

The Supreme Court of Ohio

MEMORANDUM

To: Chief Justice Sharon Kennedy

CC: Robert W. Horner III, Administrative Director
Stephanie Nelson, Director, Court Services Division

From: Judge Joyce Kimbler, Medina County Court of Common Pleas General
Division, Chairperson Commission on Dispute Resolution
Magistrate Penny Gates, Clermont County Court of Common Pleas,
Domestic Relations Division, Vice-Chairperson Commission on Dispute
Resolution
Marya Kolman, Manager Dispute Resolution Section

Date: December 31, 2023

Subject: 2023 Annual Report of the Commission on Dispute Resolution

Pursuant to Sup.R. 16.09, Judge Joyce Kimbler, Medina County Court of Common Pleas, General Division, Chairperson of the Commission on Dispute Resolution (hereafter Commission,) and Magistrate Penny Gates, Clermont County Court of Common Pleas, Domestic Relations Division, Vice-Chairperson of the Commission, submit the Commission on Dispute Resolution's 2023 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.

As provided in Sup.R. 16.01(B), the Commission on Dispute Resolution operates the Government Conflict Resolution Services program pursuant to Sup.R. 16.40-16.43.

2023 Activities and Accomplishments

The full Commission met by videoconference on March 30, 2023, June 29, 2023, and December 12, 2023. Commission subcommittees and workgroups also met by videoconference and telephone throughout the year. The Commission worked with the Dispute Resolution Section as follows during 2023:

Dispute Resolution Education and Training Subcommittee

William Froehlich, chair

- The Commission approved the updated Fundamentals of Mediation training standards and course agenda which had been recommended by a workgroup of experienced dispute resolution educators. The previous update to the Fundamentals of Mediation course was done in 2017, which was prior to the 2020 updates to Rule 16 of the Ohio Rules of Superintendence and before the widespread use of virtual mediation. The new training agenda was used in the April, July, September, and October 2023 Fundamentals of Mediation trainings. The program received many compliments from the participants.
- Contract, staff, and volunteer educators conducted eighteen (18) rule-based dispute resolution training and education courses for mediators, court personnel and attorneys over forty-four (44) training days. These programs included Fundamentals of Mediation, Specialized Family and Divorce Mediation, Domestic Abuse Issues for Mediators, School Attendance Mediation, Elder Mediation, ElderCaring Coordination, Child Protection Mediation, and Parenting Coordination. There were 394 participants in these events.
- Four (4) advanced virtual training programs for mediators and court personnel were held in 2023 including two half-day advanced Parenting Coordination programs by Debra Carter, Ph.D., an Introduction to Neutral Evaluation presented by Retired Magistrate Richard Altman, Retired Magistrate Rosalind Florez, Judge Randall Fuller and Magistrate Larry McQuain, and a program on Mediating High Conflict Disputes presented by Bill Eddy of the High Conflict Institute. There were 189 attendees in these advanced educational programs.
- Nineteen (19) virtual roundtables were held for court staff and court-connected dispute resolution professionals to share best practices and provide networking opportunities. These included separate roundtables for civil, family, eviction, foreclosure, appellate and experienced mediators and parenting coordinators. Each roundtable began with a short educational program presented by a conversation starter followed by a discussion facilitated by the conversation starter and Dispute Resolution Section staff. Roundtable topics included Settlement Week programs in General Division Courts, Screening for Domestic Abuse and Coercive Control, Mediating with Neurodiverse Parties, Limits of Parenting Coordinator Authority Under Superintendence Rule 16.62, Use of a Joint Opening Statement in Civil Mediations, Parenting Goal Statements in Divorce Mediations, and many more. There were 184 participants in the 2023 roundtables.
- Online courses on the Fundamentals of Mediation, Family and Divorce Mediation, Child Protection Mediation, and Domestic Abuse Issues are available through the Learning

Management System (LMS) administered by the Judicial College. These modules, which are available to court personnel, attorneys, and mediators as well as to training participants, were completed by 976 individuals in 2023. The Dispute Resolution Section and the Judicial College have updated these modules for 2024 and separated the Uniform Mediation Act portion of the Fundamentals of Mediation into a separate module to make the Uniform Mediation Act module easier to access.

- The subcommittee also updated the manual and skills-based training portion of the Domestic Abuse Issues Training for Mediators incorporating the learnings from pilots of the revised program.
- The subcommittee is in the process of reviewing and updating the training standards for the Specialized Family and Divorce, the Domestic Abuse, and the Child Protection Mediation courses. The subcommittee is also collaborating with the School Attendance subcommittee to update the school attendance mediation training standards.

Government Conflict Resolution Services (GCRS) Subcommittee

Chris Abbuhl, chair

- Dispute Resolution Section staff and contract mediators mediated seven (7) Government Conflict Resolution Services (GCRS) cases and responded to numerous inquiries about the program. GCRS is a confidential dispute resolution program designed to assist county and local public officials in resolving and preventing conflicts on a wide variety of topics using mediation, facilitation, and neutral evaluation.
- Subcommittee members, Chris Abbuhl (chair), Carolyn Rice (Montgomery County Commissioner), Glenn Miller (Henry County Commissioner) and Rod Davisson (Obetz City Administrator), provided information about the GCRS program to numerous groups of government officials by giving short presentations at their meetings and sharing informational materials in person and via email.

Policy and Procedure Subcommittee

Judge Karen Phipps, chair

- Settlement Week information, resources, and sample documents were compiled, updated, and added to the Dispute Resolution Section website as a resource for courts and practitioners. Settlement Week is a court-managed program to reduce civil and domestic relations case backlogs by establishing a week (or another time period) to mediate older cases that appear ready for resolution.
- Judge Randall Fuller and Magistrate Larry McQuain of the Delaware County Domestic Relations Court gave a virtual presentation on their Settlement Week program that was attended by forty-three (43) judges, magistrates, court administrators and mediators. The presentation was recorded and has been shared with people who were unable to attend.
- The neutral evaluation Rules of Superintendence 16.50 – 16.55 were approved by the Justices in September 2022 and went into effect on January 1, 2023. Neutral evaluation is a process in which parties present their claims or defenses and describe the evidence in their case to a neutral third-party (the neutral evaluator) 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 strengths and weaknesses of the case. A workgroup, chaired by Retired

Magistrate Rosalind Florez of Hamilton County Domestic Relations Court, is completing a toolkit to assist courts who would like to establish or update their neutral evaluation program.

- The parenting coordination Rules of Superintendence 16.60 – 16.66 were approved by the Justices in September 2022 and went into effect on January 1, 2023. Parenting coordination is a process to resolve disputes among parents who need assistance in 1) adhering to judicial parenting decrees, 2) communicating effectively with one another or 3) resolving disagreements about 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. A workgroup, chaired by Judge Colleen Falkowski of Lake County Domestic Relations Court, is preparing a toolkit to assist courts who currently have or would like to establish a parenting coordination program.
- The updated directory of local court mediation programs has been completed and can be accessed through the Dispute Resolution Section website under “Local Courts Contacts for Dispute Resolution.”
- The subcommittee is exploring ways to expand the use of civil mediation in Ohio courts. A focus group of court mediators and court administrators was held to discuss their civil mediation programs. The subcommittee will be compiling information about these and other existing programs and will develop recommendations for courts that are considering providing or expanding civil mediation.

Strategic Planning Subcommittee

Maara Fink, chair

- The subcommittee is working on a project to review the status of mediation and other dispute resolution programs in Ohio twenty (20) years after the institutionalization of mediation in Ohio courts. The first step of this project was to gather information about existing dispute resolution programs in Ohio and in other states.
- The subcommittee is in the process of gathering updated information about current dispute resolution programs in Ohio courts. A survey was sent to court administrators and dispute resolution programs in Ohio courts using the email list developed as part of the directory project. This survey asked about present programs, past programs that were terminated, and the court’s possible interest in additional dispute resolution programs. The survey also asked courts if their mediators are staff, contract, or volunteer mediators. The responses to the survey will give an overview of the types of mediation and other dispute resolution programs provided by Ohio courts today.
- Summer 2023 externs completed a review of court-connected mediation programs in all 50 states. The externs, with the assistance of the Court Services Data Section, prepared a user-friendly chart of this information.
- Former Section manager, Catherine Geyer, did extensive research about the history of dispute resolution programs in Ohio. The Dispute Resolution Section staff is building on her research to learn about the history and current status of programs that were funded as part of the institutionalization of mediation in Ohio.
- Work on this project will continue in 2024.

School Attendance Subcommittee

Judge Lori Reisinger, chair

- In conjunction with the Supreme Court’s Children and Family Section, the School Attendance Subcommittee developed a toolkit for courts and school districts to help prevent school attendance issues from occurring and subsequently resulting in truancy filings. This toolkit was published in 2023 and is available electronically on the Supreme Court of Ohio website for courts, school districts and others.
- The subcommittee has formed a workgroup to explore options for expanding the use of school attendance mediation in Ohio. The workgroup is currently compiling information and forms from existing school attendance mediation programs and plans to develop sample forms for courts interested in beginning or updating their school attendance mediation program. The workgroup is also looking into the development of resources for students to encourage school attendance.
- The subcommittee is collaborating with the Dispute Resolution Education and Training Subcommittee to update the school attendance mediation training standards.

Dispute Resolution Section

Marya Kolman, Anne Thompson and Kevin Lottes, section staff

- The Dispute Resolution Section staff worked with and assisted the Commission on all the projects listed above.
- The Dispute Resolution Section Manager and Mediation Counsel mediated 46 cases referred to them by the Court. The goal of these mediations was to assist the parties in resolving their conflicts themselves without the need for formal court proceedings. Most of these cases involved public records, state and local tax, and workers’ compensation issues and required multiple mediation sessions.
- The Section maintained a national and international presence through membership, leadership, presentations and curriculum development in the Association for Conflict Resolution, the Association of Family and Conciliation Court, the Ohio Mediation Association, and the American Bar Association Dispute Resolution Section. Section Manager, Marya Kolman, served as Immediate Past President of the Board of Directors of the Association for Conflict Resolution.
- Section staff helped develop or update many of the training programs described above and served as faculty in these programs. They also gave presentations for the Association for Conflict Resolution, the Ohio Judicial Conference, Moritz College of Law, and served as conversation starters and facilitators for several Section roundtables.