



## Be Neutral

April 2012

A Publication of the Georgia Office of Dispute Resolution



### From the Director:

#### **New Juvenile Registration Rules Take Effect May 1, 2012**

The much-anticipated revision of Georgia juvenile code unfortunately did not pass the General Assembly this session. Nonetheless, we are continuing our work to roll out two new juvenile mediation categories – delinquency mediation and deprivation mediation.

Last month I described delinquency mediation and deprivation mediation and summarized the registration and grandfathering requirements for the two new categories. This week, I'll tell you about how to register in those categories and how to apply to be grandfathered into registration in those categories. Remember that General Civil Mediation is a prerequisite for all other mediation categories.

To add a juvenile category to your existing registration: Take an approved delinquency mediation training or an approved deprivation mediation training. (Remember that delinquency training is a prerequisite for deprivation training.) You do not need to submit a new registration application. Instead, simply send us a copy of your training certificate and a short letter asking that we add the category to your registration. Once your request is processed, you will see the category appear in your record in our public registry.

To be grandfathered into a juvenile category: For a period of 18 months starting May 1, 2012, registered mediators who are already mediating juvenile cases or who have mediated juvenile cases in the past will be able to apply to be grandfathered into either category or both categories without taking additional training. You can request to be grandfathered into one or both categories based on a combination of your prior juvenile mediation training; prior juvenile mediation experience; or a combination of both. Send us the required information (for specifics, see the ADR Rules or the March 2012 issue of *Be Neutral*). We will review it, and if in our judgment the information satisfies our requirements for delinquency or deprivation or both, we will process your request. You will then see the category or categories appear in your record in our public registry.

There is no additional fee to add juvenile mediation categories to your registration.

If you'd like to view the rules before they take effect on May 1, 2012, they are posted on our website under "What's New." The new portions of the rule pertaining to juvenile mediation are highlighted in red.

**PLEASE DO NOT SEND US YOUR JUVENILE REGISTRATION INFORMATION UNTIL AFTER MAY 1, 2012.**

Shinji Morokuma, Director, GODR  
[gaodr@godr.org](mailto:gaodr@godr.org)

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### **Train for the Cutting Edge of ADR Practice: Become an "E-Neutral"**

E-discovery – the acquisition of electronically stored information (ESI) such as texts and e-mails in the context of a lawsuit – is a \$1.2 billion industry. You won't be surprised that parties to lawsuits frequently fight over what ESI they must share with the opposition. These disputes have created the need for a new type of dispute resolution professional – an "e-neutral" – who is expert in both ADR and electronic discovery.



Want to work in this emerging area of ADR practice? Then sign up for an upcoming training, "Putting the 'E' in Neutral," May 11-12, 2012, in Atlanta. Trainees will not only learn how to break impasse on specific e-discovery issues, but also will learn how to adjudicate an issue under current case law. Registration is \$1,250. The course has been approved for 13 CE credits and for 13 CLE credits (including 3 Professionalism credits and 1 Ethics credit).

Training location will be the Buckhead office of One Mediation, 70 Lenox Pointe NE, Atlanta, GA 30324. Register by completing the training registration form at [www.acesin.com](http://www.acesin.com) and an invoice will be sent to you. Contact Jennifer Keaton at [jkeaton@onemediation.com](mailto:jkeaton@onemediation.com) for a copy of the two-day seminar's agenda.

"Putting the 'E' in Neutral" is offered by the American College of e-Neutrals and is taught by Professor Allison Skinner, who teaches e-discovery at the University of Alabama School of Law, and Professor Peter Vogel, who teaches at the SMU/Dedman School of Law. For more information on e-neutrals and e-discovery, [read this article](#) by Professor Skinner from last month's issue of Be Neutral.



Professor Allison Skinner

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### Divorce Mediation Institute - Asheville, NC / May 18-20 35% off for GODR Members



Get the tools you need to amp up your domestic mediation practice at this jam packed conference being held at the Biltmore Estate Conference Center in mid-May. Featuring Pepperdine's nationally renowned divorce mediation trainer **Nina Meierding, MS, JD** the conference is a phenomenal training opportunity and great networking event.

Earn 15 GODR CEs and 15 GA or NC CLEs (including 1.5 ethics hours) by attending this conference. To learn more, get your special discount codes, and register click the link below. Don't miss out - your competitors will be there !

[More Info](#)

### Late Renewal Deadline is April 30, 2012



The on-time period for the 2011 renewal season ended December 31, 2011. We are now in the late renewal period. Renewal fees are now double your normal, on-time fee. If you do not renew by April 30, 2012, your registration will become "inactive," and you will not longer be eligible to handle court-connected cases. Inactive registrations can be reinstated for up to two calendar years from your last renewal date, so in this case until December 31, 2013. Registrations that are not reinstated by that date will become archived, and those interested in re-registering will have to take training all over again.

Complete instructions and renewal materials are available at [www.godr.org](http://www.godr.org). Check your information by logging into your neutral account. Find login instructions [here](#). Details:

**Online Renewal:** The renewal application will be entirely online except for payment, which can be made by check/money order or online by credit card via PayPal. You do not need to have or open a PayPal account to pay your fee through PayPal.

**Continuing Education:** All renewing neutrals must submit **3 hours of continuing education**. The CE you submit must have been taken since your last renewal or since you first registered, whichever came later. Carryover hours cannot be used. **CLE and CJE qualify as neutral CE**. Information on what qualifies as CE and how to earn CE can be found under ["Help! I Need CE!"](#) at [www.godr.org](http://www.godr.org).

**Renewal Fee:** The base late renewal fee **\$250**. For neutrals registered in domestic relations mediation the late renewal fee is **\$300**. You can pay by check/money order or online by credit card via PayPal. You do not need to have or open a PayPal account to pay your fee through PayPal.

If you are a volunteer neutral – that is, you receive no compensation, no matter how small, providing ADR services within or outside a court program – you and your court-connected program director can submit a sworn affidavit with your renewal application to have your fee waived this renewal season. **To be considered a volunteer, you must have provided ADR services to a Georgia court program in the past year.** 2011 volunteer affidavits can be downloaded from [“Forms and Applications”](#) at [www.godr.org](http://www.godr.org).

**Background Check Authorization:** The GBI requires that GODR have hand-signed permission from each neutral before we run background checks. GODR has begun using a new long-term authorization form that eliminated the need for neutrals to authorize us by signature each time. Once we have your long-term authorization, **you will never have to submit another background check authorization again** for as long as your registration status is active.

Most neutrals have already sent us their long-term authorizations. If you have not done so, please download, sign and send us the form, under [“Forms and Applications”](#) at [www.godr.org](http://www.godr.org). **Your renewal application cannot be processed without authorization to complete the background check.**

**More Information:** Renewal instructions and information are posted [here](#) on our website.

**Most neutrals will be able to complete paperless renewals this season. If you have documents to send us, we can accept them via scan and e-mail, fax or mail. When mailing anything important to us, we strongly recommend that you use a service that provides tracking and delivery confirmation (certified mail/return receipt, Priority Mail, UPS, FedEx, etc.)**

If you have questions about renewal, please e-mail us at [gaodr@godr.org](mailto:gaodr@godr.org) or call us at 404-463-3788.



### **CaseWatch for Mediators: Just the Facts**

Experienced litigators know that the fortunes of a case can sometimes turn on the smallest of facts. They also know that trial judges have broad discretion in their legal interpretations of those facts. Those factors often make litigation outcomes hard to predict. In this month's CaseWatch for Mediators, Mary Ellen Cates, Esq., divorce attorney and registered mediator, highlights one Georgia divorce trial that helps make the case for the predictability of mediated agreements.

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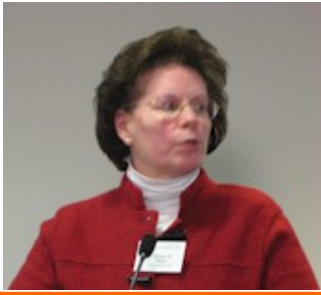
### **CaseWatch for Arbitrators: Be Specific When Asking for a ‘Reasoned Award’**

Arbitration awards can come in all shapes and sizes, from a mere statement of the award to a full-blown legal opinion with findings of fact and conclusions of law. In this month's CaseWatch for Arbitrators, John Allgood, Esq., veteran attorney, registered mediator and arbitrator, shows us that it pays to be clear and specific with the arbitrator about what you want in an arbitration award. It will save you headaches later.

[Read Full Article](#)

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**Marketing Tip:**



## Optimize Your Website for Google's New Backlinks Policy

Google has just implemented a major change to its search algorithm that changes dramatically the impact of paid "backlinks" on your website's Google search rankings. Backlinks are links to your site from another site. How can you optimize your website to match the new Google algorithm? Master marketer and mediator Michele Gibson tells you how, in this month's Marketing Tip.

[Read Full Article](#)



## Mediating with the IRS. Really.

Most of us deal with the Internal Revenue Service just once a year when we file our personal tax returns. And we hope we don't have to deal with the agency for another year. But if taxpayers do have a dispute with the IRS, there are actually several opportunities for them to mediate with IRS representatives. Bet you didn't know that. In this special article, tax attorney Daniel Britt explains how taxpayers and the IRS can use mediation to resolve disagreements over tax issues.

[Read Full Article](#)



## Movement on Motions Can Boost Mediation Settlements

Imagine if you could legally and ethically improve your mediation settlement rate by 1,100 PERCENT. Bet you'd take that pill in a heartbeat. Well, a new study shows that it is indeed possible to increase by a whopping 11 times the likelihood that a case will settle in mediation by having the court rule on any pending motions in the case prior to mediation. In this article, the study's author, Jerry Wood, director of the Fulton County Courts Office of Dispute Resolution, explains why motions practice can have such a huge impact on mediation settlement rates.

[Read Full Article](#)

## IMPORTANT NOTICE: Verification of Lawful Presence Required

Under the new Illegal Immigration Reform and Enforcement Act of 2011 (O.C.G.A. § 50-36-1(e)), all people applying for registration, registration renewal or registration reinstatement with the Georgia Office of Dispute Resolution starting January 1, 2012, must verify their lawful presence in the United States.

Therefore, as of January 1, 2012, before your registration can be issued, renewed or reinstated you are required to:

**Execute a signed and sworn affidavit verifying your lawful presence in the United States.** The affidavit to use for this purpose can be found at the GODR website under "Forms and Applications" or directly at this link:

<http://tinyurl.com/7z8dltq>

**Exclude with the affidavit a copy of a secure and verifiable document issued to you by a state or federal jurisdiction or recognized by the United States government and that is verifiable by federal or state law enforcement, intelligence, or homeland security agencies.** Examples would be a valid driver's license or a passport. A complete listing of acceptable secure and verifiable documents, as determined by the Office of the Attorney General, Georgia, can be found at the Attorney General's website under "Key Issues," then "Immigration Reports," or directly at this link:

<http://tinyurl.com/7ewa6v4>



Information and forms have also been appended to downloadable and online application forms.

## GODR MEMBER BENEFIT SPOTLIGHT – HEALTH INSURANCE

HealthPlan Advantage - hybrid health insurance package available for GODR Registered Neutrals.

HealthPlan Advantage is a new hybrid plan concept that can often save you money on premium dollars without sacrificing the quality of your benefits. You may select a package that combines high deductible major medical coverage with an association group medical expense indemnity plan. This hybrid of multiple coverages often results in comparable benefits as stand-alone lower-deductible major medical plans, but with premium savings. Included with all HealthPlan Advantage packages:



- Major Medical Coverage
- Medical Expense indemnity Coverage
- Consult-a-Doctor benefit
- Optional Dental/Vision

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Individual major medical applications are fully underwritten and may have limitations and exclusions. Please speak with a Member Benefits Insurance representative with questions about medical underwriting. Health insurance plans only available in Florida and Georgia.

If links in this email are not working, please visit [www.memberbenefits.com/godr](http://www.memberbenefits.com/godr)

Products sold and serviced by BPC Financial, the administrator of the Georgia Office of Dispute Resolution (GODR) Insurance Programs. GODR is not a licensed insurance entity and does not sell insurance.



## Commission Meeting in May

The next meeting of the Commission on Dispute Resolution is scheduled for Thursday, May 10, 2011, at 2 pm, in Meeting Room 1 of the [State Bar of Georgia](#) Conference Center, 104 Marietta St. NW, Atlanta, GA 30303. Meetings are open to the public. Upcoming Commission meetings, agendas and minutes are always posted on our [website](#).



## Publicly Available Resources for Georgia ADR Professionals

We encourage you to visit the [blog](#) created by Georgia State University law professor Doug Yarn and GSU law students Alex Salzillo and Alicia Mack to inform and encourage discussion. Please add it to your reading list, send the link to your colleagues, and visit often. The address: <http://georgiaadr.wordpress.com/>

And don't forget the [Georgia Mediators Network](#), a great Facebook resource for the latest mediation news and articles from around the world. The page has been visited tens of thousands of times in just the few short months it's been around. Use the information there to pump your own professional web pages and your expertise. The Georgia Mediators Network is the brainchild of registered mediator Michele Gibson, our marketing columnist and newsletter producer.



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## Benefits: Exclusive Insurance Products for Registered Neutrals



Georgia-registered neutrals are entitled to participate in several insurance and retirement programs that have been designed specifically for them. If you need insurance, are planning for retirement, talk to the experts at [BPC Financial](#). They manage our new exclusive insurance and retirement program, and they can advise you on your insurance needs and help you find good deals on major medical insurance, healthcare savings accounts, dental and vision insurance, term life insurance and more. Registered neutrals receive the benefits of underwriting concessions, enhanced benefits, or reduced premiums and fees compared to shopping for similar products on the open market. Check out the [GODR Registered Neutrals Insurance and Retirement Programs website](#).

We've also arranged for special benefits on professional liability insurance for registered mediators and arbitrators with [Complete Equity Markets](#). See our [website](#) for more information or contact [Betsy Thomas](#), 800-323-6234, ext. 472, and tell her you're a Georgia registered neutral!

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## Upcoming CE and Training Offerings



Check frequently at our [website](#) for the latest CE and training offerings. Remember, any ADR-related training you take counts as CE as long as you took it since your last renewal or your initial registration, whichever comes later. Lawyers, any CLE you took during that same time period counts as CE. Likewise, judges and CJE. Accountants and other professionals with CE requirements, same thing.

And remember, we posted three videos on our website that registered neutrals can watch for free to earn CE credit. Each video is one-hour long. Neutrals are free to watch the videos as many times as they wish, but we can only award 1 CE hour credit for each video once a renewal season. Please note the date you finished viewing each video so you can report it on your renewal form. Remember, registered neutrals are required to take at least 3 hours of CE each year in order to renew their registrations. Look for the link, "[Continuing Education Videos](#)," in the main menu of our website. For more information on what qualifies for CE, please see the "[Help! I Need CE!](#)" link on our website,

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## Be Neutral Back Issues Available Online



*Be Neutral* is sent monthly to all registered neutrals, generally at the beginning of the month. If you missed an issue, our back issues are posted at the bottom right of our website, under "[Newsletter Archive](#)." Please take a look. If you know people who want *Be Neutral*, please direct them to our subscription box at the bottom right of our [website](#), where they just need to enter their e-mail addresses. Please forward this newsletter to anyone who might be interested in ADR in Georgia courts. Forward it just as you would any other e-mail. If folks who are not registered neutrals want to receive the newsletter free of charge, they can submit their e-mail addresses in the subscription box at the bottom right of our [website](#). And sending us feedback is easy – just reply to this e-mail as you would any other e-mail. We want to hear from you!

Please forward this newsletter to anyone who might be interested in ADR in Georgia courts. Forward it just as you would any other e-mail. If folks who are not registered neutrals want to receive the newsletter free of charge, they can use the subscription box at below this text or submit their e-mail addresses in the subscription box at the bottom right of the home page of our [website](#). And sending us feedback is easy – just reply to this e-mail as you would any other e-mail. We want to hear from you !

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