

Alternative Dispute Resolution Committee

Meeting Minutes

February 9, 2024,

9:00 a.m. ET/8:00 a.m. CT

Via Zoom

1. **Call to Order**: This meeting was called to order by Chair Hon. Jeff Clymer on 2/9/2024 @ 9:00 AM, via remote meeting on Zoom.
2. **Attendance**: Present at this meeting were Judicial Officers: Jeff Clymer, Elaine Brown, Catherine Stafford, Karak Krothe, Christopher Spataro, David Avery, Davin Smith, Christina Klineman, and Sarah Glasser.
 - a. This Meeting was staffed by IOCS Attorney Joseph Fischer
3. **Minute Approval**: Due to a issues with attendance the ADR Committee was unable to meet in November. The August 2023 Minutes remained unapproved prior to this meeting. The Committee reviewed August minutes and Judge Elaine Brown moves to approve the minutes. This was seconded by Judge Catherine Stafford. Minutes approved with the correction of one date.
4. **Program Update**: Staff provides updates on the following programs:
 - a. MFTCAP (Mortgage Foreclosure Trial Court Assistance Program)
 - i. Usage remains consistent but slightly lower over
 - b. ADR Fund Plan
 - i. Several new or amended counties
 - c. Landlord Tenant Fasttrack facilitation programs
 - i. Committee notes the lack of motivation for
5. **Rule Committee/ADR Rules**: The ADR Committee reviewed recent comments and questions provided by the Rules Committee. Provided instances of clarification, removed certain no longer actively sought portions of change, and reaffirmed the support and desire of the originally modified rule recommendations.

- a. The committee discussed proposal of removing a significant body of rules for lesser use. The ADR Committee feels there are better ways to bring the rules up to date.
 - b. Judge Avery and Judge Clymer discuss their upcoming Rules Committee meeting with other committee members for context, and content. Procedural questions posed to staff and more senior members of the Judiciary who have worked through this process before.
 - c. Staff to prepare talking points and a summary overview for Chair and Judge Avery.
6. **Pending topics:** Due to the length of the above topics, other matters of old or ongoing business are tabled for future discussion. In particular the team notes the need to revisit registry issues along with Domestic Relations Mediation qualifications.
7. **Adjourned:** This meeting was adjourned at 11:00 ET/ 10:00 CT by Hon. Chair Clymer. The next meeting will be held on May 3, 2024 @ 9:00AM ET / 8:00 CT
8. **Upcoming Meetings**

2024 ~~2/09/2024~~ 5/10/2024 8/09/2024 11/09/2024

Alternative Dispute Resolution Committee

Meeting Minutes

August 9, 2024,

9:00 a.m. ET 8:00 a.m. CT

Via Zoom

1. **Call to Order:** This meeting was called to order by Chair Hon. Catherine Stafford on August 9, 2024 @ 9:00 AM via remote meeting on Zoom.
2. **Attendance:** Present at this meeting were Judicial Officers: Catherine Stafford, Elaine Brown, Kara Krothe, David Avery, Regina Tidwell, Bob Witham, Christopher Evans, Sarah Glasser, Davin Smith, Christopher Spataro, Christine Klineman.
 - This Meeting was staffed by IOCS Attorney Joseph Fischer
3. **Minute Approval:** The February 2024 minutes remained unapproved prior to this meeting, due to issues of quorum. The Committee reviewed the February 2024 minutes. Judge Elaine Brown moves to approve the minutes, seconded by Judge David Avery. Committee notes typo to be corrected by staff. February 2024 minutes approved as amended, unanimously.
4. **Committee Business**
 - a. **Introductions:** Judge Stafford Introduces herself as the new Committee Chairperson. Overview of upcoming goals and intended direction for the committee. Welcome to new members: Magistrate Regina Tidwell, Magistrate Chris Evans, and Magistrate Bob Witham.
 - b. **Racial Equity in ADR Group:** Lee C. Christie provided a detailed overview of the status, goals, and actions being taken by Racial Equity in ADR Group. This group arose from the Commission on Equity and Access in the Court and is now a workgroup under the Indiana Supreme Court's Commission on Race and Gender Fairness. This group has been actively participating in speaking engagements and is involved with mediation-related training to ensure racial disparities and equity are considerations in new and ongoing ADR training and policy development. This Committee expresses its support and willingness to work cooperatively with Racial Equity in ADR Group.
 - c. **Update on ADR Rules & Rules Committee:** Joseph Fischer and Judge Avery provided a summary of recent interactions with the Rules Committee. The ADR Committee has reviewed and approved the

final recommendations for the Rules Committee. The Rules Committee has accepted these recommendations- incorporating recommendations made by the CLT to which the ADR Committee did not object. These are to be presented to the Court prior to the next meeting. Next steps will be public comment and a final review process for consideration of comments. The Committee thanks Judge Avery for his expertise and assistance in his assistance in navigating the Rules Committee process.

- d. **ADR Fund Plan:** The Committee to review counties without active ADR fund plans and strive to add 4-5 counties per year. The statute recently updated to permit GAL payments and altered strict criminal prohibitions. Many counties have amended their plans since this statutory amendment. There have been several new plans as well. Ongoing topic for discussion.
 - e. **Discussion on ADR Rule Revision:** The meeting, running short on time, was substantively concluded with a note that there will be future discussion about new updates to the ADR Rules. This is a strategically good time to consider new changes, as the previous rules are nearing approval. Judge Stafford requests that members return to the November Meeting with ideas and suggestions for how this Committee might modernize and update the ADR Rules.
5. **Upcoming Meetings:** The Committee agrees to continue the same schedule with meetings occurring on the second Friday of February, May, August, and November @ 9:00 Eastern Standard Time. The Committee will aim for an in-person meeting in 2025.
6. **Adjourned:** This meeting was adjourned at 10:15 AM ET on August 9, 2024. The next meeting will be November 8th @ 2024 @ 9:00 AM ET via Zoom.

7. Upcoming Meetings

<u>2024</u>	2/09/2024	5/10/2024 (cancelled)	8/09/2024	11/08/2024
<u>2025</u>	2/14/2025	5/09/2025	8/08/2025	11/14/2025

Alternative Dispute Resolution Committee Meeting

Minutes

November 8, 2024,

9:00 a.m. ET 8:00 a.m. CT

Via Zoom

1. **Call to Order:** This meeting was called to order by Chair Hon. Catherine Stafford on Nov 8, 2024 @ 9:00 AM via remote meeting on Zoom.
2. **Attendance:** The following Judicial Officers were in attendance: Hon. Chair Catherine Stafford, Hon. David Avery, Hon. Elaine Brown, Hon. Bob Witham, Hon. Christopher Spataro, Hon. Sarah Glasser, Hon. Chris Evans, Hon. Kara Krothe, Hon. Chris Evans, Hon. Davin Smith
 - Staffed by IOCS Attorney Joseph Fischer
3. **Guests:** Hon. Marie Kern, Hon. Tiffany Vivo, Laura Gaskill, Robert Shive, Bob Rath, Kathy Osborn, Ryan Cassman
4. **Minute Approval:** The committee reviewed the August 2024 minutes. Judge Elaine Brown moved to approve the minutes, seconded by Judge Chris Evans. The committee approved August 2024 minutes unanimously.
5. **Committee Business**
 - a. **Family Law Arbitration Presentation:** Hon. Marie Kern, Hon. Tiffany Vivo, Laura Gaskill and Robert Shive presented on Arbitration in Family Topics included:
 - Reintroducing training into the local bar community
 - Creating greater visibility
 - Folding arbitration into the registry
 - Updating ADR Rules to include more arbitrator guidelines
 - Antiquated judicial list requirements
 - b. **Commission for Indiana's Legal Future:** Bob Rath and Kathy Osborn attending this meeting on behalf of the Commission on Indiana's Legal Future. Discussion included:
 - Conferring with the committee on future ADR changes
 - Mediation registry project
 - Non attorney-professionals being allowed to do some civil mediation under the supervision of an attorney

The committee discussed benefits and concerns with Non-Attorney Allied Legal Professional Project, more broadly.

- c. **Update on ADR Rules & Rules Committee:** Joseph Fischer updated the

committee on the status of ADR rule amendments. After public comments they will be presented to the court for signature. It is expected they will be official upon the next meeting. Ryan Cassman will inform the ISBA ADR section of the open comments.

- d. **ADR Fund Plan:** Joseph Fischer and Chair Judge Stafford created an Excel sheet of current ADR fund plan counties. This was shared with the committee with continued encouragement for non-participating counties to reach out. Participating counties speak with others on the bench without a plan.
 - e. **Discussion on future ADR Rule Revision:** The meeting, running short on time, was substantively concluded with a note that there will be future discussion about new updates to the ADR Rules.
6. **Upcoming Meetings:** The Committee agrees to continue the same schedule with meetings on the second Friday of February, May, August, and November @ 9:00 Eastern Standard Time. The next meeting is set for February 14, 2025. The May 2025 meeting will be in person.
7. **Adjourned:** This meeting was adjourned at 10:15 AM ET on November 8th 2024.
8. Upcoming Meetings

2025 2/14/2025 5/09/2025 8/08/2025 11/14/2025