



Supreme Court of Oklahoma

Administrative Office of the Courts
Oklahoma Judicial Center
2100 North Lincoln Boulevard, Suite 3
Oklahoma City, Oklahoma 73105

Alternative Dispute Resolution System FY 2018 Annual Report

presented to

Dispute Resolution Advisory Board

2018 ANNUAL REPORT
prepared by Phil Johnson, ADR System Director

Background and Purpose

The Alternative Dispute Resolution System in Oklahoma is currently made up of 13 community-based Early Settlement Mediation centers and 12 programs developed by state agencies. This system which was authorized (1983) and funded (1985) by the state legislature through the Oklahoma Dispute Resolution Act, 12 O.S., § 1801 - 1813 et seq., is administered and supervised by the Administrative Director of the Courts (ADC) through her designee, the ADR System Director, with the ongoing guidance of the Dispute Resolution Advisory Board.

The Alternative Dispute Resolution System is designed to be centrally coordinated through the Administrative Office of the Courts. The purpose of the system, as stated in the Act, is "to provide to all citizens of this state convenient access to dispute resolution proceedings which are fair, effective, inexpensive, and expeditious." The Act anticipates that "such proceedings can also help alleviate the backlog of cases which burden the judicial system in this state."

Dispute Resolution Advisory Board

To assist with the supervision of the system, a fifteen-member Dispute Resolution Advisory Board is appointed by the Supreme Court of Oklahoma; these members serve on a volunteer basis and receive no compensation for their services. The current members of the board are:

- **Ted Roberts**, Chairman, of Norman, who represents the academic community;
- **Terry Winn**, Vice-chairman, of Edmond, who serves as a member at large;
- **David A. Cincotta** of Oklahoma City, who represents the Department of Corrections;
- **Phil Cotten** of Norman, who represents law-enforcement;
- **Honorable Lori Walkley** of Norman, who represents the judiciary;
- **Stan L. Foster** of Oklahoma City, who represents the legal profession;
- **Bonnie L. Clift** of Norman, who represents social services;
- **Jane F. Wheeler** of Oklahoma City, who represents consumer organizations;
- **Frank Turner** of Oklahoma City, who serves as a member at large;
- **Richard Smotherman** of Oklahoma City, who represents district attorneys;
- **Ray Vaughn** of Edmond, who represents local government;
- **Mike Cotrill** of Tulsa, who represents business organizations;
- **Shirley Ann Cox** of Oklahoma City, who represents state government;
- **Bobbie Burbridge Lane** of Oklahoma City, who serves as a member at large;
- **Jane McConnell** of Norman, who represents retired citizen organizations;
- **Jari Askins**, Administrative Director of the Courts who serves as an *ex officio* member.

Early Settlement Centers

There are 13 Early Settlement centers located throughout Oklahoma serving each of the 77 counties. Each Early Settlement center has a director to coordinate the day-to-day program operations, with the assistance of a part-time office coordinator. Most of the mediations, however, are conducted by carefully selected, trained, and experienced state-certified mediators who donate their time as volunteers. There are currently over 350 active, certified volunteer mediators statewide.

- **Early Settlement – Norman**
serves the residents of Norman
Sponsored by the City of Norman
- **Early Settlement – Tulsa**
serves Tulsa, Creek and Okmulgee counties
Sponsored by the Tulsa Board of County Commissioners
- **Early Settlement – North**
serves six counties in North Central Oklahoma
Sponsored by the Board of Payne County Commissioners
- **Early Settlement – Northwest**
serves sixteen counties in and around the panhandle
Sponsored by Northwestern Oklahoma State University
- **Early Settlement – Southwest**
serves twelve counties in southwestern Oklahoma
Sponsored by Cameron University
- **Early Settlement – Northeast**
serves six counties in northeastern Oklahoma
Sponsored by Rogers State University
- **Early Settlement – East**
serves seven counties in eastern Oklahoma
Sponsored by Northeastern State University
- **Early Settlement – Central** serves Cleveland and McClain counties
Sponsored by the Cleveland County Commissioners
- **Early Settlement – Oklahoma County**
serves the residents of Oklahoma County
Sponsored by Oklahoma State University-OKC
- **Early Settlement – West**
serves Canadian and Grady counties
Sponsored by Redland Community College
- **Early Settlement East Central, South Central, and Southeast**
East Central serves seven counties in the central portion of eastern Oklahoma
South Central serves seven counties in south central Oklahoma
Southeast serves eight counties in southeastern Oklahoma
All three programs sponsored by East Central University – Department of Legal Studies

State Agency Programs

In addition to the Early Settlement community-based programs, eleven state agencies have programs in the ADR System.

- **Oklahoma Merit Protection Commission**
Offers services to state government employers and employees
- **Oklahoma Department of Corrections**
Offers services to victims and offenders as a Post-Conviction Mediation program
- **Department of Human Services**
Offers in-house services to DHS employees statewide
- **Oklahoma Department of Corrections**
Offers services to DOC employees statewide as an in-house Workplace Conflict Management Group
- **Oklahoma Office of Disability Concerns**
Offers services statewide for disputes involving people with disabilities
- **Oklahoma Corporation Commission**
Offers services statewide for disputes between producers and gatherers of natural gas during contract negotiations
- **Oklahoma Insurance Department**
Offers services statewide for disputes between insurance claimants and insurance companies and agents (The Eagle Program)
- **Oklahoma State Department of Health**
Offers services statewide for Department of Health employees and clients
- **Oklahoma Healthcare Authority**
Offers services statewide for healthcare employees
- **Oklahoma Department of Mental Health and Substance Abuse Services**
Offers services statewide for ODMHSAS employees
- **Office of Juvenile Affairs**
Oklahoma Victim Restitution/Juvenile Offender Responsibility Program (*currently inactive*)

Specialized Components

The Alternative Dispute Resolution System provides services and encourages the use of mediation through these specialized components and applications.

- **Civil Mediation Program**
Services provided for court cases and other disputes involving civil matters such as money, property, and real estate
- **Adjunct Settlement Program**
Part of the Early Settlement- Tulsa program
Local attorneys conduct settlement conferences for cases pending trial in district court on a volunteer basis
- **PROS (Peaceful Resolutions for Oklahoma Students)**
Training program for public school administrators, counselors, and teachers to teach peer mediation skills to students; provides training, curriculum, and implementation materials at no cost to the schools
- **Family and Divorce Mediation**
Services are provided to families going through divorce and/or custody disputes
- **Community Dispute Resolution Program**
Addresses community disputes and those that are pending trial in local city courts
- **Adult Guardianship Mediation Program**
Offers services to families undergoing issues concerning the guardianship of an adult family member
- **Child Permanency Mediation**
Assists in establishing a plan for the permanent placement of deprived children who are in the custody of the Department of Human Services
- **Oklahoma Charter Schools**
Services are provided for parties to disputes that may arise from the Oklahoma Charter Schools Act; currently only applies to residents of Oklahoma, Tulsa, and Washington counties

Funding

The Alternative Dispute Resolution System is funded by a \$7.00 fee on every civil case filing in Oklahoma District Courts – approximating \$1.5 million per year. In addition to this funding, each local sponsor provides staff supervision, office space, bookkeeping and other indirect services. The sponsoring agencies do not receive any in-kind funding for hosting an Early Settlement program.

Case Numbers

ALTERNATIVE DISPUTE RESOLUTION Annual Report Fiscal Year 2018					
CASE TYPES FY 2018	CASES REFERRED	CASES MEDIATED	AGREEMENT RATE	NUMBER OF PARTICIPANTS	NUMBER OF VOLUNTEERS TRAINED
Civil/Small Claims	2,974	2,093	60%	7,785	106
Family/Divorce	2,264	1,666	69%	7,205	30
Child Permanency	201	171	66%	1,537	23
Adult Guardianship	19	15	57%	90	0
Adjunct Settlement	337	221	74%	1,108	0
TOTALS	5,795	4,166	Average 65%	17,725	159

Training

Mediator candidates for the programs are required to complete specialized training provided by the Alternative Dispute Resolution System and complete an experience-based practicum provided under the authority of the Administrative Director of the Courts in order to achieve certification. The Administrative Director of the Courts must certify both the trainers and the curriculum for the training.

Acknowledgments

The important work of the ADR System could not be accomplished without the support of the Supreme Court, the Director of the Courts, the dedicated service of the members of the Dispute Resolution Advisory Board, and the generous commitment by the **VOLUNTEER MEDIATORS**.