



Be Neutral

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A Publication of the Georgia Office of Dispute Resolution



From the Director: ADR Rules Updated

The Commission on Dispute Resolution has recently approved several much-needed amendments to the Georgia Supreme Court ADR Rules. Here's a brief summary of the most significant changes:

Appendix B: Requirements for Qualification and Training of Neutrals

- Registration requirements for the new Delinquency Mediation and Deprivation Mediation categories, added;
- Grandfathering requirements for the new Delinquency Mediation and Deprivation Mediation categories, added;
- Process that allows people who have criminal or professional issues to be pre-certified by the Ethics Committee to take an approved neutral training, added.

Appendix C, Chapter 2: Ethics Procedures

- Timeframes for the processing of ethics complaints, added and clarified;
- Rule giving the Ethics Committee the option of issuing confidential (non-public) sanctions, added.

The ADR Rules were originally approved in 1993, and over the years they have been amended bit by bit as needed. However, in nearly 20 years, the ADR field has grown dramatically, nationally and in Georgia. The Commission understands that the ADR Rules must be updated so that neutrals can practice in Georgia more productively and ethically. To that end, the Commission has undertaken a comprehensive review of the ADR Rules that is expected to take up to a year to complete. If you have any suggestions for changes to the rules, please let us know.

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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/7z8dlftq>
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/7ewa6v4>

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

Update: Mediation Has Already Gone to the Dogs in Georgia



In the May issue of *BeNeutral*, we highlighted a proposal by a California mediator to introduce therapy dogs – and even the family pet – into mediation sessions as a way to help parties deal with the stresses of mediation.

Well, it turns out that there is already a program in Georgia that incorporates specially trained dogs into the legal and mediation process. "If It Paws The Court" was started in October 2011 by attorney mediator Nedra Wick as a way to assist primarily children who are involved in cases in Georgia courts.

According to Wick, dogs accepted into the program must: 1) be designated Canine Good Citizens through the American Kennel Club; 2) receive therapy dog training through a program-approved group; and 3) be tested in a number of settings, many including children and lengthy "stays." Dogs that are accepted into the program are awarded an "If It Paws The Court" patch, which is recognized by a number of office and court personnel, attorneys, deputies, bailiffs and judges, according to Wick. The dogs' handlers/owners are attorneys, many of whom also mediate.

For more information about incorporating an "If It Paw The Court" dog into your mediation, contact Wick at nwick@bellsouth.net or 678-612-1031, or her paralegal, Selena Temples, at stemples7@yahoo.com. Click here for a program brochure.

[More Info](#)



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.

CaseWatch for Mediators: Help Parties Think About the "What Ifs" to Avoid Future Problems

When we sell the process of mediation, we tell parties that it is far better for them to agree on a solution to a problem than face the unpredictability of a judge or jury decision. However, there is another important source of unpredictability – the actions of the parties themselves after their



agreement is executed. In this month's CaseWatch for Mediators, Mary Ellen Cates, Esq., divorce attorney and registered mediator, discusses two cases in which the parties messed up and the trial courts tried to clean up their mess.

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CaseWatch Special: Immunity of Health Care Peer Review Panels Upheld

Panels of health care professionals who investigate the actions of their peers are immune from claims for monetary damages under federal law. A recent Georgia Court of Appeals decision affirms that the panels also are immune from equitable claims under state law. John Allgood, Esq., veteran attorney, registered mediator and arbitrator, summarizes the case in this CaseWatch Special.

[Read Full Article](#)



Marketing Tip: Digital Reputation Management

Marketing yourself in the digital world is a lot like gardening. Preparing the soil and planting the seeds is not enough. You have to fertilize. You have to water. You have to weed. You have to protect your crop from bugs and pests. In this month's Marketing Tip, master marketer and mediator Michele Gibson shows you how you to tend to your digital reputation so you can reap the professional benefits of your work.

[Read Full Article](#)



Practice Tip: Same-Sex "Marriage" – What's in a Name?

No matter what your thoughts are about same-sex marriages or unions, the fact is that they exist legally in some states. And same-sex partnerships can be found everywhere. Same-sex couples are often not accorded the same legal rights as opposite-sex couples, and those legal differences that can affect same-sex couples when they divorce or experience the practical equivalent of a divorce. In this Practice Tip, Bob O'Connor, a mediator and former minister, highlights some of the legal differences that ADR professionals should be aware of when working with the dissolution of same-sex relationships.

[Read Full Article](#)

Tifton Circuit Update

The Tifton Judicial Circuit ADR Program has a new Program Director, Melissa Chevers. She can be reached at 229-387-7827 or melissa.chevers@tiftcounty.org. The court's website is www.tiftoncircuit.com.



ABA Mediation Brochures Available



The American Bar Association has recently produced several brochures on mediation that practitioners can print and distribute for free to clients. The General Mediation Guide, Family Mediation Guide, and Complex Mediation Guide can be downloaded from:

http://www.americanbar.org/groups/dispute_resolution/resources.html

GSU Conflict Resolution Symposium: Call for Submissions



The Georgia State University Office of the Ombudsperson is now accepting submissions for its 2nd Annual Conflict Resolution Symposium to celebrate International Conflict Resolution Day.

The symposium, "From Chaos to Composure: Creating Positive Change Using Conflict Resolution Skills," will be held Friday, October 12, 2012, from 3 to 8:30 pm, at Georgia State University's Student Center, 44 Courtland St., Atlanta. Symposium attendees and presenters will be undergraduate and graduate students, as well as local conflict resolution practitioners.

The symposium, which includes a mediation tournament, will focus on topics such as:

- How can conflict resolution practitioners use their skills to be agents of change?
- What kind of conflict have you experienced and what insights can you provide others on how to handle conflict successfully?
- In what specific ways can conflict resolution skills aid in managing change and transition?
- How have you successfully managed change or addressed conflicts related to race, ethnicity, gender, identities, sexual orientation, etc.?



Submission deadline is August 1, 2012. Invitations to present at the symposium will be e-mailed August 15, 2012. Submission Instructions:

- Put "CR Symposium Submission" in the subject line and include name, affiliation, bio and contact information in the body.
- Include your resume as an attachment. Bio may be sent as an attachment as well.
- Submissions must be your own original work.
- Submissions must include PowerPoint or other presentation slides and workshop outline.

Check for updates on presenters, registration, etc., at www.facebook.com/GSUombuds



Brenau University to Host National Intercollegiate Mediation Tournament

Brenau University in Gainesville will host the Twelfth Annual National Intercollegiate Mediation Tournament November 1-3, 2012. The tournament, sponsored by the International Academy of Dispute Resolution, will bring together dozens of collegiate teams from across the country and around the world. Top participants can earn All American designation, and the final eight teams earn invitations to the International Law School Mediation Tournament being held in London or Dubai, March 2013. For more information on the tournament, including invitational tournaments, please contact Meghann Sweeney at iadrexec@gmail.com or 515-778-6048. Click here for brochure, and click [here](#) for press release.

[More Info](#)



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.



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

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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