



## Be Neutral

July-August 2012

A Publication of the Georgia Office of Dispute Resolution



### From the Director: New Ethics Opinion Published

Learning Opportunity Alert: The Committee on Ethics of the Georgia Commission on Dispute Resolution has just released a new ethics opinion. Based on an actual mediation ethics case that came before the Committee, [Ethics Opinion 4](#) touches on issues of confidentiality, self-determination, and impartiality and bias. The new opinion is posted under "What's New" on our website, and also under "Mediator Ethics Information" on the main menu.

Please take a few moments to read the opinion. As you do, you might reflect on your own conduct as a neutral. Believe it or not, no one is perfect, and no one's process is perfect. Periodic self-examination of one's professional performance is essential to maintaining a skilled and ethical practice. It's important to ask yourself probing questions such as:

- ▶ "Should I have discussed my personal life with my attorney friend in front of opposing counsel?"
- ▶ "Could I have seated the parties differently to ensure their comfort and safety?"
- ▶ "Was conducting the entire mediation in caucus really more productive?"
- ▶ "Could I have handled that emotional outburst better?"
- ▶ "Did I do everything I could to ensure a fair process?"
- ▶ "How can I improve my opening statement so parties truly 'get' the process?"
- ▶ "How can I write clearer but more comprehensive agreements?"
- ▶ "What would an unbiased observer say about my appearance of neutrality?"
- ▶ "Should I brush my teeth before mediation?" (Just kidding – of course you should brush your teeth.)

Self-reflection is necessary, but not sufficient; we also need to see ourselves reflected back by our colleagues. Just as we offer parties insight when we reflect parties' statements back to them, we ourselves gain insight when our process is reflected back to us by other learned neutrals. Ours is by nature a solitary profession; we go in, do our job, leave, and then we can't talk about it with anyone else. But working alone does not mean working in isolation. We encourage you to seek out and network with other neutrals. Conversing and sharing with fellow neutrals about cases or issues (in general terms, of course) can be illuminating. Without outside feedback, it's easy for us to fall into bad habits without realizing it.

We also encourage you to continue to train and educate yourself. When was your last mediation class? When did you last attend a CE seminar as a refresher? When did you last attend the annual ADR Institute? When was the last time you observed and evaluated another neutral in action? When was the last time you were observed and evaluated? When did you last review the ethics rules and ethics opinions and advisory opinions? All of us can learn more. Even teachers need teachers.

I wouldn't go so far as to say that the unexamined practice is not worth practicing. But I think it's safe to say that self-awareness, self-scrutiny, and self-improvement can go a long way toward keeping you from becoming the subject of the next ethics opinion.

Shinji Morokuma, Director, GODR  
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## New Benefit for Registered Neutrals: Mediation.com and Arbitration.com

GODR has negotiated a new benefit for Georgia-registered neutrals that will help you to more effectively market your practice. The online directory and Internet-listing services [Mediation.com](http://www.Mediation.com) and [Arbitration.com](http://www.Arbitration.com) are offering a drastically discounted membership fee for a limited time, only to Georgia-registered neutrals.



Full price membership in either [Mediation.com](http://www.Mediation.com) and [Arbitration.com](http://www.Arbitration.com) is normally \$499 a year. But for registered neutrals, the membership price is just \$399 for 2 years – a 60 percent discount – through September 30, 2012. No additional monthly fees apply. For that cost, [Mediation.com](http://www.Mediation.com) and [Arbitration.com](http://www.Arbitration.com) will list on their websites:

- Your area of practice
- Your picture
- Your professional profile
- A link to your website
- Google map
- Google voice
- Email
- Article postings
- Calendar events
- Mediation.com Seal (1st page members only)

[Mediation.com](http://www.Mediation.com) and [Arbitration.com](http://www.Arbitration.com) claim first page Internet search results in most geographic markets. Here's an example of a first page Premium listing;

<http://www.Mediation.com/memberprofile.aspx?mid=2b1de4b2-9940-4d91-8511-a0448115aefa>

Here's an example of a multiple listing landing page for the Premium Members:

<http://www.Mediation.com/findmediator/divorce-mediation/georgia/atlanta.aspx>

For more information or to sign up for the special offer, e-mail Lee M. Rough, Partner: Business Development, at [Lee@Mediation.com](mailto:Lee@Mediation.com), identify yourself as a Georgia-registered neutral, and type the discount code "GODR" in the e-mail.

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## 6th Annual Arbitration Institute August 10

The 6th Annual Arbitration Institute will be held Friday, August 10, at the State Bar of Georgia Conference Center in Atlanta. Sponsored by the Dispute Resolution Section of the State Bar, the seminar features a variety of topics and speakers relevant to the practice of arbitration. Topics include:



- Is Arbitration Broken as a Fair Forum for the Little Guy?
- Considering the Arbitration Fairness Index
- Challenges and other Viewpoints
- An Overview of Consumer Arbitration Proposed Regulations
- Mandatory Arbitration is Unfair
- International Arbitration in Atlanta, New and Exciting Developments
- The Arbitration Clause: More than an Afterthought (or it Should be!)
- Best and Worst Practices in Arbitration: Seasoned Advocates' Views on Arbitrators and Vice Versa
- Managing Electronic Discovery in International and Domestic Arbitration
- Class Action Waivers, the FAA, the NLRB and the Courts – Which View will Prevail?
- Disclosures, Conflicts and Challenges in Arbitration

The Arbitration Institute qualifies for 6 CE hours and 6 CLE Hours including 1 Ethics Hour, 1 Professionalism Hour and 3 Trial Practice Hours. For additional information and to register, [click here](#) to visit the ICLE website. Remember: non-lawyers can sign up for and attend ICLE events, but if there are space constraints, priority is given to Georgia lawyers.

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### **Family Violence Conference September 24-25**

The 18th Annual Statewide Family Violence Conference will be held September 24-25, 2012, at the Macon Marriott City Center in Macon. The conference, sponsored by the Georgia Commission on Family Violence, is open to all. Georgia-registered neutrals can earn up to 11 hours of CE by attending the conference. For more information and conference registration, please the Commission's website at [www.gcfv.org](http://www.gcfv.org).

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### **CaseWatch for Mediators: Alimony is Not as Simple as it Seems**

Alimony, or spousal support, is not a common issue in divorces these days. But when it comes up legitimately, mediators need to be prepared to help the parties discuss and understand the issue fully. Mary Ellen Cates, Esq., divorce attorney and registered mediator, highlights a divorce case in which a seemingly simple alimony provision generated a lot of anguish – and legal bills – for one Georgia couple, in this month's CaseWatch for Mediators.

[Read Full Article](#)

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### **CaseWatch for Arbitrators: 'Manifest Disregard' Still Alive as a Basis for Challenging Awards**

Reports of the demise of "manifest disregard of the law" as a basis for challenging arbitration awards are a bit premature, according to John Allgood, Esq., veteran attorney, registered mediator and arbitrator. In this CaseWatch for Arbitrators, he examines a recent Second Circuit decision that seems to keep "manifest disregard" on life support despite legal efforts to kill it.

[Read Full Article](#)

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### **Marketing Tip: Prepping Your Fall Marketing Campaign**

2012 is more than half over. Have you accomplished all of the marketing goals you set for yourself at the start of the year? (You did set some marketing goals, right?) Your website, your social media presence, your e-newsletter – there's still time to give them all a tune up before the fall. Master marketer and mediator Michele Gibson shows what to do and how to do it in this month's Marketing Tip.

[Read Full Article](#)

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**Tifton Circuit Phone Number Correction**



Last month we published an incorrect phone number for the Tifton Judicial Circuit ADR Program. The correct phone number is **229-386-7827**

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## **AGAIN - IMPORTANT NOTICE: Verification of Lawful Presence Required**



The Georgia General Assembly did not amend the Immigration Reform and Enforcement Act of 2011 (O.C.G.A. § 50-36-1(e)) during the 2012 session. That means that all renewing neutrals will once again have to submit documentation that they are in the U.S. legally.

**If you want to get a head start on your 2012 renewal application, we are accepting your Verification of Lawful Presence and your supporting photo ID starting July 1, 2012. (The renewal season will be November 1 – December 31, 2012.)**

Under the 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. **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/7z8dl tq>
2. **Include 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/cdl7jre>

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



## **Save the Date: 2012 ADR Institute December 14**

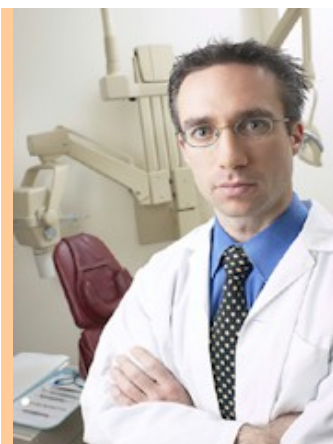
The 19th Annual ADR Institute and 2012 Neutrals’ Conference will be held Friday, December 14, 2012, at the State Bar of Georgia Conference Center in Atlanta. This year’s conference will once again present an agenda of engaging local and national presenters on a broad variety of topics in the ADR field. At least 6 hours of CLE and 6 hours of CE will be available. Look for more information in this newsletter.

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## **GODR MEMBER BENEFIT SPOTLIGHT – DENTAL INSURANCE**

**Open Enrollment Date for GODR Member Dental plan:**

- Group Rates
- Dual-option PPO plan options as low as \$23.48/month.
- Add optional Vision coverage.



- Also available as a voluntary benefit for your EMPLOYEES.
- No minimum participation requirements for firms.
- [Online Enrollment >](#)

[Learn More >](#)

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.



## 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.

## 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 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!

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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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