

Committee on Ethics of the Georgia Commission on Dispute Resolution

Advisory Opinion I

The Ethics Committee has been presented with a complaint concerning the assignment of cases by a program director or coordinator. Because the complainant has asked that the complaint not be forwarded to the director or coordinator in question, the Committee cannot process the complaint in the normal manner.

The question does not fall within the scope of the Ethical Guidelines found in Appendix C to the Georgia Supreme Court Alternative Dispute Resolution Rules. However, it is a question that has important implications for the health of Georgia ADR programs. For this reason, the Committee has determined that it would be appropriate to issue an advisory opinion as to the propriety of a program director or coordinator receiving cases from his or her own program for compensation.

The Committee issues the following opinion:

The assignment of cases by a program director or coordinator to himself or herself is fraught with problems. Although, it is perhaps unreasonable to expect that a program coordinator or director would never act as a neutral in a case in his or her own program or that he or she would not be compensated as other neutrals, the question of compensation should be approached very carefully.

1. A program director or coordinator should not be compensated for cases that are handled during time for which he or she is also compensated as director or coordinator of an ADR program.

2. Assignment of cases for which the neutral will be compensated should generally be made on a rotational basis so that the coordinator or director receives no more cases than other neutrals serving in the program.