



Be Neutral

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A Publication of the Georgia Office of Dispute Resolution

From the Director



Mediation Comes to the Small Screen

Fellow mediators, for centuries our profession has toiled nobly and quietly to bring peace to the world. Perhaps a bit too quietly. After all this time, most regular folks today still don't know or care what we do:

Typical Exasperating Cocktail Party Exchange #1:

"What do you do?" "I'm a mediator." "Hey isn't this dip delicious?"

Typical Exasperating Cocktail Party Exchange #2:

"What do you do?" "I'm a mediator." "Oh yeah, that arbitration stuff. Hey isn't this dip delicious?"

Typical Exasperating Cocktail Party Exchange #3:

"What do you do?" "I'm a mediator." "My Zen master is teaching me how to meditate, too. Can you see through your third eye yet?"

Sigh. It's enough to make me want to smear my face with dip and poke myself in my third eye. Maybe you know the feeling.

Perhaps our profile is so low because we and our profession have simply been unable to capture the public eye through popular culture, unlike lawyers, doctors, cops, bug exterminators, car repossessors, and "real" housewives. Our history in movies is, well, miniscule. I can think of just two movies in which mediation or mediators were associated with the main characters: 1994's "Disclosure" (divorce mediation), and 2005's "Wedding Crashers" (divorce mediators). But that's not our fault. I blame the shortsighted entertainment industry, which seems to have overlooked the fact the word "mediation" begins with "media." Plus, we mediators don't hire PR firms or Hollywood agents, generally. We are a modest bunch.

"Anything lawyers can do...

Kate can do better"

- USA Network

Well, my colleagues, hang on tight because it seems our profession's public profile is about to take a rocket ride in 2011. A new original series on USA Network features a mediator (really) as the protagonist. The show is called "Fairly Legal," and it premieres Thursday, January 20, at 10 pm, Eastern time. See previews here:

<http://www.usanetwork.com/series/fairlylegal/>

My synopsis of the series: The star is Kate Reed, a recovering lawyer turned mediator, which in my experience is not an uncommon career path. So far so good. The series continues to stick pretty close to our professional reality. For example, our heroine is young and gorgeous (aren't we all), she wears fabulous clothes (same as us), and works in an lavish law office (ditto). The only dose of unrealism I detected is that while Kate is great at helping others resolve their problems (just like us), she needs help with her own personal problems (uh, not like us at all). No word on whether she is a Georgia-registered mediator.

Some choice Kate quotes from the previews: "Everyone can win with mediation"; "People tell me their problems, and I try to fix them"; "Lawyers over-value talking and under-value listening"; and "Sit your ass down" (I don't know about you, but those last four words have been on the tip of my tongue in more than one of my mediations. You go, girl.)

"Fairly Legal" puts the sexy in mediation. I say it's about time Hollywood took notice of the good work we do, and how good we look doing it. Our time in the spotlight is much



awaited and much deserved. I hope we can parlay our 15 minutes (or 10 episodes) of fame into a greater public awareness of the benefits of our beloved craft. Imagine a world with no more cocktail party prattle confusing mediation with meditation, a world where "mediate me!" eclipses "sue me!" as a default exclamation in heated arguments, a world where kids say they want to grow up to be mediators. Here's to Kate Reed and "Fairly Legal"!

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Archive

fairly legal

Commission Welcomes Five New Members



New Commission members (l to r) Hubert J. Bell, Jr., Esq.; Judge Sara L. Doyle; Judge Michael D. Johnson; and Emily "Sandy" Bair, Esq. are sworn in by Justice Hugh Thompson.

Five new members have joined the Georgia Commission on Dispute Resolution. They are Judge Sara L. Doyle, Georgia Court of Appeals; Judge Michael Johnson, Fulton County Superior Court; Emily "Sandy" Bair, Esq.; Hubert J. Bell, Jr., Esq.; and S. Lester Tate III, Esq. Judges Doyle and Johnson and Ms. Bair and Mr. Bell were sworn in by Justice Hugh Thompson on November 3. Each will serve a five-year term. Mr. Tate was sworn in by Justice Thompson on September 9, and he will serve one year during his presidency of the State Bar of Georgia. Here's some information on each of the new members:

Judge Sara L. Doyle: Judge Doyle was elected to Georgia Court of Appeals in December 2008, and she took office January 1, 2009. Prior to joining the bench, she was an associate, then equity partner, at Holland & Knight, where she focused on education issues. She has been named one of the top 50 female attorneys in Georgia. She has been active in State Bar activities, currently serving as co-chair of the Commission on Unlicensed Practice of Law and as a member of the Law Related Education Committee. She also has served as a fee dispute arbitrator for the Bar. Judge Doyle also is a member of the Atlanta Bar Editorial Board and the Georgia Association of Women Lawyers Advisory Board, and she has also been a faculty member for the Emory University Trial Advocacy Program.

Judge Michael Johnson: Judge Johnson has been a Superior Court judge in Fulton County since January 2005. A former law clerk for the Georgia Court of Appeals, he has practiced as a litigator in the areas of labor and employment law, insurance defense and in the public sector as an assistant prosecutor both in DeKalb and Fulton Counties, with the state Attorney General's Office and as a Special Assistant United States Attorney. He has argued successfully before the Georgia Supreme Court. Judge Johnson has served as chair of the City of Atlanta Board of Ethics, and he frequently speaks to educate the public as to the role of the judge and the judicial system.

Emily "Sandy" Bair, Esq.: Ms. Bair has been a registered civil mediator and domestic relations mediator since 1994, a family law attorney since 1976, and family law arbitrator since 1999. She is currently a member of the State Bar Board of

Governors. She has formerly served as chair of the family law sections of both the State Bar and the Atlanta Bar associations, as well as Georgia Chapter President of the American Academy of Matrimonial Lawyers. Ms. Bair has also taught family law as an adjunct professor at Emory University School of Law.

Hubert J. "Hugh" Bell, Jr., Esq.: Mr. Bell is a partner at Smith, Currie & Hancock LLP. Since 2004, he has been a registered mediator and arbitrator handling commercial, government contract, and construction disputes. He has been a member of the State Bar Disciplinary Board since 2005, and served as chair of the Board's Investigative Panel in 2008-9. An instructor in arbitration trainings hosted by the American Arbitration Association, he is a member AAA's National Construction and Commercial Panel of Neutrals, National Panel of Construction Mediators, and National Construction Dispute Resolution Committee. Mr. Bell is a former chair of the American Bar Association Section of Public Contract Law, as well as former chair of the section's Committee on Dispute Resolution.



S. Lester Tate III, Esq., is sworn in by Justice Hugh Thompson

S. Lester Tate, Esq.: Mr. Tate was installed as president of the 42,000-plus member State Bar of Georgia on June 19, 2010. He will serve for one year as the 48th president of the State Bar, succeeding Bryan M. Cavan. A partner at the Akin & Tate, P.C., in Cartersville, Mr. Tate has been a member of the State Bar's Board of Governors since 1996 and its Executive Committee since 2005, serving as treasurer from 2007 to 2009. Each year's State Bar president is an *ex officio* member of the Commission on Dispute Resolution.



Case Watch: For Mediators

In all the debate about the new healthcare law, there are some changes that may affect the issues you discuss in your divorce mediations for couples with children. In this installment of Case Watch, Mary Ellen Cates, veteran divorce attorney and registered mediator, gives divorce mediators a preliminary "heads up" about how healthcare reform can have some important consequences for divorcing parents, even if their children are beyond the age of majority and mandatory child support.

[Read Full Article](#)



Case Watch: For Arbitrators

We welcome veteran lawyer, arbitrator and mediator John F. Allgood to our cadre of "correspondents." He has generously agreed to help us produce a version of our popular Case Watch series, but for arbitrators. In this premiere installment, John discusses what arbitrators should know about efforts to amend the Federal Arbitration Act and how the recent mid-term election results will impact those efforts.

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Business Tip: Top 10 Ways to Prevent Employee Fraud

Times are tough. All businesses, especially small businesses, must operate at top efficiency to extract the most benefit from the business and its employees. But it is also in tough economic times that desperate or unscrupulous employees are most tempted to relieve their own fiscal woes at the employer's expense. In this second installment of our Business Tip column, Rob Tamburri, CEO and founder of Tamburri Financial Group, offers his Top 10 Tips on preventing and mitigating employee fraud in your business. His tips may mean the difference between a firm surviving into more fruitful times and a firm becoming just the latest in a rash of recent business bankruptcies.

[Read Full Article](#)



ADR Institute: Seats Are Filling Up Fast

Seats are going fast for the 17th Annual ADR Institute and 2010 Neutrals' Conference. The institute is not only a great learning opportunity, but is also a great opportunity to network with other ADR professionals. It will be held Friday, December 10, 2010, at the State Bar of Georgia Conference Center, 104 Marietta St. NW, Atlanta. 6 hours of neutral CE and 6 hours of CLE (including that rare 1 Ethics Hour) will be available. The early/on-site registration fees have been kept the same as last year's: \$105/\$125 for neutrals, and \$170/\$190 for lawyers wanting CLE. Parking in the State Bar parking deck is free to Georgia Bar members. Details and conference registration available now through the [Institute for Continuing Legal Education](#).



Renewal Deadline is December 31st

The 2010 registration renewal season ends **December 31, 2010**. All registered neutrals will need to renew, except those new neutrals with a registration expiration date of 1/1/2012. Online renewal access and fillable, downloadable renewal forms are now available on our [website](#). Any applications submitted after December 31, 2010, will be considered late. Details:

Online Renewal: Renewing online is easiest and fastest because most of your personal information is already filled in on the form. And you can pay your renewal fee online via credit card using PayPal. No you don't need to have a PayPal account or create one to pay online.

Printing: A few neutrals have been unable to print their online renewal application summaries. We believe you need to adjust your browser settings. Turn off all pop-up blockers and set your security settings to medium. Close your browser, then reopen it. Go back into your renewal application and click "Submit" until you reach the screen that give you the printing option. When you click the print button, you should see your application summary pop up in a new browser window. The signature page mentioned below is the last page of the printed summary.

Continuing Education: All renewing neutrals must show on their renewal applications that they have taken at least 3 hours of continuing education since their initial registration or their last renewal, whichever comes later. You can no longer carry over CE hours from previous years or toward future years.

Renewal Fee: The basic renewal fee is **\$125**; it is **\$150** for those registered in domestic relations mediation. Note: if you submit your application after December 31, 2010, your application will be considered late, and your renewal fee will double to **\$250** or **\$300**. We don't want you to have to pay the late fee, so please submit your application before December 31, 2010.

Signature Page: The GBI requires all renewing neutrals to submit a hand-signed signature page that gives GODR permission to run a criminal background check. For those submitting printed applications, the signature page is the last page of the renewal form. For those submitting renewals online, the signature page is the last page of your online application summary, so please print your summary. The signature page is also

available under ["Forms and Applications"](#) on our website. Your application will not be processed without the signature page. Mail, e-mail, or fax your signature page to us.

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

****Always send important documents to GODR via a service that offers tracking and delivery confirmation.****



Commission Meeting in January

The next meeting of the Commission on Dispute Resolution is scheduled for Thursday, January 6, 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](#).



Upcoming CE and Training Offerings

Registration renewal season began November 1. But there's no reason to panic about your annual 3-hour neutral CE requirement. The upcoming [ADR Institute](#) offers 6 hours of CE. And remember, any training you took 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 in 2010 counts as CE. Likewise, judges, any CJE you took in 2010 counts as CE. Accountants and other professionals with CE requirements, same thing. And any ADR-related seminar or training you attended in 2010 just because you wanted to learn something, yes, that counts as CE also. Check frequently at our [website](#) for the latest CE and training offerings.

Your Opinions Needed



We need you to tell us how we're doing. The short surveys below are your opportunity to tell us what you think works and what needs improvement in our court-connected ADR system. Your feedback will help us create new programs and enhance our current programs and services to you. If you haven't already, please take a few minutes to complete one of the surveys. Just click the appropriate link below, depending on whether you live or work in Georgia or outside the state.

<http://www.surveymonkey.com/s/FFZ5PCT> (Registered Neutrals in Georgia)

<http://www.surveymonkey.com/s/2WK5NZG> (Registered Neutrals Out of State)

Your responses and your identity will remain confidential. The ADR Court Program Liaison Committee will analyze your answers and use them to develop recommendations to the full Commission on Dispute Resolution. So far the committee has created several new programs for registered neutrals, including: professional liability insurance, health insurance, retirement programs and a GODR e-newsletter. We need to hear from you so we can better understand your priorities and needs.

Spread the Word

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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