



Be Neutral

January - February 2012

A Publication of the Georgia Office of Dispute Resolution



From the Director: Juvenile Justice in the Spotlight

We hope you had a terrific 2011 holiday season! We're back to our monthly publication schedule after three months furiously processing applications during renewal season. Thanks to all of you who renewed your registrations. From the feedback we received, the vast majority of people found the online renewal system quick and easy to use. All complete renewal applications submitted by the year-end deadline have been processed. We're processing late applications as quickly as possible.

We've already started 2012 with a bang. I'm proud to announce that on January 12 the Commission on Dispute Resolution voted to create two registration categories for juvenile mediation – delinquency mediation and deprivation mediation. The new rules include training requirements as well as grandfathering provisions for registered mediators who are already handling juvenile cases. By approving these rules, which take effect May 1, the Commission has recognized that juvenile cases require specialized mediation training and handling. We'll have more information for you in our March and April newsletters.

Coincidentally, two weeks after the Commission voted on the new juvenile mediation rules, Georgia Supreme Court Chief Justice Carol Hunstein delivered her [2012 State of the Judiciary speech](#). She highlighted the groundbreaking work of the Special Council on Criminal Justice Reform – a joint effort of the three branches of government to rethink Georgia's over-reliance on incarceration. It is based on three premises: 1) Georgia's criminal justice policies cost the state \$1 billion a year, and that's too much; 2) warehousing low-risk, non-violent offenders who may be addicted to drugs or mentally ill make them more dangerous to society; 3) public safety is best protected when we understand the causes of crime, hold offenders appropriately accountable and reduce recidivism.

Most timely from my perspective was the Chief Justice's call for the legislature to support parallel reforms in the juvenile justice system, for similar public safety reasons. In her speech, she likened youth detention centers to "incubators for adult crime," exposing children to prison-like levels of violence and abuse. Moreover, she cited research that shows that incarcerating youth provides no public safety benefit and fails to reduce recidivism, and thus wastes tax dollars. What children – and juvenile court judges – need are options other than youth detention that get kids the help they need to get back on the right path of life, she said.

"Amen!!" I shouted from the gallery of the House chambers (in my imagination). "Mediation can help with that!!" The fact is that mediation is an ideal process for developing creative and productive solutions and treatment options that address the core issues of why a child committed a crime. Mediation allows the stakeholders in a child's welfare – parents, school officials, law enforcement, counselors, advocates, *guardians ad litem*, even the victims of crime – to work together to develop rehabilitation plans that can be tailored to each child's unique needs. We call that "restorative justice," because such a comprehensive, collaborative approach to juvenile crime restores the victim, restores society, and restores the child onto the path to a more productive life.

The Chief Justice made a final point about the effects on justice of years of budget cuts. Erosion in state and county funding has left the courts "perilously close" to failing their constitutional mandate to "provide for the speedy, efficient, and inexpensive resolution of disputes and prosecutions." Despite the grim news, I took pride in knowing that our ADR system is doing its critical part to keep the courts operating. If our courts are "the emergency rooms of society," as the Chief Justice said, then the ADR system is the first critical step in caseload triage. The system diverts appropriate cases from trial and lets the courts focus their limited resources on those cases that truly require the intervention of judge or jury. The system settles between 20,000 and 25,000 civil cases a year, at a fraction of the cost of trial. By doing so, the system saves taxpayers millions of dollars a year. And ironically, it does this without a penny of direct state support.

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:

1. **Provide 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.** A 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>

1. **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/7pkz7tu>

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

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. 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.

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.

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. **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 or call us at 404-463-3788.

New Child Support Project Director Hired



Veteran family-law attorney Alice Limehouse has been hired as the new director of the Georgia Child Support Collaborative Project and staff attorney to the Georgia Child Support Commission. She succeeds Jill Radwin, who died in late September 2011 after a long illness (see the October issue of BeNeutral: <http://www.digitalsmarttools.com/eGODR/October-2011.htm>)

Great news for Georgia neutrals: Limehouse is a registered neutral in general civil mediation, domestic relations mediation, and specialized domestic violence mediation. A 2003 graduate of Georgia State University College of Law, she has practiced family law most recently as of counsel at Senterfitt & Knight, LLC. She is also trained as a guardian ad litem and certified as a Collaborative Law Professional.

"The role of well-trained and informed mediators is critically important in resolving divorce matters," Limehouse said. "I am delighted for this opportunity to help mediators and lawyers ensure that Georgia children receive the proper amount of child support under the law."

Limehouse welcomes mediators' questions about child support. Here's her contact information:

Alice W. Limehouse
Staff Attorney to the Child Support Commission/ Collaborative Child Support Project Manager
Administrative Office of the Courts
244 Washington Street, S.W., Suite 300
Atlanta, Georgia 30334
Direct: 404-463-0040
Mobile: 404-576-5261
Fax: 770-357-7331
alice.limehouse@gaaoc.us

GODR MEMBER BENEFIT SPOTLIGHT – DISABILITY INSURANCE

3 Simple Reasons not to ignore Disability insurance

1) **Your income stream can be your most valuable asset, but most people ignore disability insurance and purchase coverage for items of lesser value.**



We don't hesitate to purchase life insurance, insure our homes, our cars and other valuable possessions. So why would you not insure something that can be infinitely more valuable than all those things? Your income stream. 90% of wage earners rated their "ability to earn an income" as "valuable" or "very valuable" in helping them achieve long-term financial security - wage earners perceive their ability to earn an income as even more valuable than retirement savings, medical insurance, personal possessions, other forms of savings or their homes.²

2) Suffering a disability is more likely than you'd imagine.

- 64% of wage earners believe they have a 2% or less chance of being disabled for 3 months or more during their working career.² The actual odds for a worker entering the workforce today are about 30%.¹

- Just over 1 in 4 of today's 20 year olds will become disabled before they retire.¹

3) It doesn't have to cost you a fortune.

A group Long Term Disability insurance plan available through the GODR programs, offers flexible benefit choices that allow you to customize your benefits to your needs and affordability level, allowing each member the ability to own at least some amount of disability insurance. Group rates are available for individual members.

[Learn More about the Group Plan >](#)



¹ Social Security Administration, Fact Sheet March 18, 2011

² Council for Disability Awareness (<http://www.disabilitycanhappen.org>)

If links in this email are not working, please visit <http://www.memberbenefits.com/godr>

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CaseWatch for Mediators: Who Gets the Kids When Both Parents are Good Parents?

When two divorcing parents, both of them seemingly capable and fit, are fighting for custody of their children, the court's decision on the matter may turn on some seemingly insignificant facts. In this month's CaseWatch for Mediators, Mary Ellen Cates, divorce attorney and registered mediator, analyzes a Georgia Supreme Court case that helps to illustrate why parents should work hard in mediation to make such critical family decisions under their own control, rather than leaving them to the court.

[Read Full Article](#)

CaseWatch for Arbitrators: Mandatory Arbitration Agreements & Class Actions: The Latest Word

In the Concepcion case, the U.S. Supreme Court ruled that states cannot limit the ability of parties to sign arbitration contracts that require them to waive their rights to file class action lawsuits. Recently, in the Horton case, the National Labor Relations Board ruled that employers cannot require employees to sign arbitration agreements that limit their right to file class actions. So who's right? In this month's CaseWatch for Arbitrators, John Allgood, Esq., veteran



attorney, registered mediator and arbitrator, explains the apparent conflict between the Concepcion and Horton cases.

[Read Full Article](#)



Practice Tip: How to Manage the “Animal Brain” in Mediation

Neuroscientists tell us that we have at least two brains – a more primitive “animal brain” or amygdala, and a more modern prefrontal cortex. (I know, I know, some people appear to have no brain whatsoever.) It turns out that the interplay of these two brains can create problems at the earliest stages of a traditional mediation. In this edition of Theory to Practice, Heather Pincock, assistant professor of conflict management at Kennesaw State University, highlights research that illuminates the problem – and some solutions.

[Read Full Article](#)



Marketing Tip: Should You Still Be Using Printed Collateral ?

Time was when any new practice would start their marketing efforts with a letter of introduction, custom glossy brochure, and other printed collateral. In our new electronic world are printed materials still valid ? In this month's Marketing Tip, marketing maven Michele Gibson of Digital Smart Tools shows you how to effectively use printed materials to market your practice. You might be surprised:

[Read Full Article](#)



Job Openings: JAMS Atlanta and More

JAMS, which claims to be the world's largest private ADR provider, is seeking a full-time business manager for its Atlanta office. See the posting and apply here:

<http://tinyurl.com/7k92emz>

We also stumbled across this listing of open ADR positions nationwide:

<http://tinyurl.com/7xkk76w>

Seminar on Child and Parent Issues in Divorce

Psychologist and author Joan B. Kelly, Ph.D., an internationally recognized expert on child and family conflict in divorce, custody and access matters, will be leading a weekend seminar, “Best Practices: Understanding Child Relocation, High Conflict Parenting and Parental Alienation,” March 22 - 24, 2012, at The King and Prince Resort on St. Simons Island. The seminar, sponsored by the Ninth Judicial Administrative District ADR Office, is geared toward mediators and will offer 14 hours of continuing education credit for Georgia neutrals. Cost for the seminar is \$275 for Ninth Judicial Administrative District ADR office members (\$325 after 2/15/12), and



\$300 for nonmembers (\$350 after 2/15/12). A block of rooms at the resort has been set aside for \$199 each per night. For more information and registration, contact Valerie or Patricia at 770-535-6909, or visit www.adr9.com.



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 student Alex Salzillo 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.



'Fairly Legal' back in March

The popular (and controversial among ADR types) television show "Fairly Legal," in which the lead character is a recovering lawyer who has become a mediator, is back for a second season on USA Network. (Did I just hear you snark that ethically the show's name should be "Barely Legal"?) Catch the season premiere Friday, March 16, 2012, 9 pm eastern time. www.usanetwork.com/series/fairlylegal/



Commission Meeting in March

The next meeting of the Commission on Dispute Resolution is scheduled for Thursday, March 8, 2011, at the specially set time of 11 am, 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](#).

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!

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 two 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.

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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