



Be Neutral

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A Publication of the Georgia Office of Dispute Resolution

From the Director



Last month in this space I got all lathered up about a new TV series featuring a mediator protagonist (see below) that could finally put mediation and mediators on the public radar screen. Increasing visibility of mediation got me thinking about increasing respect for mediators.

We mediators fight for respect all the time. Mediation is often dismissed as a “soft” and “touchy feely” process, particularly by those whose calcified minds are wedded to supposedly rational, logical systems of dispute resolution. But here’s a news flash – we’re dealing with people’s problems here, we’re dealing with people in crisis, we’re dealing with high emotions. When you look closely, there’s not much that’s rational or logical about most disputes.

Mediation has been called both an art and a craft. It is also a profession, and mediators deserve respect as professionals. We can demand it, but we must also earn it and keep earning it, just as other professionals must. One way we can maintain the right to call ourselves professionals is to constantly work to expand our knowledge and improve our craft. Our dispute resolution training is only the beginning of what should be a lifetime of professional education. That’s why the Supreme Court’s Commission on Dispute Resolution requires annual continuing education of our registered neutrals.

One of our two new columns this month is designed to make it easier for us to gain new knowledge and enhance our skills. Our goal for the new “Theory to Practice” column is to present summaries of important research – without jargon – in a form that you can understand and use in your practice right away. Kennesaw State University’s Timothy Hedeem, a noted dispute resolution scholar, educator and practitioner, introduces the column this month. In later installments, other nationally respected Georgia researchers will help us unearth gems of professional enlightenment that until now have been sequestered in impenetrable (to most of us) scholarly journals and books.

Our other new column, “Marketing Tip,” is designed to help you improve your dispute resolution business. Marketing expert Michele Gibson, who is also a registered mediator, will be the main author. You may have heard her speak on “Marketing Your Mediation Practice” at the 2010 ADR Institute last month. It was one of the Institute’s most popular panel presentations. (You should know also that Michele helps us produce and distribute this newsletter. Needless to say, she’s been very generous with her time and expertise.)

So, let’s learn more and earn more. Pretty good resolutions for 2011.

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Archive

*** SCAM ALERT!!! ***



A registered mediator just narrowly avoided becoming a victim of a mediation scam, so we're passing the story onto you so you can be vigilant. Here are the details:

The registered mediator here is a veteran of online mediations. The mediator was referred this case through "reliable channels," so initially felt no reason to be suspicious. The scam involved enforcement of a divorce order, with "ex-wife" living overseas and "ex-husband" living supposedly in Georgia (more on the parties' location below). She said the divorce order awarded her a large sum – more than \$640,000 in this case. She said her ex-husband had paid only a portion, and she needed the mediator's help to collect the remaining half-million dollars. Neither party wanted to use lawyers.



After some seemingly realistic online squabbling, the parties agreed that the ex-husband would pay the half-million dollars in installments. The ex-husband's "accountant" e-mailed the mediator, asking for the mediator's banking information to send a bank draft. Both parties insisted that the ex-husband pay the mediator, who would deduct a mediation fee and send the balance of the half-million to the ex-wife.

Fortunately, the mediator thought first to consult an accountant, who warned the mediator of the many things that could go wrong with such a transaction. Thus chastened, the mediator proposed alternative arrangements that would address the parties' concerns yet not involve sharing the mediator's banking information. The ex-husband has not returned any correspondence since, while the ex-wife has continued to insist that payment be made through the mediator. The mediator, seeing the potential to be cheated of everything, decided to terminate the relationship with the parties immediately.



The mediator noted that among the telltale warning signs was when the ex-wife said her ex-husband was still residing "in [the mediator's] jurisdiction," without ever stating what that jurisdiction was. It wasn't until the mediator mentioned Georgia that the parties mentioned Georgia specifically. It is reasonable to assume that the parties in this online mediation were not who they said they were, and that they could have resided anywhere in the world.

The Lesson: Never, ever, ever consider sharing any of your business or personal financial information with anyone or any institution you do not personally know and trust, and certainly never with parties to a mediation. And certainly never online. As mediators, we trust and ask to be trusted as part of our process. Don't let your trust be manipulated! BE CAREFUL!!

For another informative but more humorous account of a different online scam, see [this story](#) in the [New York Times](#) about a British playwright's exchange with an e-mail scammer.



Don't Forget to Watch 'Fairly Legal' on January 20

The first TV series to feature a mediator as the star character, "Fairly Legal," premieres on USA Network on Thursday, January 20, at 10 pm, Eastern time. We're hearing a lot of buzz about mediators organizing viewing parties to watch the first show together. If you missed our story in the December newsletter, find it in our [archive](#). See previews of the show here: <http://www.usanetwork.com/series/fairlylegal/>

Registration Renewal: Late Fees Apply Now

The 2010 registration renewal season ended **December 31, 2010**. Thanks to all of you who submitted your renewal applications and documents as requested. We are cataloging and inputting your applications as quickly as we can. Any applications that were postmarked after December 31, 2010, are considered late. Online renewal access and fillable, downloadable renewal forms are still available on our [website](#). Details:

Online Renewal: Online renewal is still available. 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 from the system. Our database vendor has uploaded a solution that will let you download your summary to your computer, where you can save the file and print it. The signature page mentioned below is the last page of the printed summary. You can find the signature page separately under ["Forms and Applications"](#) on our website.

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. CLE counts. So does CJE.

Renewal Fee: The late renewal fee is **\$250**; it is **\$300** if you are registered in domestic relations.

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 cannot be processed without the signature page. Mail, e-mail, or fax your signature page to us.

Registration Status: If you submit your renewal application late, your status is considered "lapsed." You can still handle court-connected cases while in lapsed status. Your status will remain lapsed through April 30, 2011. After that date, if you still haven't submitted your renewal application, your status will become "inactive," and you cannot handle court-connected cases. Once your status is inactive, you have two calendar years from the previous renewal deadline – December 31, 2012, in this case – to "reinstate" your registration. Reinstatement forms are posted on our website under ["Forms and Applications"](#). If you fail to reinstate within those two years, your registration will be "archived." "Archived" neutrals who wish to register must fulfill all training and registration requirements again for each category of registration.

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.****



Case Watch: For Mediators

The phrase "child support" appears frequently in this column, and there's are good reasons: 1) it's a common issue in divorce mediation; 2) it's complicated to calculate in Georgia; and 3) it's important to get right. Among the legal landmines are those dastardly deviations from the calculated support obligations. In this installment of Case Watch, divorce attorney and registered mediator Mary Ellen Cates analyzes the recent Georgia Supreme Court decision in [Holloway v. Holloway](#), which emphasizes how critical it is that mediators help parties adhere to the legal requirements for calculating child support – to the letter and to the decimal point.

[Read Full Article](#)

Theory to Practice: What You Don't Know Can't Help You

So what do you know about dispute resolution, really? If you're like us, probably a lot less than you could – or should. But it may not be all our fault. You see, in our field scholars and practitioners mostly work in two separate and exclusive worlds, and generally they have been unable to cooperate across that cultural divide. In this first installment of our new Theory to Practice column, Kennesaw State University Professor Timothy Hedeem writes about this unproductive state of affairs in dispute resolution – and how we might fix it.



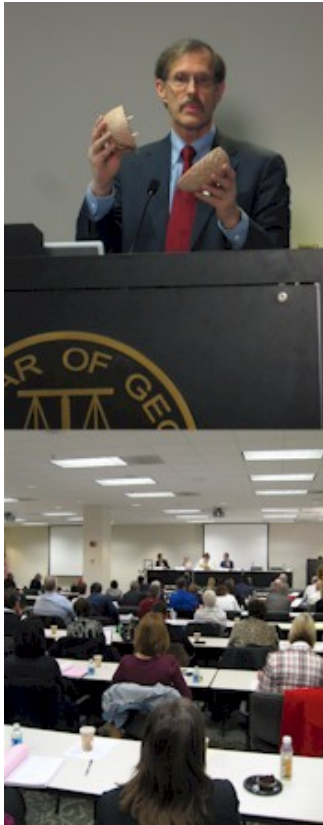
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Marketing Tip: Make Internet Search Engines Work for You

If you have a dispute resolution practice and you want it to thrive, then you need to pay attention to our new Marketing Tip column. Marketing specialist and registered mediator Michele Gibson will regularly cover a wide variety of ways in which you can optimize your marketing and make your business more visible to potential clients. This month, Michele talks about the modern art of SEO. What's SEO? Well, you need read the full article to find out!

[Read Full Article](#)



ADR Institute Sets Attendance Record

By all accounts the 17th Annual ADR Institute and 2010 Neutrals' Conference on December 10 was a huge success. We attracted nearly **300** participants, breaking last year's attendance record by nearly 50. And feedback has been overwhelmingly positive. Thank you to all of you who came to learn and network! We are grateful also to the hardworking members of our planning committee; to our annual co-sponsor and partner, the Dispute Resolution Section of the State Bar of Georgia; and to the Dispute Resolution Section of the Atlanta Bar Association, which also supported the Institute.

If you didn't make it to the 2010 Institute and you'd like to see what you missed, you will have a couple of options soon:

- 1) The [Institute for Continuing Legal Education](#) recorded most of the Institute and is producing a DVD set that you can rent for a fee and that will include printed program materials. ICLE hopes to have the 2010 Institute DVDs available by late January 2011. We will keep you informed;
- 2) GODR plans to post on our website Bill Eddy's plenary speech entitled, "High Conflict People in Mediation." You will be able to view the video on your computer, answer a few questions about the video, and earn 1 hour of neutral CE – free! (ICLE owns the rights to the video and has given us permission to post this segment. However, ICLE has stipulated that CE can NOT be earned by watching this video through the GODR website.) We hope to have the video posted by mid-January.

Child Support Commission Posts New Resources

The Georgia Child Support Commission has just posted two newly updated resources handy for those of you who work in the domestic arena: "Companion Guide to Child Support Worksheet and Schedules" (updated December 2010) and "Establishing Paternity and



GSU Law’s Mock Arbitration Team Headed to National Finals

The very first mock arbitration team fielded by the Georgia State University College of Law made a spectacular showing at the American Bar Association’s Regional Arbitration Competition, held November 13-14, 2010, at the University of Northern Kentucky Chase Law School.

The mock case in Kentucky involved a wrongful discharge (whistleblower) employment law problem. In the competition, each four-student team comprises two “attorneys” and two “witnesses.” Each attorney/witness team must learn both claimant and respondent sides of the case and must be prepared to argue whichever side they are assigned. GSU Student Trial Lawyers Association members Lisa Bobb and Andrew Hagenbush represented the Claimant in the competition, while Madeleine Peake and Wesley Starrett represented the Respondent. Professor Doug Yarn served as team coach.

Teams are scored on the quality of their presentations and the strength of their legal arguments. On the first day, GSU received the highest overall score among 12 teams. The next day, GSU and Northern Kentucky emerged as the best two teams, meaning both will compete in the national competition January 21-22, 2011, in Chicago. Good luck in Chicago!

Our thanks to James Hellegard, director of communications at GSU College of Law, for allowing us to reprint this information.



GSU Law Mock Arbitration Team members (l to r) Hagenbush, Peake, Bobb and Starrett. Photo by Doug Yarn.



Georgia ADR Blog

While GODR staff have not had the time to blog for you, we encourage you to visit the [blog](#) created by Georgia State University law professor Doug Yarn and GSU law student Tom DeFreytas 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/>



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

On-time registration renewal ended December 31, 2010. But there's no reason to panic about your annual 3-hour neutral CE requirement. 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.



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!

Spread the Word

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