

MINUTES

ALTERNATIVE DISPUTE RESOLUTION COMMITTEE

**1501 West Washington Street
Phoenix, AZ 85007**

June 22, 2001

MEMBERS PRESENT

Nicole Ack
Jeremy Butler
Robert Dauber
Joan Tobin
Lee Finkel

Stanley Marks
Melita Mulligan-Ferry
Dorothy Q. Paine
Hon. Raymond W. Weaver, Jr.

MEMBERS ABSENT

Joseph Cuffari
Hon. Kenneth Fields
Hon. Robert Moon

Levon Kasarjian
Calvin Morrill

GUESTS

Hon. Carmen Dolny, Pima County Consolidated Justice Courts
Kathy McCormick, Attorney General's Office

STAFF

Karen Kretschman
Chris Claxton

CALL TO ORDER

The meeting was called to order by Judge Weaver at 9:10 a.m. A quorum was present.

OLD BUSINESS

The May 7, 2001 minutes were approved as written.

RULE DISCUSSION

Jeremy Butler reported opposition to the form (“too much paper”) from the Board of Governors. Discussion followed regarding getting someone from the Committee to their meeting. Jeremy Butler was appointed to attend their meetings.

STRATEGIC PLANNING

Judge Weaver asked the members present to revisit the buff colored list of strategic planning items developed at previous meetings. Discussion followed on the number of members who sent in their votes as to priority items since the last meeting and what their priorities were. Robert Dauber suggested further discussion of the items prior to getting to voting. Nicole Ack suggested an individual county approach as well as evaluating a statewide perspective. Her top priority was funding. Jeremy Butler commented on the necessity of communicating options to lawyers. Judge Dolny said her priorities were: (1) Funding (2) Certification issues (3) Provide information to people and educating about the benefits of ADR (4) Publishing materials (5) Educating judges. Robert Dauber’s votes were for (1) Educating judges and the Bar and (2) Training Programs. Kathy McCormick stressed (1) Funding (2) Education (3) Certification. Stan Marks’ priorities were: (1) Educating Bench and Bar and (2) Certification. Jeremy stressed certification and educating bench and bar. Lee Finkel stressed education of the public and certification issues. Mandatory arbitration issues were also discussed.

After additional discussion, the following issues were identified as the ones taking priority for the Committee:

Educating the Public
Educating and training of judges
Educating and training of the Bar
Resources/Funding issues
Certification and standards issues
Mandatory arbitration

The Committee then discussed various options for focusing on the identified issues. Workgroup/Subcommittee formation was chosen as the initial approach, with 4 to 5 members on

each Workgroup. The goals and action plans for each topic are to be developed by the corresponding Workgroup; each workgroup is to report to the larger Committee before going forward. The Workgroups may address more than one related topic at a time.

The following Workgroups/Subcommittees were established by appointment and by volunteering of various members:

Education of the Public

Joan Tobin
Lee Finkel, Chair
Dorothy Paine
Joseph Cuffari

Education of the Bar

Jeremy Butler
Stan Marks, Chair
Bob Dauber
Carmen Dolny
Judge Ken Fields

Education of the Bench

Bob Dauber
Judge Ray Weaver, Chair
Stan Marks
Judge Ken Fields

Funding/Resources

Nicole Ack, Chair
Melitta Mulligan-Ferry
Judge Carmen Dolny

Arbitrary Arbitration

Bob Dauber
Joseph Cuffari
Stan Marks
Dorothy Paine, Chair
Lee Finkel

Certification

Jeremy Butler
Joan Tobin, Chair
Kathy McCormick
Lavon Kasarjian

Stan Marks asked how each workgroup is to function—how do the members implement the workgroups; what are they investigating; what are the targets, goals?

Discussion followed, with the following ideas developed:

Education of the Public:

Look at ADR as a whole first. Also look at what is being done in courts to educate the public. Determine ways to complement the work of ADRA. Determine what is already out there; develop additional ways to let people know what ADR is about. Develop a list of definitions. Possibly develop a list of “success stories.”

Educating and Training the Bar:

Determine what is already out there, as seminars are available. Stan Marks pointed out that seminars are not necessarily the answer, as attendance at seminars is likely more due to required CLE than true interest in the topic. Discussion followed regarding possible development of a State Bar website link. Very important is educating the bar in what lawyers will have to do to comply with the new Rule. Education on how the new Rule works will be imperative. Determine what resources are available through the courts, i.e. Mohave’s program.

Educating and Training of the Bench:

Judge Weaver suggested getting the Judicial College involved. Finding ways to educate judges on the benefits of short trials, summary jury trials, etc. He suggested getting Agnes Felton's Division involved in training on ADR – perhaps in the new judge orientation classes. Some thought should be given to training the new judges in ADR first, then go to the seasoned judges. Showing what different processes are available and focusing on appropriate case selection might be appropriate.

Resources/Funding:

Nicole Ack announced that she, Melitta and Carmen had already talked during the noon hour and have scheduled a meeting with David Sands to learn more about the chances of obtaining legislatively authorized funding by fee increases. Further exploration of positions which have limited funding was also discussed.

Mandatory Arbitration:

Finding out how the rules work and are fitting in with other procedures will be important; also looking at other models such as in Pima County. The lack of payment to the arbitrator was discussed and a nationwide survey on arbitration payments will be studied.

Certification:

The biggest question is to find out if everyone is for having certification standards. Study all current efforts and find out what other states are doing. Connect with Peggy Herman regarding national efforts. Discussion also included the idea of certified neutrals for short trials. Advisory juries were also mentioned.

DOMESTIC RELATIONS REFORM STUDY SUBCOMMITTEE

Karen Kretschman gave a report on the strategic planning results of the Domestic Relations Reform Study Subcommittee and the topics the Subcommittee will be studying in the fall.

NEW BUSINESS

Judge Weaver asked staff to contact Professor Morrill at the University of Arizona to inquire whether he is interested in continuing on as a member of the Committee. Judge Weaver will contact Ken Fields and Robert Moon regarding their continued participation on the Committee.

Judge Weaver also asked staff to take care of the process to get Kathy McCormick and Judge Carmen Dolny appointed officially to the Committee. He also asked that Robert Dauber be placed on the August agenda to report on the survey report.

NEXT MEETING

August 10, 2001 is the next meeting date from 9:00 a.m. to 1:00 p.m. Lunch will be served.

ADJOURNMENT

The meeting adjourned at 1:10 p.m.