



Supreme Court of Oklahoma

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

Fiscal Year 2020

(JULY 2019 - JUNE 2020)

Alternative Dispute Resolution System Annual Report

presented to

Honorable Noma D. Gurich

Chief Justice

Jari Askins

Director of the Court

Members of the

Dispute Resolution Advisory Board

Fiscal Year 2020 ANNUAL REPORT

Phil Johnson, State Director
Alternative Dispute Resolution System

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 (15) 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;
- **Todd Gibson** of Norman, who represents law-enforcement;
- **Honorable Barbara Hatfield** of El Reno, 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;
- **Jason Hicks** of Chickasha, who represents district attorneys;
- **Gene Wallace** of Muskogee, 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 MEDIATION CENTERS

There are 13 Early Settlement mediation 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.

- **Early Settlement – Central**
serves Cleveland and McClain counties
Sponsored by the Cleveland County Commissioners
- **Early Settlement – East**
serves seven counties in eastern Oklahoma
Sponsored by Northeastern State University
- **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
- **Early Settlement – Norman**
serves the residents of Norman
Sponsored by the City of Norman
- **Early Settlement – North**
serves six counties in North Central Oklahoma
Sponsored by the Board of Payne County Commissioners
- **Early Settlement – Northeast**
serves six counties in northeastern Oklahoma
Sponsored by Rogers State University
- **Early Settlement – Northwest**
serves sixteen counties in and around the panhandle
Sponsored by Northwestern Oklahoma State University
- **Early Settlement – Oklahoma County**
serves the residents of Oklahoma County
Sponsored by Oklahoma State University-OKC
- **Early Settlement – Southwest**
serves twelve counties in southwestern Oklahoma
Sponsored by Cameron University
- **Early Settlement – Tulsa**
serves Tulsa, Creek and Okmulgee counties
Sponsored by the Tulsa Board of County Commissioners
- **Early Settlement – West**
serves Canadian and Grady counties
Sponsored by Redland Community College

STATE AGENCY PROGRAMS

In addition to the Early Settlement community-based programs, 13 state agencies have programs in the Alternative Dispute Resolution 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 Department of Human Services employees statewide
- **Oklahoma Department of Corrections**
Offers services to Department of Correction 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 authority 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*)
- **Oklahoma Department of Veterans' Affairs**
Offers services statewide to ODVA employees and residents of State Veterans' Homes
- **Oklahoma Attorney General's Office**
Offers services statewide to anyone who is party to a complaint of discrimination filed with OCRE

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.

SERVICES OFFERED

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.

VOLUNTEER MEDIATORS

The mediations are conducted by carefully selected, trained, and experienced state-certified mediators who donate their time as volunteers. 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. There are approximately 350 active volunteer mediators statewide.

ALTERNATIVE DISPUTE RESOLUTION Annual Report Fiscal Year 2020 (JULY, 2019-JUNE, 2020)					
CASE TYPES – FY 2020	CASES REFERRED	CASES MEDIATED	AGREEMENT RATE	NUMBER OF PARTICIPANTS	NUMBER OF VOLUNTEERS TRAINED
Civil/Small	2,964	2,059	61%	8,269	108
Family/Divorce	1,787	1,340	68%	6,139	39
Child	115	100	58%	1,045	0
Adult	25	20	80%	112	0
Adjunct	271	158	73%	2,463	0
*TOTALS	5,162	3,677	Average 62%	18,028	147

***NATIONAL PANDEMIC**

The Early Settlement programs were on pace for a record-setting year in FY 2020 with an average monthly case referral of over 525 cases per month system wide or an estimated total of 6,300 cases, well-above the 5,800 case referrals in FY 2019. Most Early Settlement programs and District Courts suspended operations for a minimum of 60 days in the spring of 2020. In April, 2020, several programs used WebEx to conduct virtual family mediations in an effort to proactively assist parties and attorneys with pending cases during the pandemic

ACKNOWLEDGMENTS

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

FOR ADDITIONAL INFORMATION CONTACT:

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