

The Future of Ohio's Dispute Resolution Landscape:

Advancing Chief Justice Moyer's Legacy

Eileen Pruett, Retired Mediator, Mediation Trainer

Marya Kolman, Director of Mediation Services, Franklin County Domestic Relations and Juvenile Court

Wendy Hawbaker, Program Coordinator, Ashtabula County Mediation and Conflict Management Services Program

Patti Smith, Mediator, Perry County

Bill Froehlich, Deputy Director of the Divided Community Project
and the Langdon Fellow in Dispute Resolution

THE SUPREME COURT *of* OHIO
Dispute Resolution
Conference

2020

POLL EVERYWHERE

QUESTION: *How have dispute resolution processes addressed what Chief Justice Moyer called a “Culture of conflict”?*

Agenda

- Policy goals for Court-Connected Dispute Resolution
 - Supreme Court Committee on Dispute Resolution 1991 Preliminary Report
- Reflection from four Perspectives
- Facilitated Small Group Conversations focused on 1991 Policy Goals
- Group Discussion – the Landscape Looking Forward

Six Policy Goals

1. Efficient use of court resources
2. Focus on public funds
3. Maintain public confidence
4. Maintain access to Constitutional rights
5. Utilize community-based dispute resolution programs
6. Include evaluation mechanisms

Reflection from Four Perspectives

1. Eileen Pruitt: Franklin County Municipal Court & Ohio Supreme Court
2. Wendy Hawbaker: Ashtabula County
3. Patti Smith: Perry County
4. Mary Kolman: Franklin County Domestic and Juvenile

Facilitated Conversations

Small group conversations should focus on one policy goal. Each group should be prepared to report to the whole group on the following questions:

- What strategies would help your court system achieve this policy goal in ten years?
- What hurdles does or will your court face in achieving this policy goal?

Small group report-out

- What strategies would help your court system achieve this policy goal in ten years?
- What hurdles does or will your court face in achieving this policy goal?

POLL EVERYWHERE QUESTION:

What does the dispute resolution landscape look like in 2030?

POLL EVERYWHERE QUESTION:

What are the most significant hurdles to advancing Chief Justice Moyer's legacy in the future?

Contact Information

Bill Froehlich

Deputy Director of the Divided Community Project and the Langdon
Fellow in Dispute Resolution

The Ohio State University Moritz College of Law

Email: froehlich.28@osu.edu

Contact Information

Wendy S. Hawbaker

Program Coordinator, Ashtabula County Mediation and Conflict
Management Services Program

Phone: 440-576-3239

Email: wshawbaker@ashtabulacounty.us

Contact Information

Marya Cody Kolman

Director of Mediation Services

Franklin County Domestic Relations and Juvenile Court
373 S. High St., 3rd Floor
Columbus, OH 43215-4591

Phone: 614-525-6640

Contact Information

Eileen Pruett

Retired Mediator, Mediation Trainer, and Program Design Consultant

Email: epruett77@gmail.com

Contact Information

Patricia “Patti” J. Smith
Mediator from Perry County

STATEMENT OF POLICY

The responsibility of the courts in Ohio is to peacefully resolve disputes between parties. As Chief Justice Moyer noted in his address to the Joint Convention of the 118th General Assembly:

"There is no system of justice in the world that is more accessible than the American judicial system. Our purpose is to fairly and impartially resolve people's disputes in a peaceful forum. The institution is viable because it enjoys the confidence of the people it serves. But if we ask ourselves whether the system functions as effectively as it can, the answer is no. Too many people are frustrated with the delay and the cost associated with resolving civil disputes. Too many cases are filed that should not be filed; too many cases languish on court dockets only to be settled after considerable delay and expense.

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"The time to consider alternative means of dispute resolution is here.

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"We have a unique opportunity to say to persons who look to the Ohio legal system for the resolution of their disputes that we have various processes to resolve those disputes fairly and efficiently."

The Committee, in undertaking the responsibilities assigned to it by Chief Justice Moyer, is cognizant of the fact that many issues associated with the dispute resolution movement are not yet fully known, investigated, studied, or resolved. The Committee has determined that demonstrated commitment to a fair and equitable system is the best way to allay concerns that may accompany these issues.

The Committee sets forth the following goals for each court-related dispute resolution program in an effort to assure that each dispute resolution program will enhance and improve the judicial system.

- I. Dispute resolution programs should promote efficient use of court resources by reducing case dockets, delays, costs, and time of both the parties and the courts. However, the goal of docket reduction alone should not be a goal where such reductions would impose penalties or inconvenience upon the parties.
- II. Dispute resolution programs should be funded primarily by public funds. Such funds should be used both as a resource for new programs and as a source of operational revenue for ongoing programs. User fees, if imposed, should rarely exceed a token amount in mandatory programs subject to exception in, e.g., complex cases in which the appointment of a special master would be appropriate. User fees should not be charged in circumstances where imposition of such fees would be a disincentive to resort to the courts for dispute resolution.
- III. Dispute resolution programs should strive to maintain the confidence entrusted by the public in the legal system to handle disputes with fairness and impartiality.
- IV. Dispute resolution programs should not be implemented so as to deprive parties of their constitutional rights to either a trial by jury or a full, complete, and fair hearing in a trial by court, but rather to invite the parties to forego that right in appropriate cases and, using effective alternative means, to resolve their disputes quickly, justly, and economically without resort to formal court adjudication.
- V. Courts should be willing to utilize community-based dispute resolution programs when such programs would serve the interests of justice.
- VI. Dispute resolution programs should contain evaluation mechanisms, which include consideration of the parties satisfaction with the process, so that programs may be improved and quality assured.