



Be Neutral

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From the Director



Do you remember when you first fell in love – with ADR?

I found my love about 15 years ago, when I was a summer associate at a respected litigation firm. I should've been a grateful law student, having landed a coveted summer position. But within a few days, I realized that I was a stranger in a strange land. This firm was wall-to-wall warriors, beating their breastplates, roaring their roars and chomping at the chance to humiliate their hated opponents. (The men were like that, too.) The partners were no less embattled than the young guns. And all of those hyped-up litigators percolated 24/7 in that logic-defying, soul-crushing financial pressure cooker called the "billable hour" system. The resulting aroma of testosterone and terror would practically curl your nose hairs when you stepped out of the elevator. Not my favorite perfume – for day or evening.

And all that *sturm und drang* for what? To resolve disputes in a system that proscribes open, candid communication among disputants? That takes control of the resolution away from the disputants and gives it to total strangers? That seems designed to cause disputants more anguish and aggravation in resolving their disputes than in creating them? This made no sense to me. But a job in litigation, at a prestigious firm like this, I was told was the pinnacle of what I could aspire to as a new lawyer. Ignorant of other options, I became despondent. The prospect of returning to law school was looking grimmer by the minute.

My salvation came unexpectedly in the form of that year's last summer associate seminar, on something cryptically called "ADR." With nothing to lose, I attended. The presenters were a partner at the firm and a retired judge who had become a "mediator," whatever that was. Mediators help parties to resolve their disputes themselves, the speakers explained, by encouraging them – and their attorneys – to communicate and collaborate to find mutually agreeable resolutions. The parties then can settle their disputes under their own control, on their own unique terms, and thus can do it faster, cheaper and with better results and greater satisfaction than if they had litigated. "Mediation" was relatively new to the law, I learned that day. Yet the Georgia judiciary had recently created a system within the courts that actually promoted the use of mediation and arbitration as productive alternatives to going to court.

Huh?? I couldn't believe what I was hearing. This stuff actually made sense. This ADR was part of the same system that promoted litigation? Why hadn't I heard of this mediation stuff before? "You mean I can be a lawyer and do this kind of work?" I said to my stunned self. In an instant, the clouds of my despair blew away and the light of edification shone on me. In my most uncertain hour, my career path became clear: I will become a lawyer, and I will become a mediator, and I will work to spread the wisdom of mediation and ADR to my fellow lawyers and citizens. That was my "summer of love."

Thereafter, I focused my law studies on ADR, thanks to a professor who literally wrote the book on ADR in Georgia. My work in the field as a mediator, trainer, lecturer, and administrator has reinforced my love of and respect for mediation. I've been fortunate to meet and work with many terrific mediators ("terrific mediators" may be redundant, but so what). I've even met many enlightened litigators who don't smell at all like testosterone and terror, who understand that ADR is a handy tool – often the best tool – that smart lawyers can use to help their clients solve their problems. How about that.

I can't imagine what I would be doing today if I had missed that fateful final summer associate seminar. My best buddy from law school and I would often joke that if we didn't graduate, our credentials would at best qualify us to blurt out, "Would you like fries with that?" a couple hundred times a day. Robert Frost wrote:

Two roads diverged in a wood, and I—
I took the one less traveled by,
And that has made all the difference.

I know exactly what he meant.

Shinji Morokuma, Director GODR

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Archive

Send us your ADR "love story," and we might just print it



Case Watch: The Ex is Moving and Taking the Kids

To ruin a parent's day, just tell him or her that the ex-spouse is moving away – and planning to take the kids, too. Yeah, don't even joke about it, right? And, just a thought: does a Georgia parent – even a custodial parent – have the legal right to just up and move away with the kids? Mary Ellen Cates, divorce attorney and registered mediator, has the answer, as well as advice for mediators on how to help divorced and divorcing parents wrestle with the difficult issues around relocation. Her cases analyses this month focus on the Georgia Supreme Court decisions in [Bodne v. Bodne](#) and [Salmon-Davis v. Davis](#).

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Marketing Tip: Why Content Counts for Website Success

As your mother may have told you, to be popular it isn't enough to be good looking. You have to have substance to back up your style. That's true for your company website, too. Marketing specialist and registered mediator Michele Gibson will show you how beefing up your website's content can help drive more traffic to it and bring you more business. In this month's Marketing Tip, she'll show you how your website can become a destination – a site people think of and seek out because it consistently offers timely and useful information to visitors.

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Theory to Practice: Smells Like Team Spirit

Remember Gordon Gecko in "Wall Street" and his iconic soliloquy on the driving force of humankind? "Greed ... is good. Greed is right. Greed works. Greed clarifies, cuts through and captures the essence of the evolutionary spirit." But some of us (we're ADR professionals, after all) are uncomfortable with the notion that we are nothing more than viciously selfish monsters scrabbling for a foothold in the competition of life. Well, fear not, you idealists. In this month's Theory to Practice column, Gregory Jones, Faculty Research Fellow and Director of Research at the Consortium on Negotiation and Conflict Resolution, will point you to new research that shows that we humans can indeed work for the common good – given the right conditions.

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Georgia Mediators Network



Facebook Fans: "Like" the Georgia Mediators Network

Mediator Michele Gibson (who also helps us produce this newsletter) has created a Facebook page for Georgia mediators. On the new Georgia Mediators Network page, she posts daily news stories about mediation from around the world. The site was created as a place where mediators can share material that will help the public understand what mediation is and what it can do. If you're on Facebook and you "like" the site, then the stories will show up in your personal news feed. After you "share" the stories, all your own Facebook friends will see them. You don't have to be limited to Facebook either - feel free to take the links and post them on LinkedIn, Plaxo, your firm website or newsletter. The more mediators using this content and sharing the stories, the more the public knows about mediation.



Learn More About Exclusive Insurance Products for Neutrals

Need insurance? Planning for retirement? Confused by health-care reform? Talk to the experts at [BPC Financial](#). They manage our new exclusive insurance and retirement program for registered neutrals. 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, and more, check out the [GODR Registered Neutrals Insurance and Retirement Programs website](#).

Need a good deal on professional liability insurance for mediators and arbitrators? See our [website](#) for more information or contact [Betsy Thomas](#) at [Complete Equity Markets](#), 800-324-6234, ext. 472, and tell her you're a Georgia registered neutral!



Georgia ADR Blog: Evaluation of Mediator Technique in "Fairly Legal"

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/> The latest post is DeFreytas's tongue-in-cheek evaluation of mediator technique displayed by fictional mediator Kate Reed in the new TV show, "Fairly Legal."



New Website, Newsletter for State Bar DR Section

Our good friends in the Dispute Resolution Section of the State Bar of Georgia have created a new website to go with their new online newsletter. The purpose of the new website is to try to assemble in one place dispute resolution CLE opportunities and current DR law developments and to provide general information about the section. You can also sign up for the newsletter and see back issues. Check it out at <http://gadisputeresolution.org/>

Upcoming CE and Training Offerings

Don't wait until the 2011 renewal season to get your CEs. Check frequently at our [website](#) for the latest CE and training offerings. Remember, any 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 CJEs. Accountants and other professionals with CE requirements, same thing.



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