

The Supreme Court of Ohio

MEMORANDUM

TO: Chief Justice Maureen O'Connor

CC: Stephanie Hess, Interim Administrative Director
Stephanie Nelson, Director, Court Services Division

FROM: Judge Robert Fragale, Marion County Family Court, Chairperson,
Commission on Dispute Resolution
Lenny Eliason, Athens County Commissioner, Vice-Chairperson,
Commission on Dispute Resolution
Marya Kolman, Manager, Dispute Resolution Section

DATE: January 31, 2022

SUBJECT: 2021 Annual Report of the Dispute Resolution Commission

Pursuant to Sup.R. 16.09, Judge Robert Fragale, Chairperson of the Commission on Dispute Resolution (hereafter Commission,) and Lenny Eliason, Vice-Chairperson of the Commission, submit the Commission's 2021 Annual report. The Commission thanks the staff of the Dispute Resolution Section, Court Services Division, and the Judicial College for their assistance.

Purpose of the Commission on Dispute Resolution

As provided in Sup.R. 16.01, the Commission advises the Supreme Court and its staff on the following:

- 1) Promotion of statewide rules and uniform standards concerning the use of dispute resolution in Ohio courts;
- 2) The development and delivery of dispute resolution education and professional development activities for judges, magistrates, court personnel, attorneys, and court-affiliated dispute resolution professionals;
- 3) The development and delivery of dispute resolution services for disputes arising among state, county, and local public officials throughout Ohio;
- 4) 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.

2021 Activities and Accomplishments

The full Commission met by video-conference in January, April and November 2021. The subcommittees also met by video-conference and telephone throughout the year. The Commission worked with the Dispute Resolution Section as follows:

Dispute Resolution Training and Education Subcommittee

- Created 18 podcasts to preserve the content of the cancelled 2020 Dispute Resolution Symposium. These podcasts are available to courts, mediators and the public on the Court's YouTube channel.
- Completed five (5) online modules on child protection mediation for a total of 3.25 hours of online learning that are available in OhioCourtEDU. These modules are pre-requisites for participants in the child protection mediation training and are also stand-alone online trainings for court personnel, mediators and attorneys. Ninety (90) people completed at least one of these online modules in 2021.
- Continued to make available the online learning in OhioCourtEDU for the Fundamentals of Mediation, Family and Divorce Mediation and Domestic Abuse Issues courses. These online modules are available to court personnel as well as to training participants. At least one of these online modules in 2021 was completed by 1,556 individuals.
- In conjunction with the Ohio State Bar Association, hosted Foreclosure and Evictions Mediation Training and Settlement Events for mediators to help courts address backlogs. Provided materials and role play practice opportunities to mediators to help prepare them to mediate eviction and foreclosure cases. There were 419 participants in the foreclosure mediation training and 459 participants in the eviction mediation training. Dispute Resolution Section staff held 54 virtual role play sessions, and 209 mediators completed the role play component of the training.

Government Conflict Resolution Services (GCRS) Subcommittee

- Mediated five (5) Government Conflict Resolution Services (GCRS) cases and responded to nine (9) inquiries about the program. GCRS is a confidential dispute resolution program designed to assist local, county and state public officials resolve and prevent conflicts on a wide variety of topics using mediation, facilitation, and neutral evaluation.
- Updated the roster of GCRS dispute resolution mediators, facilitators and neutral evaluators.

Process and Procedure Subcommittee

- Completed the proposed neutral evaluation rules that have been published for public comment. The Commission established a work group composed of judges, magistrates, and lawyers to examine an evaluative form of dispute resolution known as neutral evaluation. Neutral evaluation is a process in which the parties present their claims or defenses and describe the evidence upon which their claims or defenses are based to a neutral third-party who has expertise in the subject matter of the dispute. Following the presentation, the neutral evaluator shares impressions with the parties and their counsel about the strengths and weaknesses of the case. The work group researched neutral evaluation processes in Ohio and other states and

developed proposed rules of superintendence 16.50-16.55 to provide courts with a flexible and consistent structure in which to develop neutral evaluation programs.

- Completed the proposed modifications to the parenting coordination rules that have been published for public comment. The Commission established a work group to review and update parenting coordination rules. Parenting Coordination is a process to resolve disputes among parents who struggle to adhere to judicial parenting decrees to help them communicate more effectively with one another or to resolve disagreements relating to their children. The goal of the revisions was to make the rules align with the format of Sup. R. 16, to provide consistent and high-quality programs throughout the state and to provide courts with a flexible structure to use parenting coordination as best fits their needs.

Strategic Planning Subcommittee

- Worked with the Dispute Resolution Section to continue developing and implementing a statewide pilot program for Online Dispute Resolution (ODR) for foreclosure, evictions, small claims and family cases under a grant from the State Justice Institute. ODR is an online, court-monitored messaging system in which parties can communicate with each other, with or without the assistance of a mediator, and discuss possible resolutions of their case. ODR goals include increasing access to justice for self-represented parties, decreasing the number of in-person court hearings and mediations and decreasing the time to resolve cases. Eighteen courts are participating the pilot project, Akron Municipal, Ashland County Common Pleas, Ashland County Domestic Relations, Champaign County Family Court, Cleveland Housing, Darke County Municipal, Cuyahoga County Domestic Relations, Delaware County Domestic Relations, Franklin County Common Pleas, Franklin County Municipal, Garfield Heights Municipal, Hamilton County Domestic Relations, Hamilton County Municipal, Portage County Common Pleas, Summit County Domestic Relations, Tuscarawas County Domestic Relations, Van Wert Municipal, Warren County Common Pleas, and Youngstown Municipal.
- Reviewed the results of two surveys, the June 2020 dispute resolution services survey, and the November 2020 iCOURT survey about court's responses to the pandemic and their use of remote technology.

Education, Training and Experience of Mediators Subcommittee

- Conducted 17 virtual dispute resolution training events for mediators, court personnel and attorneys over 38 days for 292 attendees.
- Continued updating the manual and skills-based training portion of the Domestic Abuse Issues Training for Mediators incorporating the learnings from the first pilot of the revised program.
- Completed the Child Protection Mediation Toolkit which is a planning guide to help courts develop or improve their child protection mediation programs. The toolkit was presented at the Juvenile Judges seminar in March 2021 and distributed to juvenile courts.
- Presented civil stalking protection order mediation proposed rules and forms that were approved by the Court and incorporated into Sup.R. 16.30 – 16.32. This was the culmination of a multi-year project, including pilot sites, to develop appropriate mediation for certain types of civil stalking protection order cases.

- Developed advanced trainings and roundtables for courts and court-connected dispute resolution professionals.
- Identified faculty to deliver training to court-connected dispute resolution professionals consistent with Sup.R.16.23.

School Attendance Subcommittee

- Completed the second year of grant funding from the JAMS Foundation to continue development of a web application containing conflict resolution education for school-aged students at risk for becoming involved in the juvenile justice system.
- Began development of a toolkit for courts and school districts to help prevent school attendance issues from occurring and subsequently resulting in truancy filings.
- Discussed techniques and resources to help improve school attendance.

Thank you for your support and the continued opportunity to enhance dispute resolution in Ohio. We welcome your feedback and suggestions on the Commission's work.