



## Be Neutral

July 2011

A Publication of the Georgia Office of Dispute Resolution

### From the Director: Happy Birthday!



We hope you had a great Fourth of July holiday! While we celebrate the 235th anniversary of our nation's birth, we at GODR are celebrating the one-year anniversary of our Be Neutral monthly e-newsletter. I'm a bit stunned that it's already been a year since we started.

On behalf of the Commission on Dispute Resolution and our staff, I thank you for your high readership month after month. Thank you for your enthusiasm and your feedback, which have helped us to serve you better. Thank you for helping us keep you better informed as ADR professionals.

To give you a sense of how much this newsletter has grown, the inaugural issue in July 2010 contained five articles. In this issue we're publishing 17 articles on a broad range of topics. We will continue to explore topics and break news that is interesting and useful to you. And we will continue to welcome your feedback.

Speaking of Independence Day, July 1 marked the first day of GODR's fiscal independence from state appropriations. In this space a year ago, I told you that the General Assembly – in cutting the state budget – told GODR to become a self-supporting agency by FY2012. I also told you that the Commission had developed a realistic plan to generate funds needed to operate this office while at the same time increasing opportunities and benefits for you. We are now operating under that plan and working hard to do more with much, much less. We are grateful to the Administrative Office of the Courts, which has provided us – and continues to provide us – critical in-kind support.

Our independence from state appropriations makes us less vulnerable to interference from the legislature. Now we have the fiscal freedom to focus on serving our constituents without worrying that our state funding will be held hostage. We will not be deterred in our mandate to improve the court-connected ADR system for our registered neutrals working in Georgia courts and in other areas, our local ADR court programs, our trainers, and the litigants, lawyers and judges who use our system.

I'm already looking forward to our second birthday. Best wishes,

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

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### New Crime Check Authorization Form Eliminates Paperwork

Good news! The GBI has permitted GODR to begin using a "permanent" authorization form for all criminal background checks. With the new form, you can authorize GODR to check your background whenever necessary, without your having to authorize it by signature each time. Once we have your permanent authorization, **you will never have to submit another background check authorization again** for as long as your registration status is active or inactive.

For you, that means you can submit and pay for your renewal online without touching any paper whatsoever. For us, that means 2,000 fewer sheets of paper to we have manage each and every renewal season.



Earlier this week, we sent an e-mail to all registered neutrals with a link to the new authorization form. The form is also posted on our website under "Forms and Applications." Please fill it out, print it, sign it, and send it to us via e-mail, fax, post or express delivery by **August 1, 2011**, so we can have it on file well before the 2011 renewal season starts November 1. We recommend that you always send important documents to GODR via a service that offers tracking and delivery confirmation.

More news: In our efforts to become more "green" and to improve our service, we may stop accepting paper renewal forms and require all renewals to be done online starting with the 2011 renewal season. We will keep you apprised. Please check Be Neutral and our website for more information.

### **Divorce Mediators: New Federal Income Withholding Form Required**



Starting May 31, 2011, the federal government required that a newly revised federal Income Withholding Order (IWO) form be used by all divorcing parties who agree to an income deduction plan for child support payments.

For many Georgia domestic relations mediators, discussion of an IDO (Income Deduction Order) with the parties is a part of the mediation process, and the federal IWO is a familiar form in divorce practice. If your parties want an income deduction plan, please direct them to the newly revised federal IWO starting immediately. Links to the form and instructions are below. Completion of the child support agreement is no longer the only step the parties need to complete to have the withholding completed.

For those neutrals not familiar with the federal IWO form, please take some time to educate yourselves. The IWO is a form that directs an employer to withhold child support payments from an employee's pay and remit them to the state Family Support Registry, which then sends the payments to the child support recipient. The IDO and the federal IWO are applicable only when the payor is not paying child support to the recipient directly. Various previous versions of the IWO form have been used by family law practitioners. However, the federal government has required that the newly revised federal IWO form be used immediately by Georgia parties with income deduction plans. Although the revised form was required May 31, 2011, employers may not start rejecting outdated IWO forms until May 31, **2012**.



Note: Parties must have a signed Income Deduction Order from the court before filling out the federal IWO form and submitting it to the court for the judge's approval and signature.

Important UPL Alert: The federal IWO is an order to be signed by the judge. So as with any court order, we advise that mediators do not help parties fill out the IWO form – doing so may constitute the unlicensed practice of law. However, making parties aware of the requirement to use the newly revised IWO form in income deduction cases is not the practice of law. Nor is directing parties to the form itself. (For more on the Commission's position on mediators and UPL, please review [Advisory Opinion 7](#), posted at the "[Mediator Ethics Information](#)" link on our website, [www.godr.org](http://www.godr.org).)

Jill Radwin, Esq., of the Child Support Collaborative Project, has written an informative article on the newly revised federal IWO and related statutes. Her article is available [here](#).

Below are links to the revised form and instructions:

IWO Form: [OMB 0970-0154 Form Final](#)

Instructions: [OMB 0970-0154 Form Instructions Final](#)



## [Q & A: Federal and State Legislative Requirements: Income Withholding and the State Disbursement Unit](#)

For more information about the federal IWO, please contact Erica Thornton at 404-657-1131, [emthornton@dhr.state.ga.us](mailto:emthornton@dhr.state.ga.us). If you have any questions or comments about the new federal IWO, feel free to send them to [gaodr@godr.org](mailto:gaodr@godr.org).

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## **Divorce Mediators: New Version of Child Support Calculators Posted**

Version 8.5 of the Georgia Child Support Calculators has just been released and is available on the [Georgia Child Support Commission website](#). The new version fixes errors that occurred when using Excel 2010, errors that occurred on Mac computers, and instructional information. For more information, please read the release memorandum from the Child Support Commission at this link.

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## **Quick Question and Answer**

**Q:** *What does the Georgia Office of Dispute Resolution do?*

**A:** GODR is staff to the Georgia Commission on Dispute Resolution, which is responsible for managing the state's court-connected ADR system and for helping the judiciary provide efficient and effective justice to Georgians. GODR – with a staff of three – oversees the quality, integrity, and viability of the ADR system through:

► **Standards:** GODR serves an adjudicative function like our courts by enforcing consistently the Commission's statewide rules of procedure for the courts, standards of conduct for ADR professionals, and standards of quality for trainers. We also serve as a resource for ADR program managers and practitioners who encounter ethical dilemmas or professional issues like subpoenas.

► **Credentialing:** GODR serves a gate-keeping function like the State Bar by scrutinizing the education, training and ethical qualifications of 2,200 registered mediators, arbitrators and case evaluators before permitting them to serve Georgia litigants. Every registered neutral is subject to screening every year, and can be removed from registration for violating the ADR Rules.

► **Training:** GODR performs an educational function like the Institute for Continuing Legal Education by ensuring the quality of training and continuing education available so that registered neutrals continue to be competent resources for the courts. GODR also co-sponsors the largest annual ADR conference in Georgia, the annual ADR Institute and Neutrals' Conference, now in its 18th year, December 9, 2011.

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**Did You Know ...**



That seminars sponsored by the Institute for Continuing Legal Education in Georgia (ICLE) are open to non-attorneys? ICLE organizes dozens of timely and informative seminars each year, and many of them are on topics that may be of interest to non-attorney mediators and arbitrators.

For example, the "Nuts and Bolts of Family Law" CLE seminar (August 19 at the Savannah Marriott Riverfront; September 16 at the State Bar Conference Center in Atlanta), includes these presentations: "Filing and Defending Child Support and Alimony Modification Actions," "Effective Use of Guardian Ad Litem and the Emergence of the Parenting Coordinator," and "Equitable Division – When Does it not Mean Equal Division? Does Conduct Matter? A Judicial Perspective." Divorce mediators, take note.

Remember, if you attend a CLE seminar, the hours you attend can be used toward your neutral CE hours one-for-one. Contact ICLE and ask for the staff attorney responsible for a particular seminar to see whether a reduced registration fee may be available for non-attorney neutrals. Please make a habit of checking the seminar schedule at [www.iclega.org](http://www.iclega.org).



### **CaseWatch for Mediators: Judges Have Broad Discretion in Setting Divorce Terms**

Mediators often have to "sell" the mediation process to parties. One common pitch is to contrast party control of the dispute between mediation and litigation. In mediation, the parties control the outcome, so it is more predictable, while in litigation, the judge or jury control the outcome, which can be hard to predict. But not only is a judge's decision unpredictable, it is highly likely to be upheld on appeal. In this month's CaseWatch for Mediators, Mary Ellen Cates, divorce attorney and registered mediator, shows how a recent Georgia Supreme Court case highlights the broad discretion trial judges have in drafting the terms of divorces.

[Read Full Article](#)



### **CaseWatch for Arbitrators: New Appeals Case Highlights Federal Support of Arbitration**

In the May 2011 installment of CaseWatch for Arbitrators, you learned how the U.S. Supreme Court had just expressed its support of arbitration by ruling that the Federal Arbitration Act trumps any conflicting state law. This month, John Allgood, Esq., veteran attorney, registered mediator and arbitrator, will discuss a new Second Circuit decision limiting court jurisdiction over arbitrator rulings and how the case further illustrates how the federal courts favor arbitration.

[Read Full Article](#)



### **Marketing Tip: QR Codes are Your 1" Marketing Opportunity**

You may have noticed those funny-looking images in advertisements lately that look like black-and-white postage stamps filled with little square dots. Those are QR (Quick Response) codes, and they're the latest in marketing technology. In this month's Marketing Tip column, our marketing maven and registered mediator Michele Gibson shows you how to use QR codes to make it easier for potential clients to acquire, store and access your contact information accurately and quickly.



### **Business Tip: Save Some Taxes This Summer**

Summer isn't just about family vacations. It's also a great time to look over your personal and business tax situations and make changes before the end of the year. In this month's Business Tip column, we welcome back CPA Rob Tamburri, who has some handy tips on how you can maximize your tax savings, even on activities and expenses you have this summer.

Read Full Article



### **Free Video CEs Available**

Last month 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.



### **Augusta Circuit ADR Program Address Change**

The August Judicial Circuit ADR Program has moved into new facilities. The program's new contact information is:

Suite 2207, Augusta Judicial Center  
735 James Brown Blvd.  
Augusta, GA 30901



Cynthia McElmurray, Program Director  
706-821-2357  
706-849-3739 fax  
[cmcelmurray@augustaga.gov](mailto:cmcelmurray@augustaga.gov)

<http://www.augustaga.gov/index.aspx?NID=1438>



Up-to-date contact information for local court ADR programs is always available at the "Find a Local Court ADR Program" 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!



### Save the Date: 2011 ADR Institute

The 18th Annual ADR Institute and 2011 Neutrals' Conference will be held Friday, December 9, 2011, at the State Bar of Georgia Conference Center, 104 Marietta St. NW, Atlanta. We set an attendance record last year, and based on the speakers we are lining up, we think this year's conference will be even more popular. At least 6 hours of neutral continuing education and 6 hours of CLE (including 1 Ethics Hour) will be available. More details and conference registration will be available through [www.iclega.org](http://www.iclega.org) in November. Stay tuned!



### 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.



### Upcoming CE and Training Offerings

Don't wait until the 2012 renewal season to get your CEs. 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.

### 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!

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## 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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