



Georgia Commission on Dispute Resolution Meeting

Wednesday, May 4, 2022, 2:00 – 4:00 p.m. via Zoom

**Please email gaodr@georgiacourts.gov by COB May 3 to receive the Zoom link.*

AGENDA

- I. Call to Order: Judge M. Cindy Morris
- II. Roll call
- III. Meeting Minutes from February 9: 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: Ms. Peggy Wilson
- V. Special Committee Report:
 - Ad Hoc Rules Committee: Ms. Mary Donovan, Esq.
- VI. GODR Report: Ms. Tracy Johnson & Ms. Karlie Sahs
 - Program Director Conference
 - 2022 ADR Institute Update
 - Strategic Projects update
 - Upcoming events:
 - AFCC Conference
 - NACM Conference
- VII. Chairman's Report: Judge Morris
- VIII. New Business
 - Action Items: Court Program Rules Renewal
 - Tift Judicial Circuit ADR Program – Ms. Melissa Hughes, Program Director
- IX. Old Business
- X. 2022 Commission Dates: August 17; November 2
- XI. Adjournment



Georgia Commission on Dispute Resolution Meeting Minutes Wednesday, May 4, 2022

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

The Hon. Rebecca Crumrine Rieder; Judge C. Andrew Fuller; Herbert H. (Hal) Gray III, Esq.; Melissa C. Heard, MSSW; Representative Rob Leverett; Judge Carrie B. Markham; and Peggy McCoy Wilson attended in person. N. Staten Bitting Jr., Esq.; Mary S. Donovan, Esq.; Edith B. Primm, Esq.; 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 Carole Collier, Esq., Staff Attorney and Jeffrey Thorpe, Judicial Caseload Data Manager.

The following guests observed by video: Rita Carroll, Esq., Carroll County ADR Program; Abby Carter, Gwinnett Judicial Circuit ADR Program; Lakesiya Cofield, Fulton County ADR Program; Melissa Coston, Columbia Judicial Circuit ADR Program; Shanna Diamond, Dougherty Judicial Circuit ADR Program; Melissa Dobson, 9th JAD ADR Program; Tim Hendrick, Southern Judicial Circuit ADR Program; Melissa Hughes, Tifton Judicial Circuit ADR Program; Rebecca Lew, Cobb Judicial Circuit Superior Court ADR Program; Caitlin Livingston (Lowther), DeKalb County Courts DRC; Charity Messer, 7th District ADR Program; Jody Overcash, 7th JAD ADR Program; Liesl Owen, 6th Judicial District ADR Program; Carlene Redmond, Cobb Judicial Circuit Juvenile ADR Program; Lee Robbins, The Mediation Center of the Coastal Empire; Olivia Rudder-Wilson, DeKalb County Juvenile Court Mediation Program; Kathleen Sterne, Esq., Clayton Judicial Circuit ADR Program; and Dr. Angela Taylor, Fulton County ADR Program.

I. Meeting called to order

Judge Morris called the meeting to order at 12:10 p.m. and went directly into Executive Session. The open meeting was called to order at 2:00 p.m.

II. Roll Call of GCDR Members

Judge Morris asked Ms. Karlie Sahs to conduct a roll call of all GCDR members and to acknowledge guests present.

III. Minutes

The minutes of the February 9 Commission meeting were approved prior to the meeting via e-mail vote on March 16, 2022.

IV. Standing Committee Reports:

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

Judge Fuller advised that the budget is sound, with the percentage of project expenditures on target with expectations. During Executive Session, an amendment was made to the FY2022 budget related to personnel, and a FY2023 budget was approved (effective July 1, 2022).

No further budgetary issues or personnel matters were noted.

b. Ethics Committee: Judge Renata Turner

Ms. Carole Collier reported on behalf of Judge Turner and shared that the Committee last met on February 14, 2022.

Since the February 4 Commission meeting, there have been three (3) complaints filed against mediators. The first complaint was administratively dismissed due to the failure of the Complainant to prosecute the complaint. An additional complaint was filed against a mediator who is not registered with GODR and has thus been administratively dismissed for lack of jurisdiction; clarification was given as to what qualifies as jurisdiction. The remaining complaint is currently pending a preliminary review by staff.

Ms. Collier further noted that of the three (3) pending registration applications under ethics review, two (2) have been approved and one (1) has been denied. There is one (1) pending appeal related to the complaint which was dismissed for lack of jurisdiction.

A draft of an ethics opinion related to social media conduct will be prepared for Committee review at the next meeting, which is scheduled for June 13, 2022. Additional Committee meetings are scheduled for August 15 and October 17.

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

Ms. Heard apologized for missing the recent Program Directors' Conference and shared Committee updates. Notably, Ms. Heard advised that Commission Member Nicole Hull has agreed to become the Training and Credential Committee Co-Chair.

The next meeting is scheduled for May 18, where the Committee will review a training waiver request and review the probate court working group

recommendations. Ms. Heard thanked Ms. Ellie Lanier and Judge Carrie Markham for their contributions to the working group.

The Committee also continues to monitor developments of the restorative conferencing pilot program in Fulton County Juvenile Court. Ms. Heard attended a facilitator training which will assist the committee in a future undertaking of a proposal to formulate rules and training for Community Conferencing. Restorative Conferencing Atlanta has successfully completed at least one (1) case and is working on additional referrals from the court. More information regarding this project was shared later in the meeting.

Future 2022 Committee meetings will be held August 19 and December 16.

d. Outreach Committee: Mr. Hal Gray

Mr. Gray shared that the Committee has partnered with The Mediation Center of the Coastal Empire to offer four (4) trainings in 2022 on the topic “Safety Precautions and Screening for General Civil Cases”, which are scheduled for March 18, May 20, July 22, and September 23. There were 108 attendees at the March 18 event, and 164 have registered for the May 20th event (to date).

At the ADR Program Directors’ Conference, five (5) Commission members participated in a “speed dating” session for program directors and staff to get to know Commission members as well as share relevant concerns. Commission members of the Outreach Committee will meet briefly on May 5 to discuss feedback received from that session. Mr. Gray thanked program directors for their valuable input.

Work also continues to explore tactics for expanding the use of ADR in areas within Georgia which are currently underserved.

The next regularly scheduled Committee meeting is on September 2, 2022.

e. DV Rules Committee: Peggy McCoy Wilson

Ms. Wilson reported that the DV Rules Committee last met on March 14. Based on feedback from the Family Law Section of the State Bar of Georgia, the Committee discussed proposed updates to the Online Screening Tool (OST). Following the meeting, GODR staff discussed concerns regarding confidentiality with Committee members Niki Lemeshka (Georgia Commission on Family Violence) and Judge Morris. It was decided that a question regarding attorney representation would be added to the OST, but there is more discussion needed on whether to ask parties their attorney’s name or if they want their attorney to receive a copy of the results; the matter will be revisited at the next Committee meeting.

Anonymous data from OST metrics continues to be monitored and shared with the Committee. It was noted that several programs are not using the tool, having recorded no surveys for given counties. An inquiry has been sent to these programs for information on their method(s) of screening cases for issues of domestic violence.

Following the requirement for court ADR program rule revision and submission, there are four (4) remaining programs with rules to be reviewed by the Commission – one of which is on the current GCDR meeting agenda.

Ms. Wilson advised that Ms. Raye Rawls of the Fanning Institute at the University of Georgia seeks GCDR support for an upcoming project for the creation of a virtual DV simulator. Ms. Rawls intends to submit a request to Ms. Johnson for formal Committee review.

Ms. Johnson presented on the DV Rules and screening to the Family Law Section of the State Bar of Georgia on February 25. Judge Morris and Ms. Johnson have also co-drafted an article to be included in their next section newsletter.

Ms. Wilson and Ms. Johnson will be reaching out to Ms. Lemeshka to set up a meeting with legal aid attorneys to talk through their concerns about the prohibition on mediating temporary protective orders. The group will report back to the Committee in October.

The next Committee meeting is scheduled for October 17.

V. Special Committee Report:

a. Ad Hoc Rules Committee: Ms. Mary Donovan

Ms. Mary Donovan shared that the Rules Committee has drafted a summary of proposed recommendations for revisions to the Supreme Court ADR Rules, which was presented to GCDR at the February 9 meeting. Following Commission feedback on the summary, the Committee met again to review the Rules regarding the issue of party capacity. The updated proposal was presented to the Commission during Executive Session, where members voted to adopt the Committee recommendations. Committees will now begin the work of reviewing Appendices of the Supreme Court ADR Rules and determining if any respective updates are needed.

Ms. Donovan thanked the Ad Hoc Rules Committee for their collaborative work as well as all Commission members for their support.

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

a. Program Directors' Conference

The 2022 Court ADR Program Directors' Conference was held in Savannah on April 25-27 at the Homewood Suites by Hilton Savannah Historic

District/Riverfront. In total, those present included: five (5) Commission members; four (4) staff members (including Ms. Collier and Mr. Jeffrey Thorpe); and 21 court ADR program staff. Feedback from all attendees was overall very positive.

Important programming for the conference included mediating probate court cases, with presentation assistance by Ms. Ellie Lanier, and an overview of a new data collection plan proposal, with discussion led by Mr. Thorpe.

Ms. Kathleen Sterne closed out the Program Directors' Conference report with a recap of the 2nd Annual "Mini Masters" Putt-Putt Tournament: Scott Livingston (husband of Caitlin Livingston) took home the cup, with Cynthia Tyner of Fulton County Juvenile Court (last year's champion) finishing in 2nd place.

b. 2022 ADR Institute Update

The 2022 ADR Institute will be held on November 18 at the Georgia Tech Hotel & Conference Center. This will be the first in-person conference in two years, with an option for virtual attendance. With the contract signed, a shift can be made toward programming. The ADR Institute Planning Committee will plan to convene in the weeks to come. Though this is a one-day conference, GODR has secured a special lodging rate for those that wish to stay onsite.

c. 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 advised that Mr. Ben Luke, JC/AOC Chief Technology Officer, and his team continue to work on an overhaul of the code for the current Georgia Courts Registrar system. GODR will continue to monitor its progress and explore development for a neutral registration system.
2. **Court Outreach – Expansion and Enhancement:** Ms. Sahs reported that cases referred from Fulton County Juvenile Court to Restorative Conferencing Atlanta (RCA) – the Community Conferencing Pilot Program – continues to slowly increase. To date, RCA has completed two (2) conferences with parties and is working on pre-conference preparations for a number of other cases. More information about RCA can be found at <https://www.restorativeconferencing.org/>. The working group continues to meet monthly, with former meetings held on February 10, March 10, and April 14, and future meetings scheduled for May 12 and June 9.

Ms. Johnson shared that Ms. Lanier and Ms. Johnson presented the Probate Court Working Group recommendations to court ADR

programs at the Program Directors' Conference in Savannah, which received positive feedback. The GCDR Committee on Training and Credentials will review recommendations at their meeting on March 18.

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 up to fourteen (14). Work on reporting functionality is ongoing.
4. **Expansion of Neutral Services:** Ms. Sahs re-stated that there will be a total of four (4) Child Support Guidelines and Calculator trainings for registered neutrals, co-hosted by the Georgia Child Support Commission, in 2022; a full training was held on April 13 with a second is scheduled for September 21, and two (2) Lunch and Learn Q&A sessions are scheduled for May 13 and October 28.
5. **Court Program Support:** Ms. Sahs shared that GODR is still in discussion with Ben Luke, JC/AOC, to develop a private forum for court ADR program directors. This matter was discussed during a roundtable session at the Program Directors' Conference in April, and the exploration of appropriate options is ongoing.
6. **DV Rules, UMA, and ADR Conference** were discussed earlier in the meeting. **Online Dispute Resolution (includes virtual), Public Education/Resources, Statewide Partnerships, and Annual Report:** No updates to report.

d. Upcoming Events

1. **Association of Family and Conciliation Courts Conference**
The conference will be held May 11-14 in Chicago; Ms. Johnson will attend.
2. **National Association for Court Management Conference**
The conference will be held July 10-14 in Milwaukee; both Ms. Johnson and Ms. Sahs will attend.

At the request of Georgia Council of Court Administrators president Joshua Weeks, Ms. Johnson shared that the council will celebrate its 25th Anniversary at their September conference on Jekyll Island, which will feature speakers Vince and Barbara Dooley as well as Presiding Justice Michael P. Boggs.

VII. Chairman's Report: Judge Morris

Judge Morris thanked the Commission members that were able to attend the Program Directors' Conference in Savannah with note that it is a meaningful time to meet and hear from program staff. In addition, Judge Morris congratulated Ms. Johnson on her

son's upcoming graduation from high school and recent degree commencement at the 94th Georgia State FFA (Future Farmers of America) Convention – of which he is a local chapter officer – on April 30 in Macon.

Judge Morris also requested a motion for Ms. Johnson and Ms. Sahs to capture a “cheesehead” photo at NACM in Milwaukee to be shared at the August GCDR meeting, to which no objection was made.

VIII. New Business

a. Action Items: Court Program Rules Renewal

Creation of the Supreme Court ADR Rules, Appendix D: Rules for Mediation in Cases Involving Issues of Domestic Violence prompted the need for all court ADR programs to revise and submit their rules for approval. Revised rules for the Tift Judicial Circuit ADR Program were included in the meeting materials and presented to the Commission for approval.

Rep. Rob Leverett made a motion to approve the rules as presented to the Commission, which was seconded by Ms. Wilson. All remaining Commission members present voted to approve; the Hon. Rebecca Crumrine Rieder had voting proxy for absent GCDR members Judge Jane C. Barwick and Patrick T. O'Connor

There are three (3) programs remaining which need to submit rules for approval.

IX. Old Business

There was no Old Business to report.

X. Upcoming Commission Dates for 2022: August 17 and November 2

The next meeting is scheduled for August 17, 2022, at 2:00 p.m. in Dalton (location TBD), and the November 2 meeting will be held at the State Bar of Georgia.

XI. Adjournment

The meeting concluded at approximately 2:36 p.m.

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

[Minutes approved via email May 27, 2022]