

The Supreme Court of Ohio

MEMORANDUM

TO: Chief Justice Maureen O'Connor
Jeffrey Hagler, Administrative Director

CC: Magistrate Marcie Patzak-Vendetti, Vice-Chairperson, Commission on Dispute Resolution
Stephanie Elliott Hess, Deputy Administrative Director
Stephanie Graubner Nelson, Director of Court Services Division
Catherine Geyer, Manager of Dispute Resolution Section

FROM: Magistrate Richard Altman, Chairperson of the Commission on Dispute Resolution

DATE: January 21, 2020

RE: Commission on Dispute Resolution 2019 Annual Report

Pursuant to Sup.R. 16.09, Magistrate Richard “Dick” Altman, Henry County Court of Common Pleas, Chairperson of the Commission on Dispute Resolution (hereafter Commission), with assistance from Magistrate Marcie Patzak-Vendetti, Mahoning County Juvenile Court, Vice Chairperson, hereby submits the Commission on Dispute Resolution’s 2019 annual report. The Commission appreciates the work of Catherine Geyer and the staff of the Dispute Resolution Section, Court Services Division, and the Judicial College for their assistance.

Purpose of Commission on Dispute Resolution

The purpose of the Commission is to advise the Supreme Court and its staff on the promotion of statewide rules and uniform standards concerning the use of dispute resolution in Ohio courts; the development and delivery of dispute resolution education and professional development activities for judges, magistrates, court personnel, attorneys, and court-affiliated dispute resolution professionals; the development and delivery of dispute resolution services for disputes arising among state, county, and local public officials throughout Ohio; and the consideration of any other issues the Commission deems necessary to assist the Supreme Court and its staff regarding the development and delivery of dispute resolution programs and services.

2019 Activities and Accomplishments

The Commission met at the Thomas J. Moyer Ohio Judicial Center in January, April, and July. The Commission’s subcommittees also met via in-person meetings and conference calls throughout the year. The Commission’s activities and accomplishments include the following:

- *The Subcommittee for Government Conflict Resolution Services (GCRS):*
 - Provided recommendations regarding the use and growth of the dispute resolution program for disputes among public officials;
 - Sponsored the adoption of Sup.R. 16.40-16.43, effective January 19, 2019, governing the GCRS program and strengthen the administration of the program;
 - Prioritized strategic outreach and education to public officials throughout Ohio about GCRS;
 - Received 1,794 views on the Dispute Resolution Section GCRS web page 2017-2019; and

- Developed and presented education and resources to public officials, including the statewide meeting of the County Auditor’s Association of Ohio (CAAO).
- *The Subcommittee for Process and Procedure:*
 - Recommended amendments to Sup.R. 16 Mediation with the goal of ensuring quality programs and skilled mediators throughout the courts of Ohio. The proposed amendments were adopted by the Justices in September, 2019, with an effective date of January 1, 2020;
 - With the collaboration of members of the Advisory Committee on Domestic Violence, and following the successful 18-month pilot program to mediate certain types of civil stalking protection order (CSPO) cases, recommended the program be implemented on a statewide basis. Recommended statewide rules be published for public comment, and reviewed the public comments; and
 - Developed a Probate Court Dispute Resolution Rule of Superintendence focused on encouraging probate courts to use dispute resolution options, including eldercaring coordination, a national pilot dispute resolution program dedicated to the care and safety of elders. The rule, proposed as Sup.R. 79 was approved by the Justices, with an effective date of January 19, 2019.
- *The Subcommittee on Strategic Planning:*
 - Worked with the Dispute Resolution Section to plan the Court’s second statewide Dispute Resolution Conference to take place March 10, 2020 titled “*Civility and Solutions: Dispute Resolution for Today’s Courts*.”
 - Developed advanced trainings and roundtables for courts and court-connected dispute resolution professionals;
 - Recommended permanent adoption of mediation in qualified civil stalking protection orders;
 - Created educational videos on court-connected dispute resolution options to enhance access to justice for self-represented litigants;
 - Identified faculty to deliver training to court-connected dispute resolution professionals consistent with Sup.R. 16 Mediation, Sup.R. 90.05 Parenting Coordination, and Sup.R. 90.07 Continuing Education;
 - Received a second year of grant funding from the JAMS Foundation to continue development of a Web Application (an “app”) containing conflict resolution education for school-aged students at risk for becoming involved in the juvenile justice system; and
 - Supported three local courts in eldercaring coordination (“EC”), a national pilot program focusing on the care, needs, and safety of older adults. EC is the first dispute resolution program in the country for probate courts and is modeled after parenting coordination. Experts project an increase in probate court cases nationwide, as the elderly population grows. EC will provide the courts with an effective tool to deal with this increased caseload and create positive outcomes for the families.
- *The Subcommittee on Education, Training and Experience of Mediators:*
 - Worked with the Dispute Resolution Section and the Judicial College to implement three online modules for specialized divorce and family mediation training required by Sup. R.16 Mediation;
 - Developed and piloted new educational curriculum for divorce and family mediators, reducing the classroom days from five days to four or from 40 hours to 32 hours by implementing online learning to complement the classroom learning;
 - Worked with Dispute Resolution Section staff and the Ohio Channel to create mediation video vignettes to enhance access to justice by self-represented litigants. The educational videos will be available to local courts to demonstrate differences in settlement conferences, mediation, early neutral evaluation, and collaborative law, and eldercaring coordination; and
 - Worked with the Dispute Resolution Section and the Judicial College to develop online education for domestic abuse issues in mediation, including an online module to complement the classroom learning.

- *The Subcommittee on School Attendance:*
 - Supported the Dispute Resolution Section in developing a school attendance pilot program, including the development of a Web Application (an “app”) through grant funding from the JAMS Foundation administered by the Association for Conflict Resolution. Following a pilot program in Greene County in 2018, in year two the app is being piloted in Delaware and Erie Counties as part of a plan to expand for statewide use. The mobile web application was developed in partnership with, and will be maintained by, the Ohio Department of Education. Resolution Systems Institute in Chicago is providing evidenced-based research for the pilot project.

- *Dispute Resolution Training and Education:*

In conjunction with the Dispute Resolution Section, we:

 - Conducted 28 dispute resolution training events for court professionals over 62 days, with 443 attendees, about half of whom were attorneys;
 - Hosted six roundtables for parenting coordinators;
 - Hosted two roundtables for general and family mediators, 36 attended in the spring and 28 attended in the fall;
 - Hosted one roundtable for appellate mediators with representation from ten appellate districts;
 - Planned the second statewide Dispute Resolution Conference with national plenary speaker Kenneth Feinberg, 36 in-depth breakout sessions including state and national speakers;
 - Hosted online learning for the Fundamentals of Mediation online education in OhioCourtEDU where 221 individuals completed the course;
 - Launched three online education modules for divorce and family mediators; and
 - Began development of Domestic Abuse Issues in Mediation online education.

The Commission will meet four times in 2020: January 24, April 3, July 17, and November 20.