SC BAR DR SECTION COUNCIL MINUTES

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Wednesday, May 3, 2013, at 11:00 A.M. CONFERENCE CALL

MINUTES

The Council convened at the date, time and place indicated above.

Members Participating: Sowell, Thornwell F., III

Bridges, Saunders M., Jr., Chair

Cooke, M. Dawes, Jr.

Crowe, Danny Other:

HaLevi, Jill E. Brown, Joan S., Bar Staff

Howard, The Hon. William L.

Jennings, Donnell G.

Keefer, Sean F.

Bopp, Cheryl
Manley, J. Todd
Massalon, John A.

Call to Order, Roll Call and Welcome – Mr. Bridges called the meeting to order and identified and welcomed those participating.

Approval of Prior Minutes – Upon proper motion and second the three sets of Minutes for meetings held January 11, 2013, January 24, 2013, and March 13, 2013, were approved unanimously.

Reports/Old Business

ADR Commission Update

Items reported by Judge Howard were as follows:

- Mediation Expansion: The Commission had studied counties and circuits and considered where mandatory mediation would help the most. It had made a recommendation to the Supreme Court for sixteen (16) counties to be added and described the territory covered. Subsequently, the Court had issued its Order expanding to all the recommended areas, effective June 1, 2013.
- Training: The Commission had determined that there were a sufficient number of certified mediators across the state to handle the extra load the additional counties would create. Historically the Commission had held trainings throughout the new counties and would do so this time. Updated materials were emailed to all judges,

clerks of court and county bar presidents for the trainings to be held in June, July and August, 2013.

- 3. Rule 4(d) Change: The Commission drafted an amendment to the rule that was approved by the Supreme Court to allow the Family Court judge to consider the finances of the parties, as well as other factors, in making decisions about whether to require two mediations.
- 4. Alternative to Summary Jury Trials: In Charleston, it was the practice of the clerk of court to provide the parties a jury and a courtroom to have a jury trial, with a lawyer serving as the judge. An Order of the Supreme Court permitted this process (Fast Track) throughout the state. A CLE had been created for training purposes.
- 5. Family and Circuit Court Plus Trainings: The Commission was talking to the South Carolina training groups to determine if it were feasible to institute a 40-hour plus training (combined) to accomplish both family and circuit court training.
- 6. Arbitration Training: The arbitration training on DVD had not been updated for a while, and the Commission thought there was a great need for a new one. Mr. Bridges commented that he had received a telephone call from a lawyer in Atlanta doing a survey on arbitration groups that provided resources to help train arbitrators. The Atlanta lawyer had provided Mr. Bridges with materials that he was to send Judge Howard for submission to the Commission.

2014 Convention Seminar

Mr. Crowe reported he had the forms that needed to be completed for the January 2014 Seminar. He also said that he would try to get a mediator from Charlotte or Atlanta to speak at the seminar.

The Cotton Harness Award was discussed, and it was determined that a date to get nominations in needed to be set. Mr. Keefer said the Section needed to let people know the award existed and was available. Mr. Sowell suggested an announcement be placed in E-Blast. Judge Howard added that the recipient should be someone who helped ADR, but not necessarily a mediator. Ms. Brown was to find the criteria and send it out by email.

Goals – Upon motion and second, the goals were accepted as proposed.

Report on Greenville's Data Collection Procedures – There was no report.

Mortgage Intervention Matters – There was no report. Jim Peterson was to report to the Commission and submit letters from various bank lawyers.

The next conference call meeting was scheduled for 9:00 a.m. on August 23, 2013.

ADR Section Agenda May 3, 2013