



## Be Neutral

March 2012

A Publication of the Georgia Office of Dispute Resolution



### From the Director:

#### Delinquency and Deprivation Mediation Registration Opens May 1, 2012

Last month I told you about the Commission's creation of two new registration categories in juvenile mediation – delinquency mediation and deprivation mediation. This month, let me tell you a bit about those mediation processes and summarize the registration requirements for the two new categories, which take effect May 1, 2012.

Delinquency mediation is a form of restorative justice designed to deal productively with juvenile criminal behavior. The process brings together the youth offender, the parents, the victim, and other stakeholders in the child's welfare such as law enforcement, school officials, counselors and others depending on the nature of the crime. The mediator helps the parties to work together to help the offender understand his or her actions and the impact it had on the victim, to help the offender take responsibility for the criminal conduct, and to help craft a unique resolution with the goal of rehabilitating the offender and restoring the victim.

Deprivation cases are those in which parents are legally accused having deprived their child of proper care, control, subsistence, education or other care necessary for the child's physical, mental, emotional or moral well being. Mediation of these complex cases can involve a large number of stakeholders, including the parents, their attorneys, child attorneys, *guardians ad litem*, court-appointed special advocates (CASA), Department of Family and Children's Services (DFACS), adult relatives, and sometimes the child if he or she is old enough to participate. The goal is find a workable solution to ensure the safety and welfare of the child.

The benefits of mediation in delinquency and deprivation cases are the same as those of other disputes: confidentiality, communication, cooperation, conciliation, creativity, compliance, and other good "C" words. Moreover, the cases are routinely handled more quickly than they are in court, which is particularly critical when dealing with children. But because these cases deal with the welfare of our future adult citizens, the stakes are somewhat higher than for "adult" disputes. And as you can expect, mediating children's issues in the context of unique juvenile law requires specialized training and a special commitment to children's welfare. To summarize the requirements for registration in the two new juvenile categories:

**Delinquency Mediation:** Mediators seeking registration in delinquency mediation must be registered as general civil mediators prior to taking delinquency mediation training. A GODR-approved delinquency mediation training will comprise at least 16 hours of classroom training, including role play and other exercises. Training topics would range from child development to delinquency law to case processing and sex, drugs, alcohol and kids.

**Deprivation Mediation:** Mediators seeking registration in deprivation mediation must satisfy the requirements for delinquency mediation registration prior to taking deprivation mediation training. They must also have a bachelor's degree from an accredited institution or the equivalent in child welfare experience. A GODR-approved deprivation mediation training will comprise at least 28 hours of classroom training, including role plays and other exercises. For mediators who are already registered in domestic relations mediation, deprivation mediation training will comprise at least 21 hours of training. Training topics would range from deprivation law and juvenile court process to the role of various stakeholders, child support worksheets, the effects of abuse/neglect, and Federal requirements.

Registered mediators who are already mediating juvenile cases will be able to apply to be "grandfathered" into registration as delinquency mediators, deprivation mediators, or both during an 18-month period starting May 1, 2012, as follows:

Delinquency Mediation: Provide verification of having completed delinquency mediation training, and verification of having mediated a minimum of 3 delinquency cases within 1 year prior to application.

Deprivation Mediation: Provide verification of having completed deprivation mediation training, and verification of having mediated a minimum of 1 deprivation mediation within 1 year prior to application.

A registered mediator can be grandfathered in as a deprivation mediator without grandfathering in as a delinquency mediator. The verification required above may consist of a letter or other documentation from a current court program that handles juvenile matters.

Moreover, a registered mediator who does not meet the above requirements may be grandfathered in by providing evidence through a current court ADR program that handles juvenile court matters that he or she has been actively mediating deprivation and/or delinquency cases and possesses the requisite knowledge, skills and ability to be grandfathered in.

Mediators from other states may not be waived in for Georgia registration in delinquency mediation or deprivation mediation.

**PLEASE DO NOT SEND US YOUR JUVENILE REGISTRATION INFORMATION UNTIL AFTER MAY 1, 2012.**

**Next Month: *The New Juvenile Registration Rules and How to Apply for Registration or Grandfathering***

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## The Cutting Edge of ADR Practice: Train to Become an “E-Neutral”



E-discovery – the acquisition of electronically stored information (ESI) such as texts and e-mails in the context of a lawsuit – is a \$1.2 billion industry. You won’t be surprised that parties to lawsuits frequently fight over what ESI they must share with the opposition. These disputes have created the need for a new type of dispute resolution professional – an “e-neutral” – who is expert in both ADR and electronic discovery.

Want to work in this emerging area of ADR practice? Then sign up for an upcoming training, “Putting the ‘E’ in Neutral,” May 11-12, 2012, in Atlanta. Trainees will not only learn how to break impasse on specific e-discovery issues, but also will learn how to adjudicate an issue under current case law. **Registration is open exclusively to registered neutrals through March 18, 2012.** Registered neutrals will also receive a **\$250 discount**. The course has been approved for 13 CE credits and for 13 CLE credits (including 3 Professionalism credits and 1 Ethics credit).

Training location will be the Buckhead office of One Mediation, 70 Lenox Pointe NE, Atlanta, GA 30324. Register by completing the training registration form at [www.acesin.com](http://www.acesin.com) and an invoice will be sent to you. Contact Jennifer Keaton at [jkeaton@onemediation.com](mailto:jkeaton@onemediation.com) for a copy of the two-day seminar’s agenda.

“Putting the ‘E’ in Neutral” is offered by the American College of e-Neutrals and is taught by Professor Allison Skinner, who teaches e-discovery at the University of Alabama School of Law, and Professor Peter Vogel, who teaches at the SMU/Dedman School of Law. For more information on e-neutrals and e-discovery, read this article by Professor Allison Skinner:



Professor Allison Skinner

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## 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](http://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](http://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](http://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](http://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](mailto:gaodr@godr.org) or call us at 404-463-3788.

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## Child Support Calculators Updated

The latest version of the Georgia Excel electronic Child Support Calculators, version 8.6, was released on March 8, 2012. The Child Support Commission is the statutory responsible for adjusting formulas annually that are used in calculating applicable Social Security (FICA) taxes for self-employment income.



For 2012, the federal government extended the 2011 FICA tax rate cut of 2% through December 31, 2012, and increased the annual wage base limit to \$110,100. As a result, the formulas used for calculations on Line 3 of Schedule B have been updated. (Please note: this update is made each year in January. However, the update was delayed this year pending the federal government's decision on the extension of the 2% tax cut.)

All registered neutrals who use the electronic Excel child support calculators are encouraged to download the worksheet of their choice from the Child Support Commission website: <http://www.georgiacourts.gov/csc>

For more information, contact Elaine Johnson, Child Support Guidelines Coordinator, 404-463-6383, [elaine.johnson@gaaoc.us](mailto:elaine.johnson@gaaoc.us), or Alice Limehouse, Staff Attorney to the Child Support Commission, 404-463-0040, [alice.limehouse@gaaoc.us](mailto:alice.limehouse@gaaoc.us)

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## Atlanta Hosts International Arbitration Conference



A major two-day conference, "The United States and Its Place in the International Arbitration System for the 21st Century: Trendsetter, Outlier, or One in a Crowd?" will be held April 15-17, 2012, in Atlanta. The conference, sponsored by the Atlanta International Arbitration Society, is part of a broad-based effort to make Atlanta a center for international arbitration, an initiative that will generate significant business opportunities for the city and state.

Speakers will include Chief Justice Carol Hunstein, Mayor Kasim Reed, and leaders of major U.S. and international arbitration entities, and leading practitioners, neutrals and in-house counsel from five continents. Registration includes admission to the opening reception, Monday and Tuesday luncheons, the Monday night dinner and reception at the High Museum, and all CLE/CPD program sessions.

- \* Regular Registration (\$585 on or before Mar. 15, 2012, \$700 after)
- \* In-house Corporate Counsel (\$285 on or before Mar. 15, 2012, \$385 after)
- \* Full-time Law School Faculty (\$285 on or before Mar. 15, 2012, \$385 after)
- \* Full time Judges: Complimentary registration on or before Mar. 15, 2012
- \* Additional guest ticket for Monday evening reception only (\$150 each)

Register online at <http://arbitrateatlanta.org/events/registration/> For more information, visit <http://arbitrateatlanta.org>, e-mail [info.atlarb@gmail.com](mailto:info.atlarb@gmail.com) or call 404-745-5000.

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## GODR MEMBER BENEFIT SPOTLIGHT – LONG TERM CARE INSURANCE

Long Term Care insurance - discounted program for members & family.

The GODR Registered Neutrals Insurance & Retirement Programs provides a member benefits Long Term Care insurance program. This discounted program is made available to:

- GODR Registered Neutrals
- your family members including spouses, parents, and grandparents.

Considering the high cost for Long Term Care, this program is designed to help protect you, your family and your retirement security. Protection is available should you need care at home, in an assisted living or nursing home facility. To request information on this program, call 1-800-282-8626.

[Learn More >](#)

If links in this email are not working, please visit [www.memberbenefits.com/godr](http://www.memberbenefits.com/godr)



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### **CaseWatch for Mediators: Self-Executing Custody/Visitation Modifications Prohibited**

As divorcing parents seek ways to reduce return trips to court to modify divorce terms, many have turned to employing self-executing custody and visitation modifications in their mediation agreements and parenting plans. In this month's CaseWatch for Mediators, Mary Ellen Cates, divorce attorney and registered mediator, explains why the Georgia Supreme Court does not look favorably upon such provisions.

[Read Full Article](#)



### **CaseWatch for Arbitrators: Supreme Court Overrules West Virginia on FAA Preemption**

In case you weren't aware, the U.S. Supreme Court likes arbitration. The latest state to challenge the court's commitment to arbitration – and lose – is West Virginia. In this month's CaseWatch for Arbitrators, John Allgood, Esq., veteran attorney, registered mediator and arbitrator, take you through the Supreme Court's latest and perhaps most emphatic statement on the issue, the Marmet Health Care Center decision from February 2012.

[Read Full Article](#)



### **Marketing Tip: Find a Niche and Fill it**

Do you often feel like you've got too much competition and it is impossible to stand out among the crowd so you end up losing business ? It is a lot easier to market yourself when you are marketing to a narrowly focused audience. Learn how to find your niche and fill it:

[Read Full Article](#)

**Federal Residential Mortgage Mediation Program Seeks Mediators**



In conjunction with the Federal Bar Association, Judge William Duffey has developed a *pro bono* mediation program to help address the recent flood of cases in the United States District Court for the Northern District of Georgia involving residential mortgage foreclosures.

By requiring borrowers to provide updated financial disclosures and requiring lenders to prequalify refinancing under existing government programs, the mediation program is ideally situated to facilitate a rapid and expedited resolution of these cases and to provide a meaningful opportunity for refinancing, where appropriate.

Halsey G. Knapp, Jr. of Foltz Martin, LLC, is organizing a group of *pro bono* volunteer mediators who will provide this service to the federal court system. While the first five hours of the mediation are free of charge, the mediator is entitled to assess fees for his or her time spent as mediator thereafter. For more information on this public service opportunity please contact Halsey Knapp at Foltz Martin, LLC, at [hknapp@foltzmartin.com](mailto:hknapp@foltzmartin.com) or 404-231-9397.



### **Job Posting: United Nations Ombuds Office Seeks Mediation Director**

The Office of the United Nations Ombudsman and Mediation Services is looking for an experienced, impartial Director to manage and oversee all mediation related activities concerning staff conflicts and grievances. Details of the job are posted [here](#).



### **New Domestic Violence Fatality Report Available**

The 2011 Georgia Domestic Violence Fatality Review Annual Report is now available. Produced by the Georgia Commission on Family Violence and the Georgia Coalition Against Domestic Violence, the 8th annual report is an in-depth examination of domestic violence-related deaths in Georgia, which unfortunately has the 6th highest rate of DV deaths in the nation. The report provides not just a compilation of statistics, but analyses of escalating factors that can lead DV fatalities, studies of DV in faith communities and the workplace and the success of law enforcement roll call trainings, and an explanation of the Georgia Crime Victims Compensation Program. A special section provides tips on technology-related issues that may affect victim safety.

To download the latest report and prior reports, please go to [www.fatalityreview.com](http://www.fatalityreview.com). More information is also available at [www.gcfv.org](http://www.gcfv.org) and [www.gcadv.org](http://www.gcadv.org)



### **Speak Your Mind: Fulton County Court Survey**

The Fulton County Court Improvement Task Force seeks your participation in a brief survey about the Fulton County Courts. The survey, which includes questions for the public, court employees, and attorneys, will help the Court Improvement Task Force gauge court users' opinions about their interactions with the Fulton County Courts. It will also allow participants to suggest improvements for the Magistrate, State, and Superior Courts. You can access the survey [here](#).

### **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:



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>

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.

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### Divorce Mediation Institute - Ashville, NC / May 18th-20th Special Discounts for GODR Members



The Institute for Conflict Resolution is sponsoring its Divorce Mediation Institute at the Biltmore in Ashville, North Carolina this May. The featured speaker is nationally renowned divorce mediation trainer **Nina Meierding, MS, JD** and the conference is packed with 15 hours of training.

The first 15 GODR members who register for this event and use the promo code: **GODR2012** will get a 35% discount on conference registration. To learn more about the conference and register today click the link below.

[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.

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### 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!

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## 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.

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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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