

# The Supreme Court of Ohio

## MEMORANDUM

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**TO:** Chief Justice Maureen O'Connor

**CC:** Michael Buenger, Administrative Director  
Stephanie Elliott Hess, Deputy Administrative Director  
Stephanie Graubner Nelson, Interim Director of Court Services Division  
Catherine Geyer, Manager of Dispute Resolution Section

**FROM:** Judge Mary Jane Boyle, Chairperson

**DATE:** January 27, 2017

**RE:** Commission on Dispute Resolution 2016 Annual Report

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Pursuant to Sup.R. 16.10, Judge Boyle of the 8<sup>th</sup> District Court of Appeals, Chairperson of the Commission on Dispute Resolution (hereafter Commission), hereby submits the Commission's 2016 annual report.

### **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.

### **2016 Activities and Accomplishments**

The Commission met at the Thomas J. Moyer Ohio Judicial Center in April, June, and October. 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) recommended electronic delivery of program and marketing materials for GCRS dispute resolution services. The Dispute Resolution Section worked with the Public Information Office to develop a [web page](#) so government officials can submit an online Request for Services form. The GCRS program is a dispute resolution resource of the Dispute Resolution Section that provides mediation, facilitation and neutral evaluation services for conflicts arising among state, county, and local public officials throughout Ohio. We presented program information at the Ohio Council of County Officials Fall meeting, met with Ohio Municipal League members, and updated the roster of GCRS neutrals.
- The Subcommittee for Process and Procedure continued its work on the revision of Sup.R. 16 with the goal of ensuring quality programs and skilled mediators throughout the courts of Ohio. The Commission voted to

work with the Advisory Committee on Domestic Violence to create a pilot program to address provisions of the rule that deal with civil protection orders. The Subcommittee met with stakeholders of local common pleas courts, domestic violence prevention advocates, mediators, magistrates and judges regarding mediation of civil protection orders that involve non-traditional conflicts such as neighbor to neighbor and landlord-tenant disputes. Local courts identified a need for such changes.

- The Subcommittee on Strategic Planning set priorities: (1) develop advanced trainings and roundtables for courts and dispute resolution professionals involved in mediation, parenting coordination, early neutral evaluation, truancy prevention through mediation, the GCRS program, on-line dispute resolution and elder mediation/elder-caring coordination training; (2) create education materials on dispute resolution options for litigants, courts, and attorneys regarding available dispute resolution processes; (3) identify qualified faculty to deliver innovative and relevant dispute resolution training that meets the requirements of Sup.Rules 16, 90.05 and 90.07; (4) review the previous truancy prevention through mediation program for development of an updated, modernized, responsive and relevant dispute resolution program to assist juvenile courts in preventing truancy through a collaborative effort with schools and communities; and (5) engage in project planning.
- The Subcommittee on Education, Training and Experience of Mediators focused on innovation in two areas. First, the Subcommittee developed modernized course content called “Fundamentals of Mediation Training” appropriate for all court-connected mediators. The training will involve instruction on safety and screening, conflict theory, process, communication, statutes, rules, cultural considerations. The Subcommittee worked with the Dispute Resolution Section to develop two eLearning modules to make the training more efficient and accessible. We created Core Values.

Second, the Subcommittee focused on creating modernized education on dispute resolution options for litigants, courts, and attorneys. The Subcommittee worked with Dispute Resolution Section staff and the Ohio Channel to create video vignettes that will be available to local courts to demonstrate differences in settlement conferences, mediation, neutral evaluation, and collaborative law.

- The provision of education regarding Elder Mediation and Eldercaring Coordination (EC), working with the Dispute Resolution Section to add three local courts to a national pilot program focusing on the care, needs, and safety of older adults. EC is modeled after Parenting Coordination and is intended to address a potential increase cases in probate courts as the population ages.
- The newly-created Ohio Supports Attendance: A Community Collaboration Subcommittee (formerly the Truancy Prevention through Mediation Subcommittee) met twice and identified its goals to create a toolkit and resource guide for local courts. The Subcommittee identified three areas of focus: effective evaluation/sustainable funding, education and training, and community collaboration.
- We conducted 16 rule-required training events with 470 attendees, 262 of whom were attorneys, and conducted 14 roundtables for mediators, appellate mediators, community mediation mediators and parenting coordinators.
- We welcomed Cathy Geyer as Manager of the Dispute Resolution Section January 12, 2016.

### **Anticipated Activities for 2017**

- The GCRS Subcommittee will work with the Dispute Resolution Section to develop training for public officials who elect to serve as third party neutrals for the GCRS program.

- The Commission recommended the Dispute Resolution Section work through the Court's policy to seek permission to apply for a grant from the JAMS Foundation/Association of Conflict Resolution. If the grant is awarded it will support a pilot program in the Greene County Juvenile Court.
- The Subcommittee on Process and Procedure will continue to work on proposed revisions to Sup.R. 16. In partnership with the Domestic Violence Advisory Committee, the Dispute Resolution Section and the Commission will pilot practices and procedures to allow mediation of certain civil protection order proceedings. This project will entail drafting universal protocols (i.e., applicable to common pleas courts in all counties), selecting courts to pilot the protocol, and developing tools to facilitate identification and screening of appropriate cases for mediation. In furtherance of this project, we will reach out to the Center for Court Innovation for national technical assistance. The results of this project will shape the Commission's recommendations regarding mediation of civil protection order proceedings.
- The Strategic Planning Subcommittee will continue to prioritize goals, identify training/education needs, recommend the creation and revision of rules, explore business-friendly dispute resolution options, and recommend speakers/topics for a proposed dispute resolution summit.
- The Education, Training and Experience of Mediators Subcommittee will complete the faculty and participant course manuals for the Fundamentals of Mediation Training and work with the Dispute Resolution Section to pilot the new training. The Commission will continue to develop video education on dispute resolution options for litigants, courts, and attorneys. The Subcommittee will make recommendations to update course content for rule-required advanced trainings. There will be 14 round-tables and 21 rule-required mediation and parenting coordination trainings offered by the Dispute Resolution Section and the Subcommittee will work with the Dispute Resolution Section to evaluate the quality and effectiveness of those.
- The Ohio Supports Attendance: A Community Collaboration Subcommittee will develop/implement a truancy prevention program by designing process and program materials with the goal of facilitating understanding of the interactive roles between courts, schools and families, helping to generate beliefs that will motivate students and their families to make education a priority, reduce absences in schools and minimize court intervention. We will analyze HB 410's impact on truancy.
- Share innovative research, programs, and advanced training topics with the Dispute Resolution Section staff.

In 2017, the Commission invites you to attend our in-person meetings January 27, April 7, July 14, and Nov. 3.