Georgia Uniform Mediation Act (GUMA) Working Group: Judge M. Cindy Morris

Judge Morris recognized members of the GUMA Working Group. Members of the group in attendance at the meeting were presented with a Resolution to acknowledge their hard work and dedication, which led to the bill's passage during the 2021

legislative session. Governor Brian P. Kemp signed the bill into law on May 24, 2021, and the changes became effective on July 1, 2021.

III. Introductions

Members and guests introduced themselves.

IV. Minutes

The minutes of the May 5 Commission meeting were approved prior to the meeting via e-mail vote on May 28, 2021.

V. Standing Committee Reports:

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

Budget documents were included in meeting materials. Ms. Tracy Johnson reported on behalf of Judge Fuller. Ms. Johnson reviewed the budget materials, noting that the FY21 year-end report reflected on-target expenditures at 98% of budget utilized. Additionally, GCDR continues to increase special projects spending out of the reserve funds, as planned. One month into FY22, the Commission is on target for similar results in this new fiscal year.

b. Ethics Committee: Ms. Alison Lerner, Esq.

Alison Lerner, Esq. gave the report on behalf of Chair Judge Renata Turner. There are two (2) pending ethics complaints. One complaint has been reviewed and is in the process of being dismissed, while the other is awaiting a formal response from the respondent. Currently, there are no pending registrations, renewals, or pre-certification applicants undergoing ethics review. Since the Commission's last meeting, six (6) applicants were administratively approved by staff pursuant to guidelines created by the Committee for this purpose. Additionally, there are no pending appeals at this time.

At its last meeting on June 28, 2021, the Committee began the process of reviewing the Ethics Procedures with an eye toward updating the background check and complaints procedures. The Committee's next regularly scheduled meeting is set for August 23.

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

Ms. Heard shared that the Committee does not have any updates since its last meeting. However, the group is currently preparing for a meeting on September 9, in which requests for applicant training reviews will be discussed. The group will also continue work with other Committees on the review of the rules, in which there may be crossover.

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

Mr. Gray advised that a needs survey was sent to program directors, and the Committee will review responses at its next meeting. The Committee will utilize this information to create an action plan to present to the Commission. One specific survey item of note was the need for judicial education (a recurring response). Additionally, programs would like to resume the ADR Program Directors' Conference, and Mr. Gray expressed a desire to have a greater presence of Commission members in attend.

Mr. Gray has also been in contact with Senior Judge Gibbs Flanders of the Dublin Judicial Circuit for assistance in gauging the feasibility of a new program for counties in the 8th Judicial Circuit not currently serviced by an ADR program; these conversations are evolving.

The Committee is next scheduled to meet on August 24.

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

Judge Auslander asked Ms. Johnson to give the report on behalf of the Committee. Ms. Johnson provided synopsis of the continuing implementation work:

The Online Screening Tool, developed by JC/AOC IT staff, has been tweaked concerning the contact information section; in response to feedback on user errors, the questions were rearranged to offer clarity. Very few glitches have been experienced with the tool, which were addressed and repaired immediately. Ms. Johnson again thanked Mr. Sterling Perry for his work on this tool, as he has recently left his role with the Judicial Council/Administrative Office of the Courts.

Changes to the DV Rules were approved at the GCDR meeting on May 5 and the updated version was subsequently disseminated to registered mediators via the Georgia Courts Registrar. Court ADR program directors and trainers received a direct email from GODR regarding the updates.

The next Committee meeting is scheduled for September 20.

VI. Special Committee Report:

a. Ad Hoc Rules Committee: Mary Donovan, Esq.

Ms. Donovan outlined that the Georgia Uniform Mediation Act Working Group has transitioned to an Ad Hoc Rules Committee, tasked with reviewing how the new law (GUMA) will align with the Supreme Court ADR Rules and Appendices. The Committee is currently comparing the two documents and deciding how to proceed. The group first met on June 30 and is scheduled to meet again on August 6.

Ms. Donovan acknowledged members of the GUMA Working Group as well as Commission Members, thanking everyone for their support.

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

a. 2021 ADR Institute: November 19

The annual ADR Institute is scheduled for November 19, 2021, to be presented virtually within a live, synchronous format. A recording of the program will also be made available to attendees through December 31. The Planning Committee met on July 20 to discuss topics and speakers, and staff continues to work on organizing an agenda.

Additionally, in an effort to formalize the nomination process for the Chief Justice Harold G. Clarke Award, the group has formed a sub-committee to create a nomination process, review received nominations, and select the 2021 award recipient. Members of the State Bar of Georgia Dispute Resolution Section as well as all registered neutrals will be asked to weigh in on candidates. An inaugural meeting of the sub-committee is currently being planned.

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. **Neutral Registration System:** Ms. Johnson updated that GODR continues to work with JC/AOC Chief Information Officer Ben Luke to identify a solution. JC/AOC has ownership of the Georgia Courts Registrar coding and will initiate transfer of operations from the current vendor to JC/AOC IT.
2. **Court Outreach- Expansion and Enhancement:** Ms. Johnson reported the GCDR is represented on the Judicial Council Standing Committee on Access to Justice, and the group has been working on an Eviction Diversion Program in response to the expiration of the eviction moratorium. Ms. Johnson and Ms. Sahs attended two White House webinars regarding federal support for such statewide initiatives, and Ms. Johnson has observed several court proceedings. Work is ongoing.

Ms. Sahs reported that GODR continues to work on the Fulton County Juvenile Court Community Conferencing Pilot Program – Restorative Conferencing Atlanta. The initial group of facilitators will be trained on August 29-30.

Ms. Johnson shared that the Probate Court Mediation Working Group met on May 18 to review the expanded use of mediation in probate matters. The Working Group will meet again on August 11.

3. **Case Management System:** Ms. Johnson conveyed that two (2) court ADR programs had adopted the new case management system, and the remaining six (6) programs were onboarded in June. The next step will be to assess other interested programs and assist those in adopting the system.
4. **DV Rules:** Ms. Johnson reminded the group that, in light of the creation of the DV Rules, all court ADR programs need to submit updated rules. GODR is reviewing court program rules for submission to the Commission, two (2) of which are on this meeting's agenda for vote.
5. **Expansion of Neutral Services:** Ms. Sahs noted that the Child Support Guidelines and Calculator training for registered neutrals, co-hosted by the Georgia Child Support Commission, was successfully held on June 9. There will be a more advanced lunch and learn follow up training in a Question & Answer format on August 18. Additionally, the marketing badge for registered neutrals is still in development and will be presented to the Outreach Committee at their upcoming meeting on August 24.
6. **Court Program Support:** Ms. Sahs shared that, while this project is expected to start in January 2022, the court ADR programs were surveyed for a needs assessment as part of an Outreach Committee initiative. The survey results, as well as GODR staff recommendations, will be discussed at the upcoming Outreach Committee meeting on August 24.
7. **ADR Conference:** Ms. Johnson reported that GODR will be begin planning for an upcoming ADR Program Directors' Conference, tentatively scheduled for Spring 2022.
8. **Statewide Partnerships:** Ms. Sahs explained to the group that GODR was approached by Clint Mueller of the Association of County Commissioners of Georgia, seeking information for members on mediation/arbitration regarding conflict over the Local Options Sales Tax (LOST) funds. Further, GODR plans to narrow down a list of neutrals qualified to handle such cases and provide this information to ACCG.

Ms. Nicole Hull shared an update on the work of the AgLanta Advisory Group in which a highly publicized conflict has encouraged local commissioners to create a conflict resolution model for all their property locations. Additionally, several events are planned for this Fall; further information will be shared with the group once it is received.

9. **UMA** was discussed earlier in the meeting. **Online Dispute Resolution (includes virtual), Public Education/Resources, and Annual Report:**
No updates to report.

c. Upcoming Events:

1. Georgia Council of Court Administrators Conference
 - i. September 12-15 at the King & Prince, St. Simons Island
 - a. Ms. Johnson and Ms. Sahs will attend in person
2. Georgia Commission on Family Violence Annual Conference
 - i. November 8-10, Jekyll Island
 - a. Ms. Johnson will attend in person and Ms. Sahs will attend virtually

VIII. Chairman's Report: Judge Morris

Judge Morris shared her appreciation for being able to safely hold the meeting in person, with COVID precautions in place, and extended hope that an in-person meeting will again be possible in November. Thanks was given to Justice Ellington and Supreme Court staff for hosting the GCDR meeting at the Nathan Deal Judicial Center. Thanks was also extended to JC/AOC staff for assisting with the meeting logistics. Additionally, related to COVID, she remarked on the importance of the role of mediation in clearing out court backlogs caused by the pandemic.

IX. New Business

a. Action Items: Court Program Rules

Ms. Johnson reiterated that all court ADR program rules need to be revised due to the creation of the Supreme Court ADR Rules, Appendix D: Rules for Mediation in Cases Involving Issues of Domestic Violence. All rules are first submitted to Ms. Johnson for review and feedback before presenting final rules to the Commission for approval. Additionally, two (2) new programs presented their rules for approval.

1. **Renewal: Atlantic Judicial Circuit ADR Program**
The revised rules for the Atlantic Judicial Circuit ADR Program were included in the meeting materials and presented to the Commission for approval. Mr. Gray made a motion to approve, which was seconded by Ms. Hull. All remaining Commission members present voted to approve.
2. **Renewal: Coweta Judicial Circuit ADR Program**
The revised rules for the Coweta Judicial Circuit ADR Program were included in the meeting materials and presented to the Commission for approval. Mr. Gray made a motion to approve,

which was seconded by Ms. Heard. All remaining Commission members present voted to approve.

3. New: Conasauga Judicial Circuit JV Court ADR Program

The new rules for a Conasauga Judicial Circuit Juvenile Court ADR Program were included in the meeting materials and were presented to the Commission by Judge G. Jason Souther for approval. Mr. Gray made a motion to approve, which was seconded by Judge Clarence Cuthpert Jr. All remaining Commission members present voted to approve.

4. New: Columbia Judicial Circuit ADR Program

The new rules for the Columbia Judicial Circuit ADR Program were included in the meeting materials and were presented to the Commission by T.J. BeMent for approval. Judge Jane C. Barwick made a motion to approve, which was seconded by N. Staten Bitting Jr., Esq. All remaining Commission members present voted to approve.

X. Old Business

Judge Morris recognized Dr. Timothy K. Hedeem for his service to the Commission on Dispute Resolution from years to years. Dr. Hedeem retired from the Commission in 2019 but was not present for the formal recognition ceremony at the November 6, 2019, GCDR meeting. Dr. Hedeem also played a key role in organizing the Georgia Uniform Mediation Act working group.

XI. Upcoming Commission Dates: November 3

The next meeting is scheduled for November 3, at 2:00 p.m. The location is to be determined.

XII. Adjournment

The meeting concluded at approximately 2:48 p.m.

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

[Minutes approved via email August 27, 2021]

GUMA Working Group Members (L-R): Shelby Guilbert, Esq.; Tracy B. Johnson; Mary Donovan, Esq.; Hon. Charles E. Auslander III; Dr. Timothy Hedeon; Hon. M. Cindy Morris; Stephen McKinney, Esq.; Christine Butcher Hayes; Rep. Rob Leverett; Hon. Jane C. Barwick; Stacey Hornsby, Esq.

Members not present include: Laura E. Ashby, Esq., Sen. John F. Kennedy, Russell N. Sewell, Jr., John A. Sherrill, R. Wayne Thorpe, Esq., and Douglas H. Yarn, Esq.

Photo courtesy of Bruce Shaw, JC/AOC



Dr. Timothy “Always a smile, never a tie” Hedeon dressed to impress.

Photo courtesy of Bruce Shaw,



*(L-R) Judge Clarence Cuthpert Jr.,
Tracy B. Johnson, and Dr. Timothy
K. Hedeem*

Photo courtesy of Bruce Shaw, JC/AOC



*(L-R) Judge Jane C. Barwick,
Judge Charles E. Auslander III, Dr.
Timothy K. Hedeem, Judge
Clarence Cuthpert Jr., and Patrick
T. O'Connor, Esq.*

Photo courtesy of Bruce Shaw, JC/AOC



*(L-R) Patrick T. O'Connor, Esq.
and Judge Clarence Cuthpert Jr.*

Photo courtesy of Bruce Shaw, JC/AOC

