

## DISPUTE RESOLUTION SECTION MEETING

Friday, January 11, 2013, at 11:00 A.M.  
CONFERENCE CALL

---

### MINUTES

---

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

Members Participating:

Bridges, Saunders M., Jr., Chair  
Cook, M. Dawes  
Crowe, Danny  
Gallivan, H. Mills  
Keefer, Sean  
Sowell, Thornwell F., III

Stephenson, Thomas L.

Other:

Moskos, C. Steven, Section Member  
Brown, Joan S., Bar Staff  
Bopp, Cheryl, Bar Staff

Call to Order, Roll Call and Welcome: Mr. Bridges, called the meeting to order, called the roll and welcomed those present, including Mr. Moskos, a member of the Section attending as a guest. He also thanked Mr. Crowe for chairing recent meetings on his behalf.

Approval of Prior Minutes: The Council received the Minutes of the November 2 and November 30, 2012, meetings. They were approved and adopted by motion, second and unanimous vote.

Reports/Old Business:

- a. ADR Commission Update: Mr. Bridges had attended the ADR Commission meeting on January 4, 2013, and reported as follows:
  1. Pursuant to an informal request from the S. C. Supreme Court, the Commission had delivered its recommendation to the Court for mediation to go statewide, together with plans for implementation.
  2. Included in the recommendation letter to the Court was a proposed amendment to Rule 4 of the S.C. Court-Annexed ADR Rules. The Commission had identified one part of the current Family Court mediation rule that required an early mediation of child custody and visitation issues as being problematic because it caused the parties to bear the expense of two mediations. The Commission initially proposed that Rule 4(d) be modified to delete the requirement of a mandatory early mediation for child custody and visitation issues, leaving that to the sound discretion of the Family Court judge hearing the temporary issues. Subsequent to the meeting, Judge Howard became concerned that not providing for judicial discretion to order the early mediation, in the wake of a rule change deleting the existing provision, may lead many lawyers and/or judges to conclude that the Court would not want there to be an early mediation of those issues and the family court judges would not have authority to order it. Accordingly, he drafted and proposed a Rule 4 change that specifically

clarified that the judge could order such mediation at his or her discretion. The Commission conducted an email vote on the issue, which passed.

3. The Commission reviewed the committee structure of the Commission and made a number of changes. The Program Committee remained, but the Mediator and Arbitrator, User Education and Consumer Education Committees were sunsetted. Issues arising that would have been appropriately addressed by one of those committees would be addressed on an *ad hoc* basis. New committees created were the Evaluation Committee, Neutral Training and Education Committees.
  4. The Commission addressed a request to waive the \$50 renewal fee for Commission members. Mr. Danny Mullis opined that it would provide incentive for future and current members to become certified. After a lengthy discussion, the Commission voted nine to six in favor of waiving the fee for certified mediators on the Commission, provided the measure were shown to be ethically supported. A member of the Commission was appointed to research the ethics issue.
  5. The reports on the pilot programs in the lower courts were that they were continuing and going well.
- b. 2013 Convention Seminar Progress Report: Mr. Crowe stated that it had been a pleasure to plan the seminar that would be conducted January 24, 2013, addressing, *inter alia*, impasse and traditional bargaining. It was announced that there would be no Cotton Harness award in 2013 and that there would be a short business meeting after the seminar.

A discussion ensued regarding speaker travel costs, as well as the balance remaining in the Section funds. Ms. Brown was to check on both items and report back to the Chair after the meeting.

- c. Mortgage Intervention Matters and Report on Greenville's Data Collection Procedures were still pending.

New Business:

There was no new business.

Next Meeting: A full Section meeting would be held after the Convention seminar to address the elections of Council members. The next regular conference call meeting was set for 11:00 a.m. on Friday, May 3, 2013.

Adjournment: There being no further business, Mr. Bridges adjourned the meeting upon proper motion and second.