

The Supreme Court of Ohio

MEMORANDUM

To: Chief Justice Sharon L. Kennedy and Justices Patrick F. Fischer, R. Patrick DeWine, Jennifer Brunner, Joseph T. Deters, Daniel R. Hawkins, Megan E. Shanahan

CC: Robert W. Horner III, Administrative Director
Gina White Palmer, Deputy Administrative Director, Legal Services
Stephanie Graubner 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: January 24, 2025

Subject: 2024 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 2024 Annual Report. The Commission thanks the staff of the Dispute Resolution Section, Court Services Division, and the Judicial College for their assistance in the preparation of this report.

Purpose of the Commission on Dispute Resolution

As provided in Sup.R. 16.02, 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 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.

2024 Activities and Accomplishments

The full Commission met by videoconference on March 12, 2024, June 25, 2024, and December 10, 2024. Commission subcommittees and workgroups also met by videoconference and telephone throughout the year. The Commission worked with the Dispute Resolution Section as follows during 2024:

Dispute Resolution Education and Training Subcommittee

William Froehlich, chair

- Contract, staff, and volunteer educators conducted sixteen (16) rule-based dispute resolution training and education courses for mediators, court personnel and attorneys over thirty-seven (37) training days. These programs included Fundamentals of Mediation, Specialized Family and Divorce Mediation, Domestic Abuse Issues for Mediators, School Attendance Mediation, Elder Mediation, Child Protection Mediation, and Parenting Coordination. Additionally, seven (7) advanced trainings were held including four (4) half-day advanced programs for parenting coordinators and family mediators, an elder dispute resolution program, a domestic abuse issues program, and a program for those considering starting a neutral evaluation program in their courts. There were 451 participants in these education and training events.
- Sixteen (16) 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, school attendance, 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 Mediating with Self Represented Parties, Mediation Ethics, Trauma-informed Interventions, Using Litigation Analytics in Mediation, and many more. There were 255 participants in the 2024 roundtables.
- Online dispute resolution course modules 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 2,084 individuals in 2024.
- The subcommittee is in the process of reviewing and updating the training materials for the trainings required by Rule 16.23 of the Rules of Superintendence for the Courts of Ohio.

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 with a total of 32 mediation sessions 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 provided information about the GCRS program to numerous groups of government officials by giving short presentations at their meetings, putting information about the program on association websites and in newsletters, and sharing the GCRS brochure.
- The GCRS subcommittee and the Dispute Resolution Section worked with the Ohio Channel to develop a short informational video about the GCRS program that will be posted on the Dispute Resolution Section website. The video will also be available to be shown at government association meetings and events to promote GCRS.

Policy and Procedure Subcommittee

Judge Karen Phipps, chair

- The subcommittee continued to promote Settlement Week in 2024. 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.
- Six courts: Cuyahoga County Court of Common Pleas, Delaware County Domestic Relations Court, Franklin County Domestic Relations Court, Geauga County Court of Common Pleas, Hamilton County Court of Common Pleas, and Summit County Court of Common Pleas held Settlement Week programs in 2024, and all reported high success rates.
- Judges, magistrates and program administrators from Cuyahoga County Court of Common Pleas, Summit County Court of Common Pleas, Delaware County Domestic Relations Court and Franklin County Domestic Relations Court participated in a virtual program for courts considering starting their own Settlement Weeks. The recording of this program is available and has been shared with several courts.
- A short informational video about Settlement Week has been developed by the Ohio Channel, with input from the subcommittee and the Dispute Resolution Section. It will be shown at education programs for judges, magistrates and court administrators and posted on the Dispute Resolution Section website.
- Settlement week information, resources, and sample documents are available on the Dispute Resolution Section website for courts interested in learning more about starting settlement week programs. Dispute Resolution staff provided two settlement week training programs to mediators in Summit County.
- The neutral evaluation toolkit, which provides guidance to courts and practitioners on the implementation of the neutral evaluation Rules of Superintendence 16.50 – 16.55, has been approved by the Justices and is available on the Dispute Resolution website. Neutral evaluation is a process in which parties present their claims or defenses and describe the evidence upon which their claims or defenses are based 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 the strengths and weaknesses of the case.
- A workgroup is preparing a toolkit to assist courts who currently have or would like to establish a parenting coordination program. 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 subcommittee and the Dispute Resolution Section are developing training programs on effective negotiation skills for criminal defense attorneys and prosecutors. Defense attorneys, both private and public defenders, participated in focus groups to discuss the types of training programs they believe would be most helpful.
- The subcommittee is developing resources on civil mediation for existing programs and courts that want to begin a civil mediation program.
- The directory of all local court mediation programs has been updated and expanded and can be accessed through the Dispute Resolution Section website under “Local Courts Contacts for Dispute Resolution.”

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 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 and 139 courts responded. The 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.
- Using the information generated by the survey to identify participants, the Dispute Resolution Section and subcommittee members are holding roundtables with mediators and program administrators in different practice areas. These roundtables provide an opportunity for the participants to learn about each other’s programs, share information and resources, and identify areas in which they would like assistance from the Dispute Resolution Section. Several roundtables were held in 2024 and more are planned for 2025.

School Attendance Subcommittee

Judge Lori Reisinger, chair

- The School Attendance Mediation subcommittee and Dispute Resolution Section staff have developed a pilot school attendance mediation program at Urbana Elementary School in Champaign County. Dispute Resolution Section staff mediators will mediate the cases initially, and then they will train law student mediators from several law schools to serve as mediators.
- The subcommittee has formed a workgroup to explore options for expanding the use of school attendance mediation in Ohio. The workgroup has compiled information and forms from existing school attendance mediation programs and is developing materials for courts interested in beginning a school attendance mediation program.
- The subcommittee is collaborating with the Dispute Resolution Education and Training subcommittee to update the school attendance mediation training standards and training materials.

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 38 cases, with a total of 112 mediation sessions, 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 Courts, the Ohio Mediation Association, and the American Bar Association Dispute Resolution Section.
- 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 Association for Family and Conciliation Courts Ohio Chapter, the Moritz College of Law, and the Ohio Attorney General, and served as conversation starters and facilitators for several section roundtables.