

**THE IMPLEMENTATION OF THE COBB COUNTY
MAGISTRATE COURT CRIMINAL MEDIATION
PROGRAM
AND
ITS EFFECTIVENESS AT REDUCING THE
NUMBER OF CRIMINAL APPLICATION
HEARINGS CONDUCTED**

Institute for Court Management
Court Executive Development Program
Phase III Project
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ACKNOWLEDGEMENTS

ACKNOWLEDGEMENTS

Completion of the National Center for State Court's Court Executive Development Program was made possible by the assistance of a number of individuals. I would first like to thank the Chief Judge of the Cobb County Magistrate Court, Judge Vic Reynolds, for providing me with the opportunity to participate in the CEDP Program and for his continuous encouragement and support.

In regards to this Phase II Project, the Criminal Mediation Program would merely be an idea on the drafting board were it not for the support of the Cobb County Board of Commissioners. The success of the Mediation Program is due to the tireless efforts and commitment of the Mediation Program Director, Sharon Herndon, and her crew of dedicated volunteer mediators.

There were also many Magistrate Court employees who helped fill in the gaps while I was at CEDP seminars or working on this project. Thank you Kathy Guess, Gayle Earwood, Charity Ratcliffe, Amy Rushing, Harriet Smith, Beth Spears, Sheila Walker and the countless others who have helped me along the way.

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INTRODUCTION

The Magistrate Court of Cobb County was established in July 1983 by the Georgia Legislature and replaced the former Justice of the Peace System. It is a court of limited jurisdiction as outlined by the Official Code of Georgia Annotated, Section 15-10-2. The Magistrate Court issues criminal arrest and search warrants 24 hours a day and seven days a week. The injured party or investigative agency must appear before the Magistrate to determine if sufficient evidence exists to issue a warrant. The Criminal Mediation Program and the Application Hearing Process which are reviewed in this study were both implemented to curb the number of criminal warrants issued by the Court. As this study will show, the Application Hearing Process, although effective in curbing the number of warrants issued, had other negative implications that led the Court to implement the Criminal Mediation Program.

It was the end of fiscal year 1996 and the Cobb County Magistrate Court had experienced a 15% increase over the previous year in part-time employee payroll expenditures. The increase could be directly linked to an increase in the amount of time the part-time judges were spending conducting hearings. After reviewing the hearings that were conducted during that fiscal year, it was evident that the increase was in the number of Application Hearings conducted. The Application Hearing process had been implemented in mid calendar year 1995, which was just prior to the start of FY 96 (the fiscal year runs from October 1 to September 30).

The Application Hearing Process had been implemented to deal with those warrant applications in which the judge could not fully determine whether probable cause exists. It was as a result of the expenditure increase that the court began to review at the effectiveness and efficiency of these hearings. That review became the impetus for the Magistrate Court Criminal Mediation Program. In this analysis, readers are provided with an explanation of how a court must manage its caseflow and a review of the efficiency and effectiveness of the Application Hearing Process. Also to be discussed is the justification for and implementation of the Criminal Mediation Program and the effectiveness of that Program as observed in its first seven months of operation.

To effectively manage caseload, a court must manage court processes as well as resources and users of the court. Users of the court would include anyone involved in the court system whether they are attorneys, parties, mediators, guardian-ad-litem, etc. The specific court processes must be court-driven as opposed to attorney-driven. Once a case is filed with the court, it is the court's responsibility to move the case through in a timely fashion by restricting continuances, establishing time standards, and scheduling meaningful events only.

To determine if a court needs to make changes in their current case management system, the court must conduct an inventory. Such inventory could include:

- ☐ The average number of continuances per case
- ☐ The average case age
- ☐ The average case age by disposition and case type
- ☐ How many cases are placed on a calendar?
- ☐ How many of those cases actually go to trial?

The inventory is necessary to assess the needs of the court. For example, if the Court places fifty cases on a trial calendar and only one case goes to trial, attorneys may get the impression that they need not prepare their case for trial because all of the cases are continued. However, without an inventory the court may be unaware that a case management problem exists. Once the needs are assessed a case management tool must be selected. Once the type of case management tool is chosen, the implementation process begins.

In the Cobb County Magistrate Court the Application Hearing Process for criminal warrants was not functioning as an efficient case management system, even though, as data will reveal, it was effective. The system worked as follows. An Application Hearing was scheduled if, after interviewing a warrant applicant, the

magistrate judge could not fully determine whether probable cause existed. At the Application Hearing, the warrant applicant, the accused, and any relevant witnesses would appear in court for a judge to hear the case. If the judge determines probable cause exists, a warrant is issued. No probable cause, no warrant. The Application Process was seen as effective because there was a noted decrease in the number of warrants issued. In 1995 the Court issued 18,714 warrants, 17,920 were issued in 1996, and 17,690 warrants were issued in 1997. By disposing of the case at the Application Hearing stage, the Cobb County Magistrate Court was positively impacting other courts, law enforcement, and prosecuting agencies. The reduction in caseload saves the prosecutor's office and the higher courts a tremendous amount of time and money by not having to try the cases. Furthermore, the Cobb County Sheriff's Office had 1,000 fewer warrants to serve which allows deputies to spend time on other important tasks. Unfortunately, the Application Hearing process has resulted in a significant increase in the number of hours that magistrate judges spend on the bench and in turn the process has negatively affected the Court's budget.

To study the effectiveness of these hearings, the Court began to gather statistical data on these hearings. Since the Court did not have the technology available to analyze the data, a form was designed and was to be used by the clerk present during the Application Hearings (see Appendix A). The following information was to be gathered on the form:

- Date of the hearing
- Nature of case/charge
- Length of hearing
- Was the warrant issued?
- If so, what was the charge?

The data was collected to determine whether the majority of the hearings result in the issuance of a warrant and whether the majority of the cases are civil or criminal in nature. This data was essential in applying a cost amount to the application hearings based on the length of the hearings (hours spent in court) and the hourly judicial and clerical salaries.

The case information was collected for a period of three months during which time 100 Application Hearings were conducted. Of the 100 cases that were heard by a judge, in only seven of those cases did the hearing result in the issuance of a warrant. In the other 93 cases, the judge made a determination that there were no grounds for a criminal warrant. In the cases heard by the judge, the hearings lasted an average of 45 minutes. In speaking to many of the judges who initially scheduled those application hearings there was a general consensus that although they did not think there were grounds to issue a criminal warrant, there were some issues between the affiant and the accused that needed to be addressed and as a result the judge scheduled the application hearing.

It was at this point that the Court began to look at alternative methods of resolving these criminal disputes - a method other than the parties appearing before a judge. The natural place to look was at the Court's existing Civil Mediation Program, which had been resolving disputes outside of the courtroom for several years. In April of 1994, the Cobb County Magistrate Court became the first Magistrate Court in the state of Georgia to implement a volunteer mediation program for small claims cases. The Magistrate Court Civil Mediation Program received \$20,000 in funding from the Georgia Commission on Dispute Resolution to cover start-up costs and has received

continual funding from the Cobb County Alternative Dispute Resolution (ADR) Board to cover on-going costs (personnel, continuing education, etc.).

The Cobb County Magistrate Court has enlisted the help of trained, state registered volunteer mediators since 1994. A large, core group of mediators volunteer their services to this program on a regular basis. All mediators working with the Program must meet the minimum requirements established by the court (see Appendix G) and are registered as a neutral with the Georgia Office of Dispute Resolution.

The Magistrate Court currently mediates approximately 400 small claims cases annually through the assistance of the Court Administrator, a Mediation Program Director, and volunteer mediators. This current mediation caseload is an 80% increase over the first year of operation. Over the past four years over 30% of the parties in contested small claims cases choose to go through mediation. Of those cases mediated, approximately 70% settled their claims.

After four years of operating the Civil Mediation Program, the Cobb County Magistrate Court decided to implement the first Criminal/Victim-Offender Mediation Program in the State. This decision was based on the research findings mentioned previously regarding the Application Hearings. To determine how the program should operate, research was conducted on existing Victim-Offender Mediation Programs and the area of restorative justice. Following is a discussion regarding the implementation of the Magistrate Court Criminal/Victim-Offender Mediation Program; what distinguishes this program from others in the State, how the program will operate, program funding, and anticipated results.

Review of Criminal Mediation Program

As has been previously discussed, up until the inception of the Criminal Mediation Program, any civilian seeking a warrant in Cobb County would fill out a warrant application form in the Magistrate Court. The civilian/applicant would then interview with a judge to determine whether enough probable cause existed to issue the warrant. If a magistrate were hesitant in issuing the warrant due to lacking probable cause he/she would then place these cases on an Application Hearing Calendar. The implementation of the Criminal Mediation Program has altered this process. These cases are now referred to the Mediation Office and if the parties are unable to resolve their conflict through mediation, then the case is scheduled for an Application Hearing. Guidelines have been established so that only certain types of cases are referred to mediation and the Program Director is responsible for screening cases to determine their appropriateness for mediation. No cases involving domestic violence or violence of a felony nature are mediated. The most common cases mediated involve roommate/relationship disputes, disputes over property rights (theft by conversion) and neighborhood disputes (usually involves criminal damage to property and/or simple battery charges).

The Program Director is responsible for screening cases, scheduling cases and mediators, assisting the Court Administrator with supervising and evaluating mediators, assisting with the coordination of all continuing education seminars and compiling quantitative and qualitative data on both mediation programs. Funding of that position was one of the first steps in determining whether the Criminal Mediation Program could be a success. The Magistrate Court Civil Mediation Program, until recently, was

coordinated by the Court Administrator and a part-time (29 hours a week) Program Director. A full-time Mediation Program Director was necessary to administer both the civil and criminal mediation programs due to the demands of both programs.

REVIEW OF LITERATURE

An Overview of Mediation

In 1976, Warren E. Burger, former Chief Justice of the U.S. Supreme Court, convened a conference on the causes of dissatisfaction with American Justice System. Out of that conference emerged ideas on how to make the judicial system more workable, more efficient, at less cost in terms of time, money, and emotional well being. This conference led to an interest by the legal system in Alternative Dispute Resolution, such as mediation. Various forms of Alternative Dispute Resolution or ADR are now being used in virtually every kind of institution in the United States.

The mediation process is designed to be much more informal than that of litigation. There is no courtroom decorum to abide by and there is little formality about the process. In a mediation session the parties typically sit down at a conference table with the mediator in a very informal setting. The process is also designed to be non-adversarial. This particular method of dispute resolution does not seek to pit one party against another; rather it helps the parties to discover common interests and solutions.

This approach demands more creativity than is usually found in the litigation process. The parties and the mediator explore creative settlement options to help bring about a resolution to the dispute. Mediation encourages parties to develop alternative ways of solving the issues at hand. Evidence is less critical when using this means of dispute resolution. Mediation is not a fact-establishing or fact-finding forum and for this reason, the presence of witnesses is kept to a minimum. Witnesses are allowed in the mediation session at the discretion of the mediator.

One of the most considerable characteristics of mediation is confidentiality. The information gathered in the mediation session is confidential and privileged. The

mediator may not be subpoenaed to testify for or against either party regarding the mediation. Judges are not informed of the content of the mediation conference, only the results of the mediation are conveyed to the Court. With litigation there is a minimum of confidentiality.

One of the other most notable characteristics of mediation is that it is voluntary. Parties may not be forced to reach an agreement. The parties involved in the dispute always retain the right to go into the courtroom and have their case heard by a judge. Mediation allows the parties to control their own dispute and to resolve the problem themselves rather than having the judge decide it for them. The mediator has no decision making power in the process - the role of the mediator is to act merely as a facilitator.

The mediation process is intended to create win/win results. The goal is that through mediation a solution may be reached that is satisfactory to both or all parties. In litigation, it is not uncommon that a judge's ruling results in at least one party leaving the courtroom mad or displeased. Therefore, litigation is sometimes viewed as a win/lose situation.

Mediation is a process that is future-oriented. The goal is not to place fault or blame, but to solve the problem at hand. The mediator will inform the parties up front that the process is not about placing blame. During the mediation session the parties are asked to explain what has happened that has brought them to the present stage. From that point on the mediation session is focused only on the future - where do they go from here? What needs to happen to resolve this conflict?

The mediator's role is to act as a neutral third party and to facilitate the discussion between the parties in order to move the parties toward resolution. The mediator does not have the authority to impose a decision on the case or to make the parties enter into an agreement - any settlement is entirely voluntary. What the mediator does do is attempt to focus the attention of the parties upon their needs and interests rather than upon rights and positions. Aside from the fact that mediation addresses the specific needs and interests, another reason that mediation is often viewed as a more optimal method of dispute resolution is the fact that with mediation the relationship between the parties is often improved or maintained.

Criminal/Victim-Offender Mediation Programs

Several Courts in Georgia currently mediate criminal cases (Ninth Judicial District, Coweta Judicial Circuit, Gwinnett County). The difference between those programs and the program discussed in this study is rooted in the dynamics of restorative justice and training requirements. Dr. Mark Umbreit describes the dynamics of Restorative Justice in his article, "Having Offenders Meet With Their Victims Offers Benefits for Both Parties." Mark Umbreit is a prominent researcher in the field of Restorative Justice and conducted the Criminal Mediation Training for the Cobb County Magistrate Court as a part of this project. According to Dr. Umbreit, in Victim-Offender Mediation Programs, "victims are given the opportunity to express their feelings directly to the person who violated them." Victims are also able to ask questions such as "Why me?" The victim and offender discuss any loss that the victim incurred and attempt to work out a mutually acceptable restitution agreement. Umbreit

claims that the written agreement in these types of cases becomes "a tangible symbol of conflict resolution" between the victim and offender and the agreement creates "a focal point for accountability". Umbreit concludes by stating that "the mediation process helps the victims reduce their anger, frustration, and fear and compensates them for their losses. Offenders, meanwhile, are held accountable for their behavior and have the chance to make amends. Some are even diverted from initial or continued costly incarceration in jails or prisons."

In order to understand the dynamics involved in victim-offender cases, the mediators expressing an interest in working with the Magistrate Court were required to undergo an intensive training course on restorative justice and victim-offender mediation. Only those mediators who successfully completed the training are permitted to mediate in the Criminal Mediation Program. According to Margaret Hermann in her article, *Walking the Walk*, "programs need to know a mediator's style and, where possible, assign cases on the premise of maximizing a mediator's talents... where there is an obvious mismatch, mediators and clients suffer."

In determining how to implement the Magistrate Court Criminal Mediation Program, research was conducted on the various mediation program models. Marty Price discusses the "classical Victim Offender Reconciliation Program Model," the "Pure Mediation Model," and the "Humanistic Mediation Model" in his article "Comparing Victim Offender Mediation Models." Price describes the "classical" model as a "social work development approach" which involve preliminary meetings with the victims and offenders. According to Price, the "classical" model is a drawn-out process and requires a significant time commitment from participants, mediation staff, and

volunteer mediators. In the "Pure Mediation Model" mediators have no contact with victims and offenders until they appear for the mediation and there are no preliminary meetings. Price describes the "Pure Mediation Model" as one that may "be appropriate for some limited categories of relatively minor offenses against property, in which the victim reports no feeling of personal violation - that the harm done was solely economic." Mark Umbreit, PhD. also elaborates on the "Pure Mediation Model" in his book, Mediating Interpersonal Conflicts: A Pathway to Peace. Dr. Umbreit claims that the "Pure Mediation Model" is "settlement-driven" mediation and is effective in creating settlements between small claims court litigants and restitution contracts between crime victims and offenders.

METHODOLOGY

Evaluation/Performance Measure

With this being the first mediation program in the State that places an emphasis on victim-offender mediation and restorative justice, evaluating the effectiveness of the program was a primary goal. The primary performance measure is based on the number of criminal cases successfully resolved through mediation times the cost per criminal case receiving an Application Hearing. This measure demonstrates the cost the Court would have incurred had the case been heard by a judge.

Baseline measurements were gathered in order to make a comparative analysis in determining the cost effectiveness of the Victim-Offender Mediation Program. As has been discussed, data was collected over a three-month period on the cases scheduled for an Application Hearing. The data reflected that only 7% of the cases resulted in the issuance of a warrant (see Graph A). On average, approximately forty-five minutes was taken to hear each case. Based on the amount of time spent hearing each case and based on the hourly wage of the judge and clerk attending to those hearings, approximately \$4,371.00 was spent hearing the 93% of the cases that resulted in dismissal of the application. Based on the research conducted on other similar Criminal Mediation Programs, it is anticipated that the program will see a settlement rate of between 80% - 85%. Therefore, estimates are that approximately 200 criminal cases will be mediated annually and that referring these cases to mediation will result in a cost saving of approximately \$7,990.00 to the Court (see Graph B and C).

The Mediation Program Director publishes quarterly reports that detail the rate of agreement vs. non-agreement. A more in-depth annual report is also published through the Mediation Program. The annual report will evaluate recidivism rates in the

cases mediated as well as display qualitative data regarding the victims' and offenders' perspectives of the mediation process and satisfaction with the judicial system. The qualitative data is compiled from evaluation forms filled out by mediation participants.

Anticipated Results of Program

- Mediate a minimum of 200 victim-offender cases annually
- Reduce the number of criminal warrants issued
- Reduce the amount of bench time spent conducting application hearings

Projected Cost Analysis

Judicial Program Director	Salary	\$28,393.00
	Fringe Costs*	<u>+ 9,586.00</u>
	Annual Cost to County	\$37,979.00**
	Training (one-time cost)	<u>+ 500.00</u>
		\$38,479.00

*Fringe costs include worker's comp, health ins., dental ins., disability, retirement, life ins., FICA, and medical subsidy - figures provided by Cobb County Personnel Dept.

** When the Judicial Program Director's position was granted, the part-time mediation coordinator position was deleted. The deletion of that position results in an \$11,700.00 savings, therefore the actual annual costs to the County for this *project* is \$26,279.00 although total annual *Program* costs equal \$37,979.00.

After receiving approval from the Cobb County Chief Magistrate Judge, a request was made to the Board of Commissioners for a full-time Mediation Program Director to coordinate the Criminal/Victim Offender Mediation Program. Submitted with that request were the results of the Application Hearing study and justification for the Criminal Mediation Program. The Cobb County Board of Commissioners granted the position with an effective date of January 1, 1998. The interviewing process for the full-time Program Director was begun in December and the position was filled on January 1st.

In implementing this Program the Court believed it was necessary to provide specialized training for the mediators who would be mediating the criminal cases so that the mediators would have a better understanding of the various dynamics that often exist in a victim/offender relationship. A proposal of the Criminal/Victim Offender Mediation Program was also submitted to the Georgia Office of Dispute Resolution (GODR). In the proposal the Cobb County Magistrate Court requested that the GODR provide Victim Offender training for the Court in support of the Program. The request was approved and Mark Umbreit, a trainer well recognized in this area of mediation, was scheduled to conduct the training in April of 1998.

The Program Director and Court Administrator notified all mediators currently working with the Civil Mediation Program of the upcoming training. Notices of the training and Interest Forms (see Appendix N) were sent to approximately 100 mediators. The Magistrate Court received an overwhelming response of 48 Interest Forms. Unfortunately, only sixteen slots were allotted to Cobb County in the training. The sixteen mediators were selected based on the following criteria:

- 1) Availability to mediate during the hours of 8 a.m. to 5 p.m.
- 2) Flexibility of personal schedules
- 3) Frequency of mediation with our Civil Mediation Program in the past year.

The fact the GODR was able to arrange for Mark Umbreit to conduct the training, was one of the most surprising developments to occur during the implementation process. As the foremost expert in the field, it was believed that he would lend a tremendous amount of credibility to the Criminal/Victim-Offender Mediation Program. The response from the mediators was also unexpected. Not only was it surprising that so many of the mediators were interested in attending the training, it was equally surprising that so many mediators would be willing to volunteer between the hours of 8 a.m. to 5 p.m. in order to gain experience in this specialized area of mediation.

The Criminal/Victim Offender Mediation Training was conducted April 13th through April 15th, 1998. All sixteen selected mediators attended the training. The training placed an emphasis on the dynamics of a victim offender relationship. The mediators participated in several role-plays in which a criminal case was involved. The cases that were used for the role-plays were actually much more serious in nature than the offenses to be mediated in the Magistrate Court Mediation Program. However, the training provided the mediators with an excellent overview of the criminal mediation process and helped the mediator identify the difference between mediating civil cases and mediating the criminal cases.

Following the mediation training, the Program Director and Court Administrator designed the case referral process. The referral process was determined by the method in which cases were currently being scheduled for Application Hearings and based on the success experienced through the referral process used in mediating civil cases. It was determined that the judges had the option to refer a case directly to mediation (while not mandating mediation) or to refer the case to the Application Hearing process.

All cases referred to the Application Hearing process would be screened by the Mediation Program Director to determine if the case is appropriate for mediation. If not appropriate the case would be scheduled for a hearing. If appropriate, the Program Director contacts both the affiant and the accused to see if both were willing to have the case mediated. The parties are instructed that if the case does not settle through mediation, an Application Hearing is scheduled in which both parties have to appear.

In analyzing the effectiveness of the mediation program as a case management tool, all criminal cases referred to mediation were reviewed for a period of seven months. This seven month time period encompasses the first seven months of the Criminal Mediation Program. The Program started out slowly and therefore the data pool is rather small.

The following data was gathered on the criminal cases:

- ☐ Warrant Applications Referred to Mediation
- ☐ Applications Mediated
- ☐ Mediations Resolved
- ☐ Status of Impassed Mediations

This data was collected by the Mediation Program Director on an on-going basis between June 1998 and December 1998 (see Appendix O).

FINDINGS

The data collected indicated that mediating the criminal cases was an effective method of resolving the disputes and that the process was effective in disposing of these case types. Of the criminal cases mediated over the seven months surveyed, 81% were successfully resolved (Graph E). In this study, successfully resolved is defined as any case which was resolved at the conclusion of the mediation session and was not brought back before the Court by the conclusion of this research (December 21, 1998).

Although the settlement rate is high, the total number of cases mediated is low in proportion to the number of cases referred to the program. This could suggest that the referral method might need to be modified. Of the cases referred to the Mediation Program, only 15% were mediated (Graph D). There are several possible explanations for this finding. The first explanation is that all cases referred to the Mediation Office are not appropriate for mediation. As has been discussed, cases are screened by the Program Administrator to determine whether the case is appropriate for mediation. Of the 118 cases that were referred to the Mediation Office but were not mediated, 35 were not mediated based because the Program Director made the determination that the case was not appropriate for the mediation. The majority of the cases deemed not appropriate were those cases that cited incidences of domestic violence.

The second explanation for the low percentage of cases mediated is that mediation is not mandatory and therefore only the cases in which both parties are willing to mediate are scheduled for a mediation session. Should either party refuse to have the case mediated, the case is scheduled for an application hearing. Lastly, the low percentage may be explained by the inability to contact either the affiant or the accused. In many instances, the affiant failed to list a telephone number for the accused or the

Program Director was unable to reach one or both of the parties at the numbers listed on the application.

If mediation was made a mandatory part of the process in those cases that are deemed appropriate for mediation, it is the conclusion of this reviewer that a greater total number of criminal cases would be resolved and therefore a lower number of Application Hearings would take place.

CONCLUSIONS

The Cobb County Magistrate Court Mediation Program serves to manage cases more effectively, reduce Magistrate Court bench time hours, and reduce the number of cases bound over to the higher courts. The Program achieves this by mediating the non-violent criminal misdemeanor cases that, up until the Program implementation, have been assigned to the Application Hearing process. Through the use of existing volunteer mediators whom have received specialized training in the area of criminal and victim offender mediation, more than 80% of the criminal cases mediated were resolved.

Although at first glance, with settlement rates such as these, one may determine that there is no room for improvement with the Criminal Mediation Program. However, the Program can improve upon the number of cases mediated by modifying the referral method. If the judges were to mandate mediation and make referral directly from the warrant application stage, the Program would reflect a greater number of cases mediated. Although, this process can only be effective if the judges, who are to refer these cases, support and utilize this new case management system.

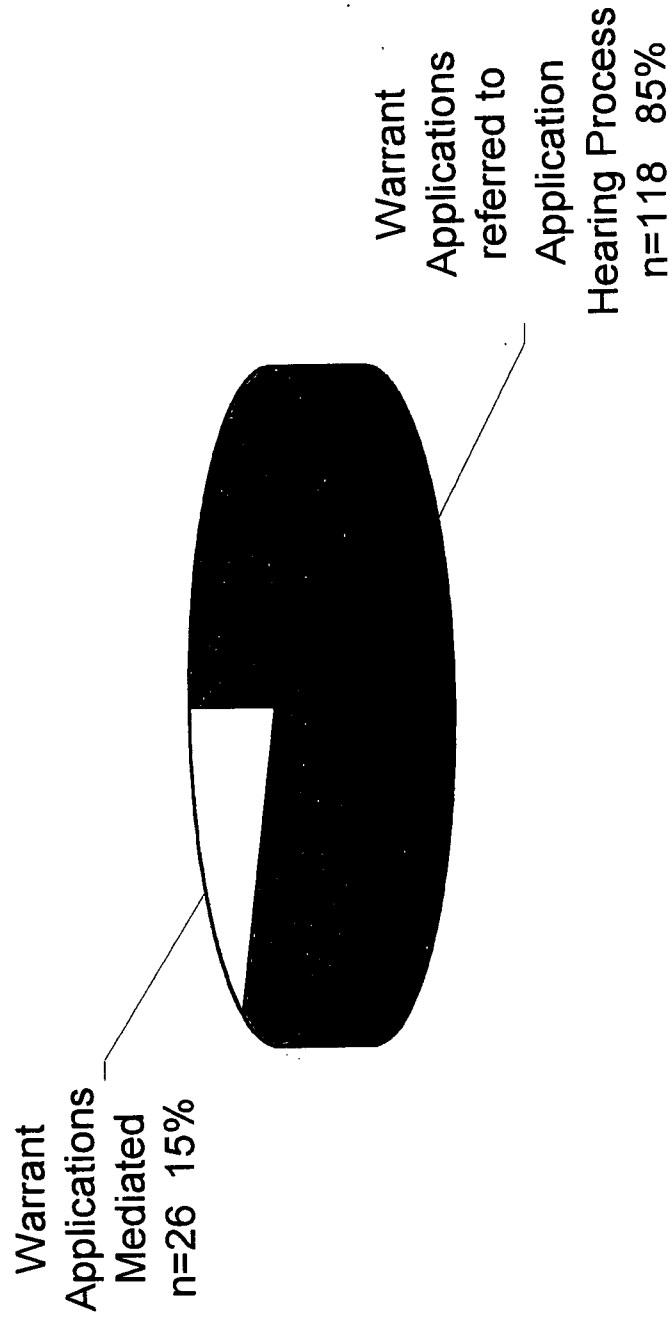
Mediating criminal cases has been beneficial to the Magistrate Court in that it saves judges time both on and off the time and saves the Court budgetary resources in the process. The Program accomplishes the goals that the Court intended for it to accomplish but there is the opportunity for the Program to have an even greater, more positive impact on the Court and its resources by mandating mediation on select cases.



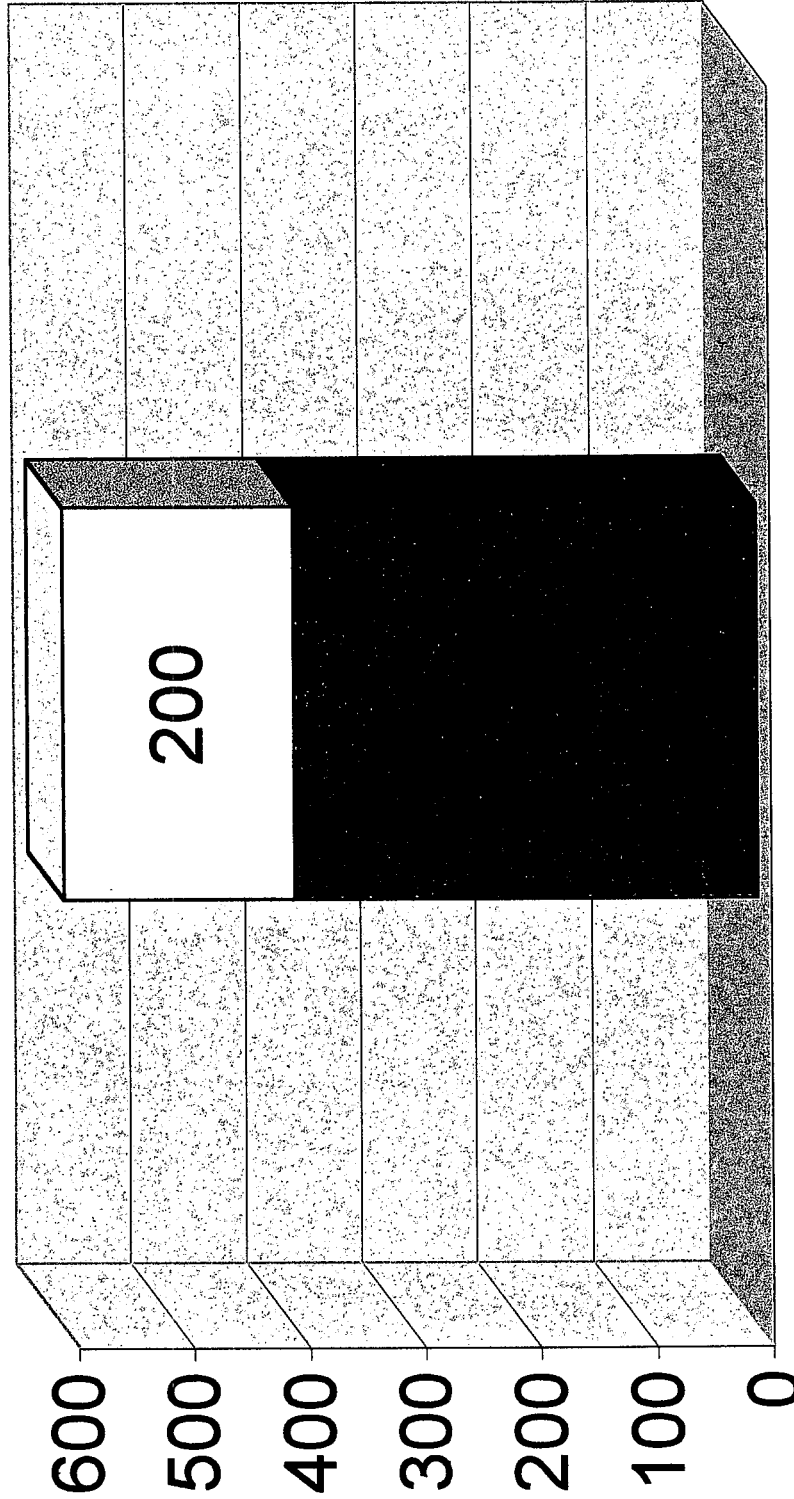
GRAPHIC ILLUSTRATIONS

STATUS OF WARRANT APPLICATIONS

June 1998 - December 1998

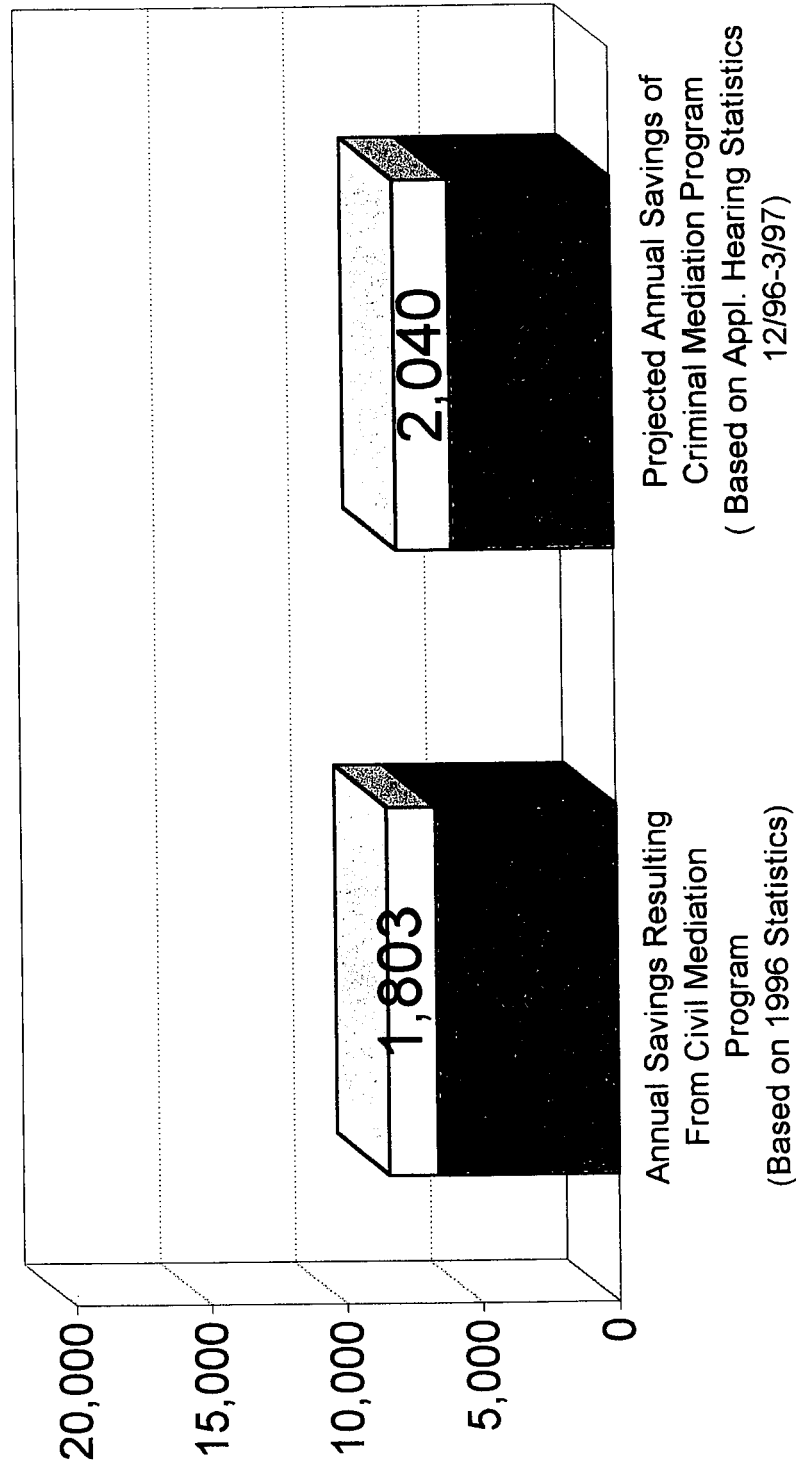


MAGISTRATE COURT MEDIATION CASELOAD (PROJECTED)

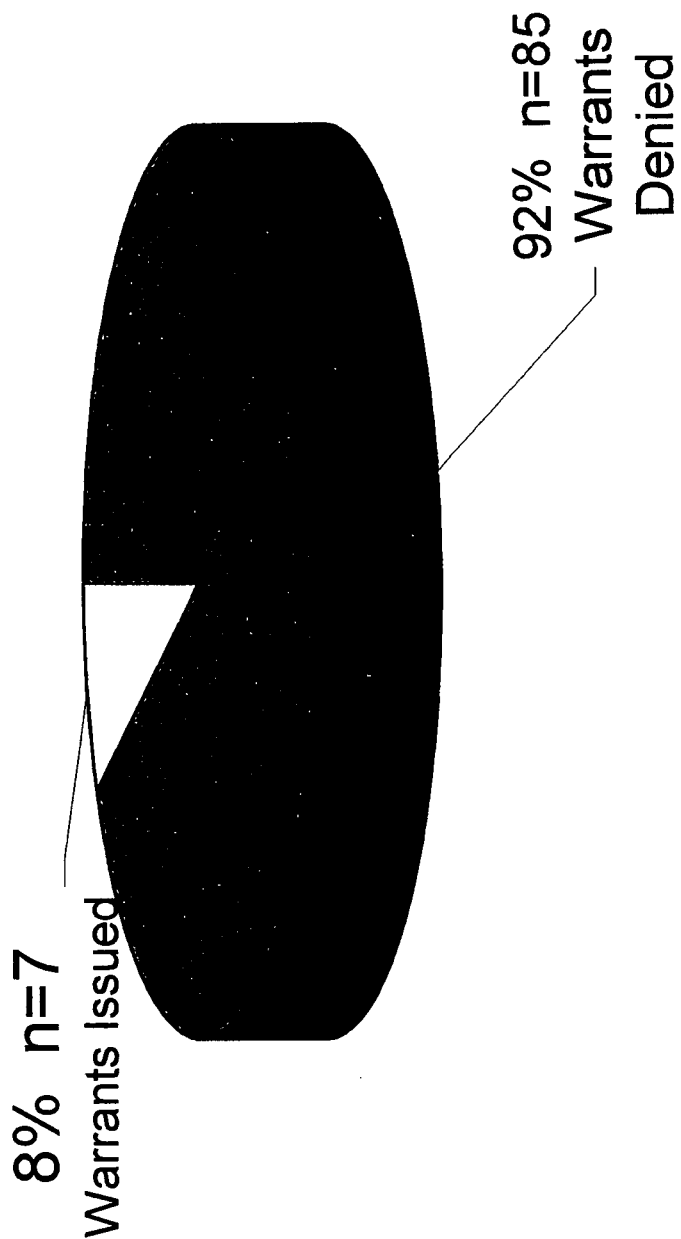


Civil and Victim
Offender Cases

COSTS DIVERTED AS A RESULT OF MEDIATION PROGRAMS



**RESULTS OF WARRANT
APPLICATION HEARINGS
December 1996 - March 1997**



Cobb County Magistrate Court Criminal Mediations June 1998 - December 1998

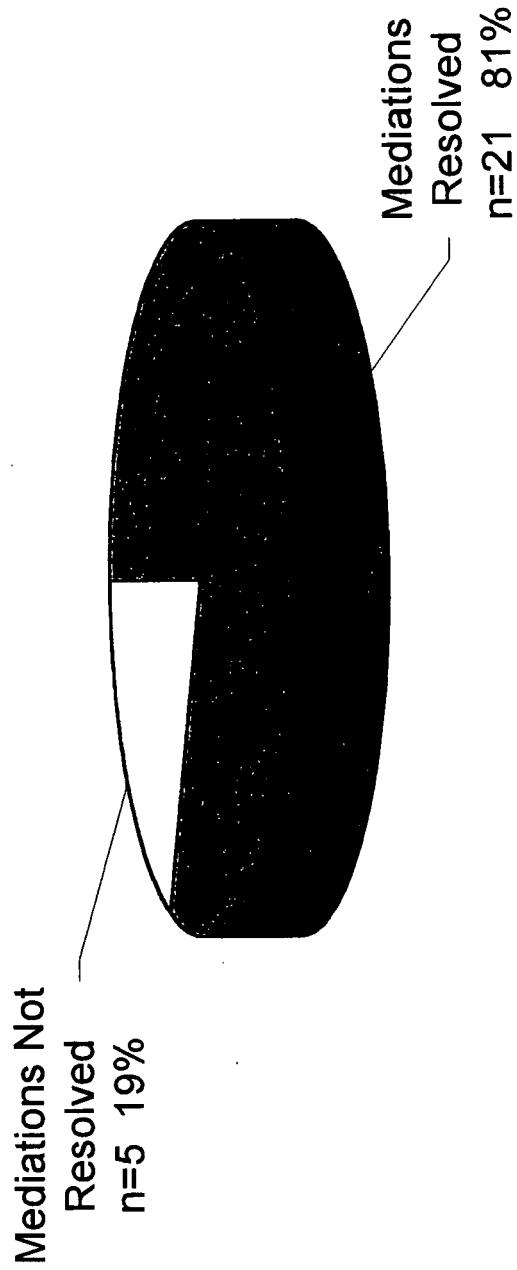


CHART 1

PROJECT TIMETABLE

MONTH	WEEK	NOVEMBER				DECEMBER				JANUARY				FEBRUARY				MARCH				APRIL			
		1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
		TASK #1	TASK #2	TASK #4	TASK #5					TASK #6	TASK #3, TASK #7	TASK #7, TASK #8	TASK #7	TASK #7	TASK #9	TASK #9	TASK #9	TASK #11	TASK #11	TASK #12	TASK #14, TASK #12	TASK #13, TASK #12	TASK #15	TASK #16	

Project Tasks

1. Develop idea
2. Submit proposal to supervisor for approval
3. Submit proposal to principal instructor for approval
4. Submit proposal to Board of Commissioners for approval
5. Submit training proposal to Georgia Commission on Dispute Resolution
6. Hire Mediation Program Director
7. Train Program Director
8. Mail notice and questionnaire to mediators currently working with Mediation Program to gauge interest in mediating criminal cases
9. To select training participants, interview mediators who have expressed an interest in handling criminal cases
10. Make presentation at monthly judge's meeting
11. Design program materials (information pamphlets, referral forms, mediation notices, etc.)
12. Begin referring cases to mediation, schedule cases
13. Prepare press release. Contact media.
14. Project presentation
15. Train mediators
16. Begin mediating criminal cases

APPENDICES

APPENDIX A
APPLICATION HEARING STATISTICS

Date: _____

Nature of Case/Charge: _____

Length of Hearing: _____

Was warrant issued? _____

If yes, what was the charge? _____

Date: _____

Nature of Case/Charge: _____

Length of Hearing: _____

Was warrant issued? _____

If yes, what was the charge? _____

Date: _____

Nature of Case/Charge: _____

Length of Hearing: _____

Was warrant issued? _____

If yes, what was the charge? _____

Date: _____

Nature of Case/Charge: _____

Length of Hearing: _____

Was warrant issued? _____

If yes, what was the charge? _____

Superior Court of the State of Georgia
Cobb Judicial Circuit

JUDGE WATSON L. WHITE
CHIEF JUDGE

JUDGE DOROTHY A. ROBINSON

JUDGE P. HARRIS HINES

JUDGE GEORGE H. KREEGER

JUDGE ROBERT E. FLOURNOY, JR.

JUDGE MICHAEL STODDARD

JUDGE MARY E. STALEY



JUDGE JAMES L. BULLARD
SENIOR JUDGE

COURT ADMINISTRATOR
HOWARD "SKIP" CHESHIRE

PROGRAMS ADMINISTRATOR
LINDA SLACK

30 WADDELL STREET
MARIETTA, GA 30090-9642
(404) 528-1810

February 1, 1994

Ms. Ansley Barton, Director
Georgia Office of Dispute Resolution
515 State Judicial Building
Atlanta, GA 30334

Dear Ansley,

As you know, from my earlier letter of January 11, 1994, the Magistrate Court of Cobb County is in the process of developing a Voluntary Mediation Program. We have also asked the Joint Commission on Alternative Dispute Resolution for grant money in the amount of \$20,000 to help cover the start-up costs for this program. The following is an outline as to how we envision the development of the program and a general breakdown of the necessary costs in this development.

As of January 4, 1994 both the Cobb County Superior Court and the Cobb County Magistrate Court implemented the collection of a filing fee for the purpose of ADR on all cases which will have access to the Mediation programs. Calculations as to the amount of money acquired from this filing fee will be no where near adequate for the start up of an additional program. An outline of an estimated budget to create a Magistrate Program determined that the start-up cost alone would be approximately \$ 37,525.00.

I have attached a copy of the proposed Local Rule of Court for the Magistrate Mediation Program, along with an estimated budget for the first year. Please let me know if I can provide you with any other information which would be beneficial for the Commission in this important decision.

Sincerely,

Skip Chesshire
Superior Court Administrator
Cobb Superior Court

APPENDIX E

ESTIMATED BUDGET FOR COBB COUNTY MAGISTRATE COURT
MEDIATION PROGRAM

SALARY & BENEFITS	\$ 26,000.00
TRAINING FOR ADMINISTRATOR	\$ 1,400.00
OFFICE SUPPLIES	\$ 1,000.00
PRINTING COSTS (INC. STATIONARY & BROCHURES)	\$ 3,000.00
FURNITURE (DESK, CHAIR, FILE CABINET BOOKCASE, 2 VISITOR CHAIRS)	\$ 1,125.00
COMPUTER EQUIPMENT (P.C. & PRINTER)	\$ 2,000.00
OPERATING EXPENSES (PHONE, POSTAGE, PHOTOCOPIES, EQUIP. MAINT.)	\$ 3,000.00
	<hr/>
	\$ 37,525.00

Cobb County Magistrate Court
Mediation Rule

DEFINITION:

Mediation. Mediation is a process in which a neutral facilitates settlement discussions between parties. The neutral has no authority to make a decision or impose a settlement upon the parties. The neutral attempts to focus the attention of the parties upon their needs and interests rather than upon rights and positions. In the absence of settlement the parties lose none of their rights to a jury trial.

Rule 1. Referral to Mediation.

(a) Except as hereinafter provided, any contested civil matter may be referred to mediation. Cases shall be screened by the judge or the mediation office to determine whether the case is appropriate for mediation.

(b) The scheduling of a case for mediation conference shall not postpone the scheduled hearing date unless approved by the judge.

Rule 2. Timing of ADR Processes.

Mediation will be scheduled upon the request of both the defendant and the plaintiff. All mediation will be voluntary.

Rule 3. Appointment of Mediator.

(a) Mediators will be appointed from the list of fully certified mediators (as defined in Rule 5) maintained by the Magistrate Court Programs Administrator. All mediators who are fully certified with the Cobb County Superior Court are automatically accepted as mediators in the Cobb County Magistrate Court. If either party has a preference as to mediator, providing that the mediator is available, the court shall allow the requested mediator to perform said mediation. Requested mediator must be fully certified through Cobb County Magistrate or Superior Court.

(b) Disqualification of a Mediator. Any party may move to enter an order disqualifying a mediator for good cause. If the court rules that a mediator is disqualified from hearing a case, an order shall be entered setting forth a qualified replacement from the list of fully certified mediators in the mediation

office. The motion disqualifying the mediator shall be presented to the mediation office which shall be presented to a magistrate judge.

Rule 4. Mediator Qualifications for Certification by the Cobb County Magistrate Court.

The qualifications for certification as a mediator shall be determined by the Chief Magistrate Court Judge. The qualifications shall not be less than the minimum qualifications set in the Georgia Supreme Court Alternative Dispute Resolution Rules. The qualifications shall be approved by the Georgia Commission on Dispute Resolution and shall be filed with the Georgia Supreme Court as an appendix to this rule. To certify as a mediator in Cobb County Magistrate Court mediators must be registered with the Georgia Office of Dispute Resolutions.

Rule 5. Compensation of Mediators.

All mediators will be volunteers and therefore shall not receive compensation for mediation sessions or training.

Rule 6. Immunity.

Immunity for mediators is governed by the applicable provisions of the Uniform Rule.

Rule 7. Confidentiality.

Confidentiality for the Mediation process is governed by the applicable provisions of the Uniform Rule.

Rule 8. Appearance.

The presence of parties at all mediation conferences is required unless the court finds that a party is a nonresident or is incapacitated. The requirement that a party appear at a mediation conference is satisfied if the following persons are physically present:

- (a) The party and/or
- (b) The party's representative if that representative has
 - (i) full authority to settle without further consultation, and
 - (ii) a full understanding of the dispute and full knowledge of the facts;
- (c) A representative of the insurance carrier for any insured party if that representative has full authority to settle without further consultation, except that telephone consultations are permitted.

Rule 9. Sanctions for Failure to Appear.

If a party fails to appear at a duly noticed and agreed upon mediation conference without good cause, the mediation department shall notify the court. The court, upon motion, may impose sanctions.

Rule 10. Communication with Parties.

The only ex parte communication outside of the mediation conference shall be for the purposes of verifying appointment times and locations.

Rules 11. Communication with the Court.

Communications between the mediation department and the court and between mediators and the court are governed by the applicable provisions of the Uniform Rule.

Rule 12. Completion of Mediation.

- (a) Length of Mediation. Mediation conferences are scheduled for one hour. However, the duration of the mediation conference may be shorter or longer, depending upon the assessment of progress by the mediator and the parties.
- (b) The mediator may adjourn the mediation conference at any time and may set times for reconvening the adjourned after consultation with the Magistrate Court Programs Administrator. No further notification is required for parties present at the adjourned conference.

(c) Agreement. If an agreement is reached at the time of the mediation conference, the parties should submit the agreement at that time or no later than twenty-four (24) hours from the end of the mediation conference. The mediation office will provide forms on which the agreement may be drawn.

(d) If the parties do not reach an agreement as to any matter as a result of mediation, the mediator shall report the lack of agreement to the mediation office. The parties shall then proceed with the originally assigned court date.

Rule 13. The Mediation Conference.

(a) Notifying the Mediator. The mediator must be notified at least forty-eight hours before the mediation (not including weekends and holidays) of any rescheduling or cancellations, for whatever reason, regardless of whether relief has been granted by the court. Settlement before mediation is encouraged. It is the responsibility of the Plaintiff to notify the mediation office in a timely manner of any settlement before the initial conference. Written confirmation is required.

(b) The Role of Counsel. The mediator shall at all times be in control of the mediation and procedures to be followed during the mediation. Counsel may be permitted to communicate privately with their clients.

(c) Conflicts. For purposes of conflict, as contemplated in Rule 17 under the Uniform Rules of Superior Courts, the mediation procedure shall be construed as being a non-jury proceeding and counsel and the parties may rely upon said designation in resolving any scheduling conflicts.

(d) Rescheduling and Scheduling.

Mediation conferences generally last one hour. Mediation conferences will be scheduled on Monday and Thursday evenings at 6:30 p.m. The times of the mediation conferences are contingent upon space in the courthouse being available.

The party or attorney who is requesting that a mediation session be rescheduled must obtain consent from opposing party or counsel and the assigned mediator. The mediation office must also be notified of any rescheduling attempts.

Rule 14. Administration of the Program.

The mediation office shall be under the Magistrate Court Programs Administrator. It shall be responsible for all administrative matters pertaining to mediation. The program must be notified of all cancellations. Cancellations due to settlement must be confirmed in writing. The program must also be notified of any settlements occurring after mediation. The court retains ultimate authority over the program.

Rules 15. Evaluation.

The mediation department will provide to the Office of Dispute Resolution information which will allow an evaluation of the program. This information will be provided on an ongoing basis. The model for this evaluation will be provided by the Georgia Office of Dispute Resolution.

**COBB COUNTY MAGISTRATE COURT
MEDIATOR QUALIFICATIONS FOR CERTIFICATION**

A. General Qualifications:

- (1) Complete the mediator application and submit to an interview with the Mediation Program Coordinator.
- (2) Complete a minimum of 20 hours of mediation training approved by the Magistrate Court.
- (3) Observe five mediation sessions conducted by a certified mediator or complete practicum equivalent to five mediations.
- (4) Observe two mediations conducted by a certified mediator in the Magistrate Court (these may be included in your five observations if they were in Magistrate Court).
- (5) Complete two (2) co-mediations in the Magistrate Court.
- (6) Agree to undergo evaluation of mediation sessions by the Program Coordinator or his designee acting as the evaluator and participate in research as appropriate.
- (7) Agree to mediate a minimum of **five** mediations in the Magistrate Court per year.
- (8) Agree to attend three hours of continuing education each year.
- (9) Be of good moral character.
- (10) Be approved by a mediation panel consisting of the Chief Magistrate and the Magistrate Court Program Coordinator.
- (11) The court may certify a retired or former judge to sit as a mediator provided however, that all provisions of the above qualifications are met.

B. Removal of Mediator from the Approved Mediator List

- (1) Mediators who do not mediate at least five (5) cases a year will be removed from the approved mediator list. To regain active status see #5 - 10 above.
- (2) Mediators who do not complete three hours of continuing education each year will be removed from the approved mediator list.
- (3) The mediation panel, after a hearing, shall have the authority to remove any mediator from the certified list for good cause shown.

MEMORANDUM

TO: Chairman Bill Byrne

FROM: Judge D. Victor Reynolds

DATE: October 8, 1997

SUBJECT: Proposal for full-time Judicial Program Coordinator

It is respectfully requested that the Cobb County Board of Commissioners approve funding for a Judicial Program Coordinator to assist with the coordination of the Magistrate Court Mediation Program. Since the creation of this program in 1994, the Magistrate Court civil caseload has increased substantially and as a result, the demand placed on mediation services has also increased. We are currently mediating approximately 45 civil cases a month (approximately 540 cases a year). This is an 80% increase over our first year of operation. In addition to the increase in mediating civil cases, the Magistrate Court Mediation Program foresees mediating non-violent criminal (victim-offender) cases in the fall of 1997 but needs additional staff assistance for this to occur. We anticipate mediating a minimum of 600 Magistrate Court criminal cases through the Victim-Offender Program based on our current Application Hearing Caseload. We are requesting this funding for a twelve-month trial basis. At the end of the twelve months, we will come back to the Board of Commissioners with a report on the status of the program and to seek direction for the future.

Please find attached a graph indicating the projected Magistrate Court Mediation Caseload and the anticipated results of the Victim-Offender Mediation Program. Your consideration is appreciated. Please let me know if you have any questions regarding this matter.



COBB COUNTY PERSONNEL

100 Cherokee Street, Suite 450
Marietta, Georgia 30060-9679
Phone: (770) 528-2541 Fax: (770) 528-2550

Shelia L. Buckner
PERSONNEL DIRECTOR

AGENDA ITEM NO. _____

TO: David Hankerson
County Manager

FROM: Shelia Buckner
Personnel Director

MEETING DATE: November 25, 1997

PURPOSE

To request deletion of a part-time position and the creation of a full-time Judicial Program Coordinator, grade 34, to administer the Mediation Program in the Magistrate Court.

BACKGROUND

Since the creation of the mediation program in 1994, the Magistrate Court civil caseload has increased substantially and as a result, the demand placed on medication services has also increased. The Magistrate Court is currently mediating approximately 45 civil cases a month (approximately 540 cases a year). This is an 80% increase over the first year of operation. In addition to the increasing civil cases, the Magistrate Court foresees mediating nonviolent criminal cases in the fall of 1997 but needs additional staff for this to occur. It is anticipated that a minimum of 600 Magistrate Court criminal cases will be mediated through the Victim-Offender Program based on current Application Hearing Caseload.

FUNDING

Funding of \$25,485 is available in the department's FY98 part-time budget (8861-6018).

RECOMMENDATION

Authorize the deletion of one part-time clerk and the creation of one Judicial Program Coordinator, grade 34, effective January 1, 1998, in the Magistrate Court to support the Mediation Program.

Board of Commissioners

BILL BYRNE, Chairman
WILLIAM A. COOPER, District 1
JOEL THOMPSON, District 2
GORDON J. WYSONG, District 3
GEORGE WOODY THOMPSON, JR., District 4

*An Equal Opportunity Employer
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FY98 PERSONNEL CHANGE FORM

Creation of Position
POSITION

FULL TIME

Org. Number/Name:	Magistrate Court		
Effective Date:	1/1/98		
Position Number:			
Position Title:	Judicial Prog Coord	Annual Salary:	\$28,393.00
Salary Grade:	34	Salary Rate:	\$13.65

SALARY

FY98
COST

Hourly Rate	\$13.65
BW Hours	80
Number of BW	19
Annual Salary	\$20,748.73
Merit Increase	\$0.00
Salary 6012	\$20,748.73

FRINGE BENEFITS

	Formula	
6032 Disability	Salary *.00377	\$78.22
6034 FICA	Salary *.0765	\$1,587.28
6036 Medical	\$63.75/BW	\$1,211.25
6038 Life Insurance	Sry *.00265)*1.5	\$82.48
6040 Medical Subsidy	\$119.46/BW	\$0.00
6044 Retirement	Salary *.0686	\$1,423.36
6052 Worker's Comp	Salary *.00791	\$164.12
6055 Dental	\$9.96/BW	\$189.24

Subtotal	18.58%	\$4,735.95
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TOTAL PERSONAL SERVICES

\$25,484.68

FY98 PERSONNEL CHANGE FORM

Delete Part-time Funds
POSITION

FULL TIME

Org. Number/Name: Magistrate Court
Effective Date: 1/1/98

Position Number:

Position Title: Clerk

Salary Grade: PT Salary Rate: \$8.00

Annual Salary \$11,600.00

SALARY

FY98
COST

Hourly Rate \$8.00

BW Hours 58

Number of BW 19

Annual Salary \$8,816.00

Merit Increase \$0.00

Salary 6012 \$8,816.00

FRINGE BENEFITS

Formula

6032 Disability Salary *.00377 \$0.00

6034 FICA Salary *.0765 \$674.42

6036 Medical \$63.75/BW \$0.00

6038 Life Insurance Sry *.00265)*1.5 \$0.00

6040 Medical Subsidy \$119.46/BW \$0.00

6044 Retirement Salary *.0799 \$0.00

6052 Worker's Comp Salary *.00791 \$265.98

6055 Dental \$9.96/BW \$0.00

Subtotal 9.64% \$940.40

TOTAL PERSONAL SERVICES \$9,756.40

October 24, 1997

Georgia Commission on Dispute Resolution
C/o Ansley Barton, Director
Georgia Office of Dispute Resolution
800 The Hurt Building
50 Hurt Plaza
Atlanta, GA 30303

Dear Commission Members:

Please find enclosed a revised proposal/request for funding for the Cobb County Magistrate Court Victim-Offender Mediation Program (Section IV revised).

I. Introduction

In 1994, the Cobb County Magistrate Court was the first court in Georgia to begin mediating small claims cases. The Magistrate Court Mediation Program received \$20,000 in funding from the Georgia Commission on Dispute Resolution to cover start-up costs and has received continual funding from the Cobb County ADR Board to cover on-going costs (personnel, continuing education, etc.).

As you are probably aware, the Magistrate Court currently mediates approximately 400-500 small claims cases annually through the assistance of the Court Administrator, a part-time Mediation Program Coordinator, and volunteer mediators. This is an 80% increase over our first year of operation. We have a large, core group of mediators who volunteer their services to this program on a regular basis.

Three years have passed and the Cobb County Magistrate Court is now in the process of implementing the first Victim-Offender Mediation Program in the State. After researching Victim-Offender Mediation Programs and the area of restorative justice and after reviewing the manner in which we currently process criminal cases, our court saw a need for such a program. Following, you will find information regarding the implementation of the Victim-Offender Program such as, what distinguishes this program from other's in our State, how the program will operate, funding of the program, and anticipated results.

II. Victim-Offender Mediation/Restorative Justice

Several Courts in Georgia currently mediate criminal cases (Ninth Judicial District, Coweta Judicial Circuit, Gwinnett County). The difference between those programs and the program discussed in this proposal is rooted in the dynamics of restorative justice. In Victim-Offender Mediation Programs, victims are given the opportunity to discuss their feelings directly with the individual who violated them. Victims are also able to ask questions such as "Why me?" The Victim and offender discuss any loss that the victim incurred and attempt to work out a mutually acceptable restitution agreement. The written agreement in these types of cases becomes a tangible symbol of resolution between the victim and offender and the agreement creates a focal point for accountability. The mediation process helps the victims reduce their anger, frustration, and fear and compensates them for their losses. Offenders, meanwhile, are held accountable for their behavior and have the chance to make amends. Some are even diverted from initial or continued incarceration.

In order to understand the dynamics involved in victim-offender cases, the mediators expressing an interest in working with the new program would have to undergo an intensive training course on restorative justice and victim-offender mediation. Only those mediators who successfully complete the training would be permitted to mediate in the program.

III. Review of Program

Any civilian seeking a warrant in Cobb County must fill out a warrant application form in the Magistrate Court. The civilian/applicant would then interview with a judge to determine whether enough probable cause existed to issue the warrant. If a magistrate is hesitant in issuing the warrant due to lacking probable cause or if he/she simply believes the case to be appropriate for mediation based on the relationship between the parties, the case would be referred to the Mediation Office. These types of cases are currently placed on an Application Hearing Calendar. Guidelines would be established so that only certain types of cases are referred to mediation and the Program Coordinator would be responsible for screening cases to determine their appropriateness for mediation. We anticipate mediating a minimum of 500 Magistrate Court criminal cases through the Victim-Offender Program and we have received a commitment from the Cobb County District Attorney's Office that they will refer many of their cases to the program. Their office currently has 185 victim-offender cases that are appropriate for mediation and which they are willing to refer to the program. The District Attorney's Office has even gone to such lengths as to provide victim-offender mediation training to the employees who would be working with our court on this endeavor.

Currently the Magistrate Court Mediation Program is run by the Court Administrator and a part-time (29 hour a week) Program Coordinator. A full-time Mediation Program Coordinator would be necessary to administer both the civil and criminal mediation programs. This position would be responsible for screening cases, scheduling cases and mediators, assisting the court administrator with supervising and evaluating mediators, assisting with the coordination of all continuing education seminars, and compiling quantitative and qualitative data on both mediation programs.

As I have mentioned, we have an existing mediation program for Magistrate Court civil cases and the program currently has 115 trained volunteer mediators registered with the court. With additional training on the various elements of restorative justice and victim-offender cases, we would utilize a core group of these mediators to work with the new program.

IV. Request for Funds/Training

We respectfully request \$10,000 from the Commission to help our court fully implement and monitor the progress of this program. The monies would be utilized for mediation training in the area of victim-offender/restorative justice as well as to supplement the Part-time Program Coordinator's annual salary since we anticipate that both programs could not be administered with less than a full-time coordinator. These funds would not be utilized unless the Cobb County Board of Commissioners agreed to continually cover the on-going costs of the new program as well as the existing program.

If the Georgia Commission on Dispute Resolution makes the determination that it is unable to provide financial assistance to the Cobb County Victim-Offender Mediation Program, we alternately request assistance in the way of training. We believe that bringing in a trainer who is recognized in the field of victim-offender mediation would lend credibility to the program and would provide our mediators with the skills necessary to effectively mediate victim-offender cases.

V. Evaluation

To my knowledge, this would be the first mediation program in the State that places an emphasis on victim-offender mediation and restorative justice. Therefore, evaluating the effectiveness of the program will be one of our primary goals. The Magistrate Court will keep the Commission abreast of our progress through a series of quarterly reports that will detail the rate of agreement vs. non-agreement (quantitative data). The Court will also produce a more in-depth annual report which will look closely at recidivism rates in the cases mediated as well as display qualitative data regarding the victims' and offenders' perspectives of the mediation process and satisfaction with the judicial system.

VI. Anticipated Results

- Mediate a minimum of 500 victim-offender cases annually
- Reduction in the number of criminal warrants issued
- Reduction in recidivism rate among offenders who mediate
- Reduction in the amount of bench time spent conducting application hearings
- Higher rate of satisfaction with judicial system expressed by victim/offender
- Other agencies (Solicitor's Office, District Attorney's Office, State Court, Superior Court) would be positively affected by the reduced number of criminal cases

Thank you for your consideration of this request. Please feel free to contact me if you have any questions or comments regarding this proposal.

Sincerely,

Judge D. Victor Reynolds
Chief Magistrate



Georgia Office of Dispute Resolution

ANSLEY BOYD BARTON
DIRECTOR

800 THE HURT BUILDING
50 HURT PLAZA
ATLANTA, GA 30303
(404) 527-8789
FACSIMILE (404) 527-8711

November 12, 1997

Chief Magistrate Victor Reynolds
Magistrate Court of Cobb County
Public Safety Building
32 Waddell Street
Marietta, GA 30090-965

Dear Judge Reynolds:

The Georgia Commission on Dispute Resolution considered your request for a grant for the Magistrate Court of Cobb County at its meeting November 6, 1997. Since you graciously accepted my suggestion that the Commission sponsor a training in victim/offender mediation for Cobb mediators and others in lieu of a grant of money, I presented that option to the Commission. The Commission unanimously approved a training sponsored by the Georgia Office of Dispute Resolution.

I spoke with Angie Davis on Monday about the Commission's action. We hope that the training can be held sometime in the winter. I am very excited about the possibility of training a group of mediators to handle not only criminal misdemeanor cases but more serious criminal cases as well. Thank you for working with me on this matter. I hope that the training will meet your needs and allow us to reach some other courts as well.

Sincerely,

Ansley B. Barton



Georgia Office of Dispute Resolution

ANSLEY BOYD BARTON
DIRECTOR

800 THE HURT BUILDING
50 HURT PLAZA
ATLANTA, GA 30303
(404) 527-8789
FACSIMILE (404) 527-8711

December 11, 1997

Professor Mark Umbreit
Center for Restorative Justice and Mediation
School of Social Work, University of Minnesota
386 McNeal Hall, 1985 Buford Ave.
St. Paul, MN 55108

RE: Confirmation of dates for victim offender mediation training

Dear Mark:

This letter will confirm our telephone conversation of December 9th, wherein we have scheduled for you to come to our offices in Atlanta to conduct a three day introductory victim offender mediation training for 24 people. The training will be conducted Monday, April 13, 1998 - Wednesday, April 15, 1998. We understand that this training will cost approximately \$6,648.00 but that your airfare may be slightly higher than quoted due to the fact that you will not be staying a Saturday night.

Please let us know what the next step will be with regard to this training. We have reserved the training room and role play rooms for these dates. Will we need to copy your training materials for you here, or will you be bringing the manuals with you? Also, could you please forward a copy of the agenda for the training to us at your earliest convenience?

We will be glad to pay you your total fee (including travel expenses) in advance. Please let me know an appropriate time frame for doing so. I will look forward to hearing from you. We are excited about the prospect of meeting you and learning from you.

Sincerely,

Jennifer Boyens
Deputy Director

cc: Angie Davis, Cobb County Magistrate Court Administrator



MAGISTRATE COURT OF COBB COUNTY

PUBLIC SAFETY BUILDING
32 WADDELL STREET
MARIETTA, GEORGIA 30090-9656
(770) 528-8931

INTERNET: [HTTP://WWW.MINDSPRING.COM/~MAGCOURT](http://www.mindspring.com/~MAGCOURT)

D. VICTOR REYNOLDS
CHIEF MAGISTRATE JUDGE
T.O. STURDIVANT, III
MAGISTRATE JUDGE
CARL W. BOWERS
MAGISTRATE JUDGE
FAX: (770) 528-8947

ANGIE T. DAVIS
COURT ADMINISTRATOR
(770) 528-8938
JAMES R. GANTT
CLERK

TO: COBB COUNTY MAGISTRATE COURT MEDIATORS

The 1998 Calendar Year has arrived and with it are some exciting new changes for the Magistrate Court Mediation Program. First, I would like to introduce Sharon Herndon, the new full-time Mediation Program Administrator. In addition to having an extensive background in the educational system, Sharon has worked with the Cobb County Drug Court Program, and most recently has assisted with the Mediation Program on a part-time basis. We are delighted to have Sharon on-board and believe that she will be a true asset to the Program.

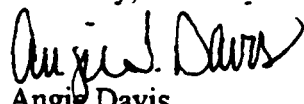
In addition to gaining a full-time administrator, the Magistrate Court has laid the groundwork to implement a *Victim-Offender Mediation Program* in early spring. This program will focus on the mediation of criminal cases and will be the first Victim-Offender Mediation Program in the state of Georgia. An intensive Victim-Offender Mediation Training will be offered, at no charge, to those mediators interested in volunteering with the new program. Mark Umbreit, a nationally recognized authority in this style of mediation, will be conducting the training. Although we do not have the details regarding the time and location of the training, the dates for the training are Monday, April 13th through Wednesday, April 15th.

We are trying to get some indication of how many mediators are interested in mediating criminal cases. *Please fill out and return the attached information sheet indicating which types of cases you would prefer to mediate, how often you would like to mediate, and what days and times are most convenient for you. Training slots are limited, so please mail in your information sheet by February 1, 1998.* This information sheet will also allow us to update our database with any changes in addresses or phone numbers.

With the addition of criminal cases, the Magistrate Court Mediation Program anticipates scheduling record numbers of mediations. As such, in order to effectively schedule mediators, we have found it necessary to implement a few administrative changes. When in the office for a mediation, please check the wall calendar to sign up for days you would be available to mediate. Also, continue to call Sharon at 770/528-8935 to schedule mediations at your convenience. If you will be unavailable to mediate for an extended period of time please let Sharon know so that she can plan accordingly.

We realize that our volunteer mediators are the backbone of this program and we appreciate your continued dedication. We look forward to scheduling you for a mediation soon.

Sincerely,


Angie Davis

Court Administrator

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	Warrant Applications Referred to Mediation	Applications Mediated	Mediations Resolved	Status of Impassed Mediations	
May					
June					
July					
August					
September					
October					
November					
December					

BIBLIOGRAPHY