



Georgia Commission on Dispute Resolution Meeting

Wednesday, August 17, 2022

Whitfield County Courthouse, 205 N. Selvidge St., Dalton*

Jury Assembly Room

1:00 Welcome Reception

2:00 – 4:00 p.m. Meeting

AGENDA

- I. Welcome reception
- II. Call to Order: Judge M. Cindy Morris
- III. Roll call
- IV. Meeting Minutes from May 4: Approved via email
- V. 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
- VI. Special Committee Report:
 - Ad Hoc Rules Committee: Ms. Mary Donovan, Esq.
- VII. GODR Report: Ms. Tracy Johnson & Ms. Karlie Sahs
 - 2022 ADR Institute Update
 - Strategic Projects update
 - Upcoming events:
 - GODR Sponsored CE events:
 - Child Support Training (Sept. 21)
 - Safety Precautions & Screening in General Civil Cases (Sept. 23)
 - Child Support Lunch & Learn (Oct. 28)
 - Conferences:
 - Georgia Council of Court Administrators (Sept. 11-14)
 - Georgia Commission on Family Violence (Sept. 25-28)
- VIII. Chairman's Report: Judge Morris
- IX. New Business
 - Action Items: Court Program Rules Renewal
 - Houston and Macon Judicial Circuit ADR Program: Ms. Brenda Williams, Program Director
 - Southwestern Judicial Circuit ADR Program: Ms. Debra Gibson, Program Director
 - 6th District ADR Program: Ms. Liesl Owen, Program Director
- X. Old Business
- XI. 2022 Commission Dates: November 2
- XII. Adjournment

**Please email gaodr@georgiacourts.gov by COB August 16, 2022, for remote option link.*



Georgia Commission on Dispute Resolution Meeting

Minutes

Wednesday, August 17, 2022

Chair Judge M. Cindy Morris called the meeting to order at 2:00pm. In addition to Judge Morris, Commission members and Office staff present were:

Judge Clarence Cuthbert Jr.; Herbert H. (Hal) Gray III, Esq.; Judge Renata Turner; and Peggy McCoy Wilson attended in person. Mary S. Donovan, Esq.; Judge C. Andrew Fuller; Melissa C. Heard, MSSW; Representative Rob Leverett; Judge Carrie B. Markham; Patrick T. O'Connor; and Randall Weiland attended by video.

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

JC/AOC staff members present were Carole Collier, Esq., Staff Attorney, Stephanie Hines, Judicial Services Division Director, and Ben Luke, Chief Technology Officer, attended by video.

The following guests observed in person: Chief Judge William T. Boyett, Conasauga Circuit Superior Court; Brad Butler, Conasauga Circuit Superior Court; Valeria Molina, Whitfield County Board of Commissioners; Hilda Ortiz, Conasauga Circuit ADR Program; Jennifer Phillips, Conasauga Circuit Treatment and Accountability Courts; Mitch Talley, Whitfield County; and Joshua Weeks, Conasauga Circuit Juvenile Court. The following guests observed by video: Vanessa Billings, Atlantic Judicial Circuit ADR Program; Rita Carroll, Esq., Carroll County ADR Program; Abby Carter, Gwinnett Judicial Circuit ADR Program; Lakesiya Cofield, Fulton County ADR Program; Linda Jezerinac, 7th JAD ADR Program; ADR Program; Rebecca Lew, Cobb Judicial Circuit Superior Court ADR Program; Charity Messer, 7th District ADR Program; Lindsay Mobley, Coweta County 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; and Brenda Williams, Houston and Macon Judicial Circuit ADR Program.

I. Welcome Reception

A welcome reception was held in the Jury Assembly Room at 1:00 p.m.

II. Meeting called to order

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

III. 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.

IV. Minutes

The minutes of the May 4 Commission meeting were approved prior to the meeting via e-mail vote on May 27, 2022.

V. Standing Committee Reports:

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

Judge Fuller advised that fiscal year 2022 closed on June 30; the end of year budget report was included with the meeting materials, which shows that FY22 closed near-target for the operational budget. Judge Fuller further noted that the budget is sound, with the percentage of project expenditures on target with expectations.

A budget for FY23 was approved in May, and slight changes may be made to the operational budget based on any unforeseen changes to the GODR employee benefits package [released in November, effective January 1, 2023].

No further budgetary issues or personnel matters were noted.

b. Ethics Committee: Judge Renata Turner

Judge Renata Turner reported that four (4) additional complaints have been filed against four separate mediators since the last commission meeting. Three (3) of the complaints are in the preliminary review process and the remaining complaint will be reviewed at the next Ethics Committee meeting on August 22, 2022.

Since the last Committee meeting, one (1) pending complaint was administratively dismissed due to the failure of the Complainant to prosecute the complaint. Judge Turner further noted that so far in 2022, two (2) complaints have been administratively dismissed due to the failure of the complainant to prosecute the complaint; one (1) complaint was dismissed by virtue of the neutral not being registered with the GODR, and therefore, the GODR lacked jurisdiction over the matter; one (1) complaint is ready for the Ethics Committee's review; and three (3) additional complaints have been filed and are in the preliminary review process.

The social media ethics opinion has been completed and is pending review and approval of the Committee. Judge Turner also reported out that the Committee is working draft guidance on the recording of agreements in virtual mediation sessions. The Ethics Committee will review the draft at their next Committee meeting.

Judge Turner shared that the Committee last met on June 13, 2022, and two (2) applications pending ethics review were deliberated upon. One (1) application was denied due to a criminal case pending against the applicant. The applicant was invited to reapply and submit appropriate documentation upon the case being finalized. The second application was reviewed by the Ethics Committee on June 13th, and the Committee deemed it appropriate to seek additional information about the applicants resume and reasons for leaving their last place of employment. The Committee will review the additional information at the next Committee meeting to make a final determination about this application.

There are no pending appeals from decisions of the Ethics Committee at this time. No other ethics matters were noted.

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

Ms. Heard reported that the Committee last met on May 18, 2022, wherein members reviewed a request for a waiver of training requirements. The first waiver request sought to waive the juvenile training requirements to allow the mediator to mediate juvenile dependency and delinquency cases without taking the required training. The mediator requested this waiver on account of the mediator's professional experience in juvenile court. The Committee reviewed relevant documentation, including the applicant's resume, publications, and experience in the juvenile court, and ultimately decided to deny the request. The Committee impressed upon the applicant the importance of these training courses and the invaluable tools that these courses provide to mediators. The applicant had no experience as a mediator and the Committee felt that experience would assist the applicant in developing a skillset over time.

The Committee will review a second request to waive the renewal registration requirements after a neutral's registration has lapsed and they become inactive. This waiver request will be discussed at the upcoming Training and Credentials meeting on August 19, 2022.

Updates regarding Committee work on probate mediation and restorative conferencing were provided during the strategic projects update.

d. Outreach Committee: Mr. Hal Gray

Mr. Gray summarized the needs and concerns raised during the "Speed Dating" session at the Program Directors' Conference. Among the items discussed were requested assistance with training mediators in specific categories, but the mediators are unable to pay the training costs; administrative guidance on how to retrieve paperwork from mediators and best process for scheduling sessions; assistance with capturing the use of a dispute resolution in court-ordered cases when parties choose a private mediator or one not on their roster and those in

private cases (those without a court order to mediate); and more screening training for staff, specifically on Tier II questioning.

Mr. Gray noted that GODR is to follow-up with AOC IT on possible software and update the model rules with more specific scheduling procedures. In addition, he reported that it would be helpful for locations with accessible internet (i.e., libraries) be added to the virtual resource page and a possible field added to the registration application for neutrals to indicate whether they are willing to conduct virtual sessions.

The Committee will meet next on September 2, 2022.

e. DV Rules Committee: Ms. Peggy McCoy Wilson

Ms. Wilson reported that she, along with Judge Morris, Judge Auslander, Niki Lemeshka, and Tracy Johnson are meeting with attorneys from Atlanta Legal Aid along on September 7 to discuss mediation in Temporary Protective Orders. An attorney with Atlanta Legal Aid had reached out to Tracy about the prohibition of mediation in TPO's in the DV Rules. While they understand the importance of not mediating away safety provisions, they expressed a desire to mediate some issues in the TPO, such as visitation and child support. This committee will report back on the discussion at the November meeting.

The next Committee meeting is scheduled for October 17, 2022.

VI. Special Committee Report:

a. Ad Hoc Rules Committee: Ms. Mary Donovan

Ms. Mary Donovan shared that work continues on modifying the Supreme Court ADR Rules to better align with the Georgia Uniform Mediation Act. There is no other information to report at this time.

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

a. 2022 ADR Institute Update

Ms. Sahs presented the report on the ADR Institute. The 2022 ADR Institute will be held on November 18 at the Georgia Tech Hotel & Conference Center. Registration opened on August 1. Commission members will receive complimentary registration and were asked to send an email to the office if they wish to attend.

The conference has an early bird discount, which is available until the end of August; and the regular registration rate will be open from September 1st through November 14th.

Nominations for year's Harold G. Clarke award will open on August 18, 2022. A Committee has been formed and will review all nominations in October. The recipient of this year's award will be announced at the ADR Institute.

Ms. Sahs recognized the work of the IT team in launching the registration page and assisting with sponsorship, particularly AOC IT Director Mr. Ben Luke, Ms. Kristy King, and Ms. Kriste Pope.

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 asked Mr. Ben Luke to provide an update of the work done on the Georgia Court Registrar (GCR) System. Mr. Luke reported that the automated test suite has been completed, allowing for changes to GCR to be fully tested before they are pushed to production. This tool will significantly reduce the deployment time required to build and implement bug fixes and new features. Work on the software's front-ed (functionality and reporting) will begin in 2023.
2. **Court Outreach – Expansion and Enhancement:**
Ms. Sahs shared that GODR has conducted three (3) of the four (4) CE events for 2022 on the topic of “Safety Precautions and Screening for General Civil Cases”. These have been conducted by Mr. Lee Robbins with the Mediation Center in Savannah. The last event is scheduled for September 23; registration is currently open and will close on September 20. The program is a 3-hours and meets the annual continuing education requirement.

Restorative Conferencing Atlanta (RCA) held a facilitator training on May 6 and 7, and Fulton JV has been referring cases to RCA. Ms. Sahs noted the retirement of Ms. Cynthia Tyner, Fulton JV Court ADR Program Coordinator. GODR has been assisting the court in selecting Ms. Tyner's replacement and in restructuring their ADR program. As part of its restructuring, the program is also testing GODR's case management software to determine suitability of its use.

Ms. Johnson reported that work continues on a plan to expand mediation in the Probate Courts. Ms. Lanier and Ms. Johnson met with Trainers for a roundtable discussion on July 27, 2022, to discuss the working group's recommendations. Feedback from the trainer discussion will be used to update the proposed revisions currently being reviewed by the Committee on Training and Credentials.

3. **Case Management System:** Ms. Johnson conveyed that the total number of programs who have been onboarded is up to fifteen (15). Two (2) additional programs will be onboarded in September. GODR has been working on the new data collection plan with Mr. Jeffrey Thorpe; programs using the case management system will have integrated capability to export required data to GODR, while those programs not utilizing the case management system will need to collect and report required data externally.
4. **Public Education/Resources:** Ms. Sahs re-introduced Mr. Onaolapo Obilade, who is spending the Fall months as GODR's intern from Kennesaw State University's Master of Science in Conflict Management program. The expected start date for this project was pushed out from July 2022 to August 2022 to align with Mr. Obilade's internship. As part of this internship, work has recently begun to assess GODR's current resources and, subsequently, improve upon current and develop new resources to educate the public on ADR – both generally and specific to Georgia.
5. **Expansion of Neutral Services:** Ms. Sahs stated that the Office held a Child Support Guidelines and Calculator training for registered neutrals, co-hosted by the Georgia Child Support Commission, on April 13 and a Child Support Lunch and Learn on May 13. In 2022, the Office will hold one more full training on September 21 and a second lunch and learn on October 28.

In addition to work on public education/resources, Mr. Obilade will also assist GODR in strategizing the expansion of services for registered neutrals.
6. **Court Program Support:** Ms. Johnson reported that the Court Program Handbook Ad-Hoc Committee will hold its first meeting on September 16, 2022. The goal of this committee is to create a handbook for court ADR programs outlining requirements and providing guidance on rules and procedures. This handbook will be a “how-to” starting guide for courts in which ADR services are underutilized.
7. **DV Rules and UMA (via the Ad-Hoc Rules Committee)** were discussed earlier in the meeting. **Online Dispute Resolution (includes virtual), Statewide Partnerships, and Annual Report:** No updates to report.

c. Upcoming Events

1. **GODR-Sponsored Events**
 - i. **Child Support Calculator & Guidelines Training**
Held via Zoom meeting, September 21

- ii. **Safety Precautions & screening in General Civil Cases**
Held via virtual webinar, September 23
- iii. **Child Support Calculator/Guidelines Lunch and Learn Q&A**
Held via Zoom meeting, October 28

2. **Conferences**

- i. **Georgia Council of Court Administrators**
The conference will be held September 11-14 in Jekyll Island; both Ms. Johnson and Ms. Sahs will attend.
- ii. **Georgia Commission on Family Violence**
The conference will be held September 25-28; Ms. Johnson will attend.

VIII. Chairman's Report: Judge Morris

Judge Morris informed the Commission members that Judge Fuller will be recognized in November as he is retiring at the end of the year and will be rolling off the Commission. She expressed that the Commission is sad to see him go and wished him a happy and healthy retirement. Judge Morris also asked that is any other Commission member desired to roll off to please contact Ms. Johnson.

Judge Morris also mentioned a lunch meeting from August 16 in which Ms. Johnson, Ms. Sahs, Brad Butler, Court Administrator for the Conasauga Judicial Circuit; Mr. Josh Weeks, JV Court Administrator; Mr. Robert Sivick, County Administrator for Whitfield County; and Ms. Jackie Carlo, Human Resource Officer for Whitfield County discussed how to leverage ADR funds to benefit county employees by providing conflict resolution training.

Judge Morris concluded her report with pictures of the Hon. Rebecca Crumrine Rieder's beautiful new grandbaby, Olivia Rae, and "cheesehead" photos of Ms. Johnson, Ms. Sahs, and Mr. Joshua Weeks from the National Association for Court Management conference in Milwaukee (July 2022).

IX. 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. All rules have been reviewed the Office and evaluated to ensure they met with the standards as outlined by Appendix A: Uniform Rules for Dispute Resolution Programs. Revised rules for the Houston & Macon Judicial Circuit ADR Program: Southwestern Judicial Circuit

ADR Program were included in the meeting materials and presented to the Commission for approval. Also included in the materials and presented to the Commission were the revised rules for the 6th District ADR Program. Ms. Johnson noted that these rules were recently approved by the Commission and the proposed revisions were to allow for virtual mediations.

Hal Gray made a motion to approve the rules as presented to the Commission, which was seconded by Judge Cuthbert. All remaining Commission members present voted to approve.

X. Old Business

There was no Old Business to report.

XI. Upcoming Commission Dates for 2022: November 2

The next meeting is scheduled for November 2, 2022, at 2:00 p.m. at the State Bar of Georgia. The 2023 meeting dates will be shared at the November meeting.

XII. Adjournment

The meeting concluded at approximately 3:02 p.m.

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

[Minutes approved via email October 12, 2022]