



Georgia Commission on Dispute Resolution Meeting

Wednesday, November 3, 2021

2-4 PM

Guests are invited to attend virtually. Please email gaodr@georgiacourts.gov for meeting login information

AGENDA

- I. Call to Order: Judge M. Cindy Morris
- II. Introductions
- III. Meeting Minutes from August 24: Approved via email
- IV. Standing Committee Reports:
 - Budget and Personnel Committee: Judge C. Andrew Fuller
 - Ethics Committee: Hon. 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:
 - Ad Hoc Rules Committee: Ms. Mary Donovan, Esq.
- VI. 2020 Data Report: Mr. Jeffrey Thorpe
- VII. GODR Report: Ms. Tracy Johnson & Ms. Karlie Sahs
 - 2021 ADR Institute: November 19
 - Strategic Projects update
- VIII. New Business
 - Action Items: Court Program Rules Renewal
 - *Augusta Judicial Circuit*
 - *Carroll County*
 - *Clayton County*
 - *Dublin Judicial Circuit*
 - *Fulton County*
 - *Piedmont Judicial Circuit*
 - *Sixth Judicial District*
 - *Tenth Judicial District*
 - *Brunswick Judicial Circuit*
 - *Chattahoochee Judicial Circuit*
 - *Cordele Judicial Circuit*
 - *Eastern Judicial Circuit*
 - *Gwinnett County*
 - *Seventh Judicial District*
 - *Southern Judicial Circuit*
- IX. Old Business
- X. Chairman's Report: Judge Morris
- XI. Recognition of outgoing member Hon. Charles E. Auslander III, and JC/AOC staff Ms. Alison Lerner
- XII. 2022 Commission Dates: February 9, May 4, August 17, November 2
- XIII. Adjournment

Next Meeting Date: February 9, 2022



Georgia Commission on Dispute Resolution Meeting

Minutes

Wednesday, November 3, 2021

Due to the ongoing 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:

Charles E. Auslander III; Judge Jane C. Barwick; N. Staten Bitting Jr., Esq.; Judge Clarence Cuthbert Jr.; Judge C. Andrew Fuller; Melissa Heard, MSSW; Nicole W. Hull, Esq.; Patrick T. O'Connor, Esq.; Judge Renata D. Turner; Randall Weiland; and Peggy McCoy Wilson.

Tracy B. Johnson, Executive Director, and Savannah Matin, GODR Fellow, Office of Dispute Resolution

JC/AOC staff members present were: Carole Collier, Esq., Staff Attorney; Jessica Farah, Esq., General Counsel; Alison Lerner, Esq., Senior Staff Attorney; Ben Luke, Chief Technology Officer; and Jeffrey Thorpe, Research Analyst.

Guests present were: Amy Bryant, Esq., Cordele Judicial Circuit ADR Program; Rita Carroll, Esq., Carroll County ADR Program; Abby Carter, Gwinnett County ADR Program; Elizabeth Couey, Esq., Dublin Judicial Circuit ADR Program; Tim Hendrick, Southern Judicial Circuit ADR Program; Chief Judge Donald W. Gillis, Dublin Judicial Circuit; Linda Jezerinac, 7th District ADR Program; Katherine Larsen, Esq., Augusta Judicial Circuit ADR Program; Rebecca Lew, Cobb County ADR Program; Casey Martinez, Esq., Eastern Judicial Circuit ADR Program; Tamara McGee, Southern Judicial Circuit ADR Program; Charity Messer, 7th District ADR Program; Alisha Markle, Chatham County Juvenile Court; Linda McClellan, 10th District ADR Program; Lindsay Mobley, Coweta Judicial Circuit ADR Program; Trish Murphy, Esq., The Mediation Center; Liesl Owen, 6th JAD ADR Program; Charlatte Smith, Henry County Juvenile Court ADR Program; Kathleen Sterne, Esq., Clayton County ADR Program; Dr. Angela Taylor, Fulton County ADR Program; Judge James Tuten, Brunswick Judicial Circuit ADR Program; Lee Robbins, The Mediation Center; Shannon Watts, Southern Judicial Circuit ADR Program; Olivia Rudder Wilson, DeKalb County Juvenile Court ADR Program; and Rebecca Zimmerman, Esq., Registered Mediator/Trainer.

I. Meeting called to order

Judge Morris called the meeting to order at 2:05 p.m.

II. Roll Call of GCDR Members

Judge Morris asked Ms. Tracy Johnson to conduct a roll call of all GCDR members.

III. Minutes

The minutes of the August 4 Commission meeting were approved prior to the meeting via e-mail vote on August 27, 2021.

IV. Standing Committee Reports:

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

Judge Fuller advised that the budgets are sound and that the noted percentages for expenditures are on target. No further budgetary issues or personnel matters were noted.

b. Ethics Committee: Judge Renata Turner

Judge Turner reported that at their meeting on October 18th, the Committee considered two separate complaints. One was dismissed by the Committee, but the other resulted in discipline in the form of a private reprimand. This complaint also resulted in a vote by the Committee to issue an Ethics Opinion providing guidance and best practices on appropriate social media conduct. A draft opinion is in the process of being generated.

Judge Turner further noted that there no pending registrations, renewals, or pre-certification applicants undergoing ethics review at this time, as well as no pending appeals. Since the Commission's last meeting, six applicants were able to be administratively approved by staff. Judge Turner also shared that at their June 28th meeting, the Committee began the process of reviewing the Ethics Procedures with an eye toward updating the background check and complaints procedures. This work is ongoing.

The Committee is scheduled to meet next on December 13, 2021.

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. She has been attending other committee and working group meetings, so this group will continue work on the review of the ADR Rules and Appendices, in which there may be crossover.

d. Liaison Committee: Ms. Tracy Johnson

Ms. Johnson, on behalf of Committee Chair Hal Gray, advised that the Committee had completed its review of the program directors' needs survey and determined that the greatest need was for continuing education opportunities. As such, Outreach Committee members reviewed and approved a proposal for a three-hour training session by The Mediation Center in Savannah on the topic "Safety Precautions and Screening for General Civil Cases." The Committee will seek funding approval for four (4) CE events in 2022.

The next meeting date has not yet been set.

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 Committee last met on September 20, at which time they: reviewed preliminary Online Screening Tool metrics, were updated on Court Program Rule Revisions, and received feedback from Court ADR Programs.

All Court ADR Programs have either submitted updated rules or received an extension. Those programs rules not submitted in time for the November 4 Commission meeting will be included on the February 9, 2022, Commission meeting agenda.

Due to COVID-19, the scheduled DV Rules educational events for family law attorneys were canceled. At the Committee's request, Ms. Johnson reached out to the State Bar Family Law Section Chair Leigh Cummings, Esq., to inquire about opportunities to distribute information to section members, which would explain the new rules and provide guidance on their role in the process. Ms. Cummings was extremely receptive to the request and extended an invitation to Ms. Johnson to submit an article in the Winter Family Law Review and, further, to participate in a future lunch and learn seminar.

The next Committee meeting will be scheduled for March/April 2022.

V. Special Committee Report:

a. Ad Hoc Rules Committee: Ms. Tracy Johnson

Ms. Johnson, on behalf of Ms. Mary Donovan, shared that the Rules Committee has met four times since the last Commission Meeting: August 6, September 20, October 1, and October 25. The Committee has now reviewed all rules, appendices, and opinions and is in the process of drafting a summary of the proposed recommendations for revisions. Some of the recommendations will need review by the appropriate committees before submission to the full Commission for an initial review.

Ms. Johnson thanked Professor Doug Yarn for his unofficial leadership role in this project and acknowledged all members of the Rules Committee for their role in the revision process. A special appreciation for Ms. Alison Lerner for her contributions to the group's headway was also noted.

VI. 2020 Data Report: Mr. Jeffrey Thorpe

Mr. Thorpe shared the GODR 2020 Caseload Data report, in which he noted 29 programs had submitted data for the 2020 calendar year. In addition to the information shared in the report, Mr. Thorpe highlighted that, for civil cases, there were: 3,481 self-represented litigants; 576 with Limited English Proficiency; and 1,260 cases with known domestic violence. For criminal cases, there were 157 self-represented litigants and 17 with Limited English Proficiency.

Mr. Thorpe updated the Commission on the work of an expanded data collection plan proposal to be presented in early 2022.

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. Tangela Richmond with GLCLE is managing presentation materials and digital booklet, coordinating with presenters, handing the CLE process with State Bar, including seeking approval and reporting hours, and providing liaison service with technology company(ies).

The Institute has been approved for six (6) hours of CLE (including ethics, trial, and professionalism hours) and six (6) CE hours for neutrals, three (3) of which may rollover to 2022.

As of November 3, 2022, 226 tickets have been sold. There are four (4) ticket types:

- \$150 Registered Neutral (w/GODR) + GA CLE Hours: This ticket is for attorneys who are also a registered neutral with the Georgia Office of Dispute Resolution. Ticket price includes CLE fees.
- \$125 Registered Neutral (w/GODR): This ticket is for registered neutrals with the Georgia Office of Dispute Resolution (non-attorneys). Attorneys that are not seeking CLE hours may also purchase this ticket type.
- \$200 Non-Registered Neutrals + GA CLE Hours: This ticket is for attorney-neutrals who are not registered with the Georgia Office of Dispute Resolution. Ticket includes CLE fees.
- \$175 Non-Registered Neutrals (Non-attorney): This ticket is for non-attorney neutrals who are not registered with the Georgia Office of Dispute Resolution. Attorneys from out-of-state should also purchase this ticket type.

b. 2021 Neutral Registration Renewal:

The 2021 Registration Renewal period began October 1, 2021. The first reminder was sent on Monday, November 1, with five (5) additional reminders to be sent before the end of the year.

c. Training Application Renewal

Pursuant to the training application renewal schedule, the office is reviewing all General Civil Training, General Civil Practicum, and Specialized Domestic Violence Training applications. This review will be completed by the end of the calendar year.

d. Strategic Projects Update

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. **Neutral Registration System:** Ms. Johnson recognized Mr. Ben Luke, JC/AOC Chief Technology Officer and asked if he would brief the Commission on the Registrar updates. Mr. Luke shared that his team has spent the last several months fixing overdue systematic issues, and they are now in the starting phases of writing new code to add functionality to the existing Georgia Courts Registrar. He explained that they are using a test-driven development process, which means that all changes are first tested comprehensively in a test environment before being pushed to production. This process will make the system more stable and decrease time needed for future enhancement and modification. Their next steps are updating the operating system and enhancing functionality.
2. **Court Outreach- Expansion and Enhancement:** Ms. Johnson reported that GODR continues to work on the Fulton County Juvenile Court Community Conferencing Pilot Program – Restorative Conferencing Atlanta. RCA is hosted by Atlanta Victim Assistance. GODR met with Fulton County the JV Court Administrator on October 18 to discuss process and procedures. The Athens-Clarke County District Attorney also reached out with interest in the process, and a meeting was held on October 5. The role of GODR in this process is to provide to the Training and Credential Committee recommendations for training and qualification of facilitators as well drafting model procedures to share with other interested courts/entities.

Ms. Johnson shared that the Probate Court Mediation Working Group met on August 11 and is scheduled to meet for a third time on November 8. Ms. Ellie Lanier and Ms. Rebecca Zimmerman are working with a subcommittee of attorneys who specialize in probate matters. Ms. Savannah Matin is drafting a summary of best practices, based on her

nationwide research, which will help the group identify some practices or procedures that may be useful in Georgia.

3. **Case Management System:** Ms. Johnson conveyed that the total number of programs who have been onboarded and are either using the program or will use the program is ten (10). Gwinnett County ADR Program is being onboarded on Thursday, November 5, bringing the total programs to eleven (11). Ms. Johnson shared that the reporting feature is now live within the software and gave a brief demonstration. She will be convening a meeting with the programs within the next few weeks to discuss their reporting needs.
4. **Expansion of Neutral Services:** Ms. Johnson announced that there will be another Child Support Guidelines and Calculator training for registered neutrals, co-hosted by the Georgia Child Support Commission, on December 8. She noted that these trainings had been very successful and well-received by the neutrals.
5. **Court Program Support:** Ms. Johnson shared that, while this project is expected to start in January 2022, the office has regular meetings with the program directors in the form of Quarterly Check-Ins. The last one was held on October 7, and program directors are provided updates and sharing information. Program Directors are also encouraged to submit questions or topics for discussion prior to each check-in.
6. **ADR Conference:** Ms. Johnson reported that the ADR Program Directors' Conference is tentatively scheduled for Spring 2022, and GODR is narrowing in on date and location.
7. **DV Rules and UMA** was discussed earlier in the meeting. **Online Dispute Resolution (includes virtual), Public Education/Resources, Statewide Partnerships, and Annual Report:** No updates to report.

VIII. 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. The revised rules for the following programs were included in the meeting materials and presented to the Commission for approval. The program representative(s) in attendance are also noted below:

• <i>Augusta Judicial Circuit</i>	<i>Ms. Katherline Larsen, Staff Attorney</i>
• <i>Brunswick Judicial Circuit</i>	<i>Sr. Judge James Tuten, Program Director</i>
• <i>Carroll County</i>	<i>Ms. Rita Caroll, Esq., Program Director</i>
• <i>Chattahoochee Judicial Circuit</i>	<i>No representative present</i>
• <i>Clayton County</i>	<i>Ms. Kathleen Sterne, Esq., Program Director</i>
• <i>Cordele Judicial Circuit</i>	<i>Ms. Amy Bryant, Esq., Court Administrator & Program Director</i>
• <i>Dublin Judicial Circuit</i>	<i>Chief Judge Donald W. Gillis and Ms. Elizabeth Couey, Program Director</i>
• <i>Eastern Judicial Circuit</i>	<i>Ms. Casey Martinez, Deputy Court Administrator & Program Director</i>
• <i>Fulton County</i>	<i>Dr. Angela Taylor, Program Director</i>
• <i>Gwinnett County</i>	<i>Ms. Abby Carter, Program Director</i>
• <i>Piedmont Judicial Circuit</i>	<i>No representative present</i>
• <i>Seventh Judicial District</i>	<i>Ms. Chasity Messer and Ms. Linda Jezerinac, Program staff</i>
• <i>Sixth Judicial District</i>	<i>Ms. Liesl Owen, Program Director</i>
• <i>Southern Judicial Circuit</i>	<i>Mr. Tim Hendrick, Court Administrator & Program Director</i>
• <i>Tenth Judicial District</i>	<i>Ms. Linda McClellan, Program Director</i>

Judge Andrew C. Fuller made a motion to approve all the court programs' rules as presented to the Commission, which was seconded by Ms. Peggy Wilson. All remaining Commission members present voted to approve.

IX. Chairman's Report: Judge Morris

Judge Morris reflected on how quickly her first year as Chair has passed and expressed her admiration for the programs and trainers ability to adapt and persevere though the unique challenges of 2020 and 2021.

X. Old Business

There was no Old Business to report.

XI. Recognition of outgoing member Hon. Charles E. Auslander, and JC/AOC staff Ms. Alison Lerner

The Commission presented both Judge Auslander and Ms. Lerner with a token of appreciation for their service and dedication.

Judge Auslander has served on the Commission since 2006, and as Chair of the Commission from 2012-2019, and Chair of the Ethics Committee from 2010-2012.

Judge Morris commended Judge Auslander for his service and highlighted some of his more notable accomplishments, including his leadership of the Commission's strategic plan, review and updates of the previous Guidelines for Mediation in Cases Involving Issues of Domestic Violence, and the Georgia Uniform Mediation Act (GUMA). She went on to share some of his other accomplishments while serving as Chair of the Commission.

Ms. Lerner was recognized for her work with the Commission since 2018. She was instrumental in several projects including revisions to *Appendix B: Qualifications and Training of Neutrals*, Training Approval Guidelines, and *Appendix D: Rules for Mediation involving Issues of Domestic Violence*. Most recently, Ms. Lerner worked with the Rules Committee on the recommendations for ADR Rules revision necessitated by the passage of the GUMA.

XII. Upcoming Commission Dates for 2022: February 9, May 4, August 17, and November 2

The next meeting is scheduled for February 9, 2022, at 2:00 p.m. in Room #1 of the State Bar of Georgia.

XIII. Adjournment

The meeting concluded at approximately 3:05 p.m.

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

[Minutes approved via email November 30, 2021]



(L-R) Karlie A. Sabs; Hon. Charles E. Auslander III; Tracy B. Johnson at the Athens-Clarke County Courthouse