

# SC BAR DR SECTION COUNCIL MINUTES

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**Friday, September 27, 2013, at 9:00 A.M.**

## **CONFERENCE CALL**

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### **MINUTES**

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

Members Participating:

Crowe, Danny, Chair  
Cooke, M. Dawes, Jr.  
Gallivan, H. Mills  
Keefer, Sean F.

Massalon, John A.

Sowell, Thornwell F., III

Bar Staff:

Coker, Cindy

Call to Order, Roll Call and Welcome

Mr. Crowe called the meeting to order, identified and welcomed those participating and thanked the members for their time and interest. He noted that Ms. HaLevi was unable to join today's call and that Mr. Jennings had left the Turner Padgett law firm and was now in Savannah, Georgia.

Approval of Prior Minutes

Mr. Crowe made one correction to the Minutes to reflect that he had presented the ADR Commission update in Judge Howard's absence. The Minutes were approved as amended.

Election of Council Members

Mr. Crowe noted that two Council members had terms expiring in 2014. The Council would like clarification if that expiration was in January 2014 at the meeting or at the end of the calendar year. Mr. Crowe agreed to coordinate with Ms. Brown concerning this and let the Council members know. He also mentioned that Rob Braithwaite from Aiken had expressed an interest in getting involved in Section activity.

Peace Award Criteria

Mr. Crowe agreed to draft an announcement to email to the Section listserv, setting out the criteria for the award, inviting nominations and providing a December deadline for submission of nominees names. The Council would then meet to evaluate the nominees and vote. The award or awards would be presented at the DR Section's Annual Meeting to be held at the Bar Convention on January 23, 2014.

Seminar Information

Mr. Crowe shared with the group information he had received from the CLE Division, via Ms. Brown. The CLE Division would assist sections in hosting a seminar with a reduced cost for

members during April, May and June. After discussion, the Council determined that one CLE per year was sufficient and that there was no interest in holding one during those months.

#### Goals

The goals having been approved at a prior meeting, Mr. Crowe asked for input from the members on how the Section could do more to help mediators, arbitrators, Bar members and the public to have a better understanding of alternative dispute resolution and its benefits.

Mr. Massalon suggested that the Section increase efforts to educate the Bar and the public about mediating prior to filing suit. He suggested that these efforts be aimed at lawyers who normally did not litigate, such as probate or real estate lawyers. Mr. Keefer suggested that some education be aimed at the public to encourage the use of mediation. Ms. Coker mentioned the information currently on LawLine and suggested a review of the current information and addition of information the Council felt warranted. Mr. Keefer agreed to review the information and make changes, suggestions and/or additions.

The Council also discussed ways to get the message to groups beyond lawyers, such as CPAs or others who would be in a position to recognize the need for mediation, and refer parties to mediation and the Bar. Mr. Gallivan mentioned noticing electronic billboards in his area which carried PSA type information. Ms. Coker suggested coordinating with the Bar's marketing and communications staff to develop a plan. Mr. Massalon agreed to put together some ideas and circulate them to the group for the next meeting.

Mr. Gallivan suggested contacting the Young Lawyers Division and providing educational assistance to them to assist new lawyers in understanding ADR and how it affects their clients' cases.

#### New Business

Mr. Crowe asked if others were experiencing difficulties in getting paid by the lawyers who engaged their services as mediators. After discussion, the Council agreed to seek an Ethics Advisory Opinion on the payment of the mediators. Mr. Crowe was to draft the question for submission to the Ethics Advisory Committee.

Mr. Crowe shared 2012 statistics on mediation from the Greenville Clerk of Court. The data included the number of cases that were mediated, the number that settled and estimated savings to the court from the use of mediation. The Council agreed that collecting that data would be useful. Ms. Coker was asked to contact Court Administration to determine if they were currently capturing that data. If not, the Council would try to collect that information from individual clerks offices. Mr. Crowe would direct these efforts. The Council voted to start with circuit court data.

#### Next Meeting

Mr. Crowe would coordinate with Ms. Brown to set the next meeting in late October or early November and email that information to the Council.

There being no further business, the meeting was adjourned.