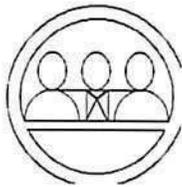


ANNUAL REPORT



FULTON COUNTY COURTS OFFICE OF ALTERNATIVE DISPUTE RESOLUTION 2016

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ALTERNATIVE DISPUTE RESOLUTION

The Fulton County ADR Office serves all five of the Fulton County Courts and offers several dispute resolutions options that have some advantages over traditional litigation by being:

- Faster
- Less Expensive
- More Creative, and
- Better tailored to meet all parties' underlying interests .

Experience has shown that when appropriate ADR processes are available, many cases can be resolved more efficiently and with greater satisfaction to all parties. Lengthy, costly litigation can be avoided, divisiveness minimized, and productive results achieved.

MISSION

The ADR Office has a two-fold mission: First, to provide effective and efficient alternatives to trial in the Fulton County Courts, and second, to educate the bench, the bar, and the public about ADR processes. In 2016, the ADR Office was fully engaged in its mission while maintaining high levels of productivity, customer satisfaction, and quality educational offerings.

ADR PROCESSES

The Fulton County Courts ADR Office offers four highly effective ADR procedures: mediation, arbitration, late case evaluation and judicially hosted settlement conference. Any of these processes may be initiated by court order or by the parties on their own initiative.

- **In mediation**, a specially trained, neutral third party called a "mediator" helps participants in the dispute create their own resolution. Unlike an arbitrator, the mediator makes no decision or findings about the facts of the case and makes no award. Rather, the mediator helps facilitate a discussion in which the parties reach a mutually agreed upon settlement.

- **In arbitration**, each side in the dispute presents its case to a neutral third party called an "arbitrator." The arbitrator, who is an attorney, issues an award based on the evidence. Arbitration may be "binding" or "non-binding." "Non-binding arbitration" means that the participants in the case are not required to accept the arbitrator's award; they may request a "trial de novo" which returns the case to the Court's calendar as if the arbitration had not occurred.
- **In late case evaluation**, each party gets a chance to present the case to a neutral person called an "evaluator." The evaluator then gives an opinion on the strengths and weaknesses of each party's evidence and arguments, and about how the dispute could be resolved. The evaluator is often an expert in the subject matter of the dispute. Although the evaluator's opinion is not binding, the parties typically use it as a basis for negotiating a resolution of the dispute.
- **In a judicially hosted settlement conference**, the parties and their attorneys meet with a senior or sitting judge who conducts a conference aimed at negotiating an agreement to settle the dispute. The judge does not make a decision in the case, but assists the parties in negotiating their own settlement. The judge may evaluate the strengths and weaknesses of the case and give an opinion as to probable trial outcomes.

All of these processes are conducted by trained and approved ADR professionals who are generically referred to as "neutrals". Mediators, arbitrators, evaluators, and settlement judges are all "neutrals".

2016 Highlights

Quality Control

Rule 10 of the Uniform ADR Rules requires local ADR programs to collect sufficient data to ensure the quality of the program. In 2016, the ADR Office collected more than 1,500 customer satisfaction surveys. The surveys included questions that covered both program efficiency and mediator competence. Opportunity for open-ended comments was also given. Every survey was read, recorded, and considered. Neutrals undergo a 35 point evaluation process at the end of each mediation designed to capture information about the

neutral's ability to communicate, to analyze information, to facilitate an agreement, to write a clear and concise agreement, and to follow program procedures. The overall customer satisfaction rating for 2016 was 95% for program efficiency and effectiveness, 91% for the process, and 99% for the competence of the neutral.

In addition, the ADR Director systematically evaluates one-third of the roster each year, randomly selects neutrals from the remaining roster for evaluation, and evaluates any neutral that gets a less than satisfactory rating from any customer. This year, there were no unsatisfactory ratings by our customers or by the Director.

Educational Activities

In conjunction with the Justice Center of Atlanta, The ADR Office was able to provide basic mediation training for 40 court personnel in 2016. Attendees included judges and judicial staff from the various courts.

Continuing education is a vital part of ensuring that program neutrals maintain a high level of expertise. Each neutral is required to attend at least 3 hours of approved continuing education training each year. The ADR Office provides ample opportunity for program neutrals, judges, and other court employees to receive continuing education relevant to ADR.

In 2016, the ADR Office hosted a three hour continuing education event that focused on the lessons that we learn from our customers and the lessons that our customers learn from us. Ray Chadwick was our instructor and engaged the participants in active conversation using "Yogiisms" as a springboard for relevant topics. The event was attended by more than 30 participants and was approved for continuing education credit by the Georgia Office of Dispute Resolution.

The Director spoke at the State Bar of Georgia's 23rd Annual ADR Institute. The event was attended by more than 200 members of the Bench, Bar, and ADR Profession.

The ADR Office also distributed reports to judges and their staff, distributed program literature to participants and attorneys, and posted information on the ADR website. In order to inform parties involved in domestic relations cases about the availability and benefits of ADR, a link was created on the Fulton County Family Division's website that explains Domestic Mediation and includes a downloadable initiation form that makes it easy for parties to access the program's services.

Performance Measures

The demand for services remained high in 2016. The ADR Office scheduled 9,132 sessions, completed 7,798, and reached resolution in a record high 5,838 cases. The chart below shows the work of the various components within the ADR Office and their respective settlement rates.

Program	Scheduled	Completed	Settled	%
Family Division	1868	1507	1029	68%
Superior-Civil	264	183	90	49%
State-Civil	172	106	45	42%
Landlord / Tenant	4368	3890	3238	83%
Juvenile	235	179	137	77%
Magistrate	2085	1815	1228	68%
Probate	60	53	23	43%
Judicially Hosted Settlement Conference	82	65	48	74%
Arbitration	0	0	0	
Totals	9132	7798	5838	75%

Looking Forward

The ADR Office survived a complete turnover in staff in 2016. While old friends and faithful colleagues will be missed, the new staff brings a fresh perspective and renewed energy to the office. Everyone is excited about the work we do and anxious to learn the nuances of the job.

With 2017 in mind, the ADR Office is in the process of making changes that allow us to fulfill our mission going forward. The Judicially Hosted Settlement Conference Program has already added a panel of sitting judges. The landlord/tenant program has expanded to add more court hearing dates. Educational offerings are already in the works.

As we close out the old year and begin the new, I am happy to report that we are on budget, all programs are running smoothly, and we are ready for the new year.