



Georgia Commission on Dispute Resolution

Provide for the speedy, efficient, and inexpensive resolution of disputes and prosecutions

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Be Neutral - March 2015

A publication of the Georgia Office of Dispute Resolution

Supreme Court Recognizes Service of Former Commission Member

Former Commission on Dispute Resolution member Laurence L. Christensen, Esq., recently received a resolution from the Supreme Court of Georgia in recognition of "distinguished service and contribution to the administration of justice" through his service on the Commission. The framed resolution, signed by all seven justices, was presented to Christensen by Chief Justice Hugh P. Thompson at the Commission meeting on February 11, 2015.

Christensen, a registered mediator and arbitrator since 1995, served in several capacities during his four years as a Commission member. Most significantly, he chaired the Commission's Budget and Personnel Committee during several years of extreme cuts to the Office of Dispute Resolution's state operating funds. Through his leadership, he committed the Dispute Resolution Section of the State Bar of Georgia to hire legislative and accounting professionals to help ensure the fiscal health and independence of the Office. "Thanks in great part to Larry's leadership, the Office survived the most difficult budgetary time in its history and has been entirely self-supporting since FY 2012," said Judge Charles E. Auslander III, Commission chair. "Larry has financially equipped the Office and Commission to once again exercise vision and leadership in dispute resolution in Georgia."



From left: Laurence L. Christensen, Esq. with Chief Justice Hugh P. Thompson

New Commission Members Sworn in During 2014

The Commission on Dispute Resolution comprises 17 members appointed by the Georgia Supreme Court who volunteer their time to serve the judiciary and its customers by leading the alternative dispute resolution system in the courts. In 2014, four new members joined the Commission for five year terms. The new members represent the State Bar of Georgia, the judiciary, and the General Assembly. They are: Judge Stefani Lacour, Magistrate Court of Fulton County; Raymond G. Chadwick, Jr., Esq., attorney and registered mediator and arbitrator in Augusta; Mary Donovan, Assistant Dean for Student Affairs at Mercer University's Walter F. Georgia School of Law, and a registered mediator for civil and domestic cases; and State Representative Jay Powell, Esq., an attorney from Camilla who has represented District 171 in the General Assembly since 2009.

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In Depth Articles



Ray Chadwick

What Might You Say When Asked About Mediation?

Have you ever been asked to discuss why, when or how to mediate a case? Or been asked to make a presentation on mediation and its benefits? If so, what were some observations or recommendations you provided? I have been asked these questions by skeptical or inexperienced lawyers, and made presentations as well. This will be the first of several articles (not sure how many) that will discuss what I typically say.

[Read Full Article](#)

Practice Tip: The Importance of Mediation Guidelines



Brenda Sutton

Imagine that you have just completed a mediation and thought all the basics were covered pursuant to your mediation guidelines. You later learn that one of the attorneys has subpoenaed you to testify in court about what occurred during the mediation. You believe that your guidelines provided you protection from having to appear. In afterthought, you are not certain whether your guidelines were clear and concise enough to withstand scrutiny. How can you avoid that kind of anxiety and have confidence in your guidelines?

[Read Full Article](#)



John Allgood

CaseWatch for Arbitrators: Farmer's Crop Insurance Claim Incomplete, Untimely

A farmer in Pulaski County, Georgia, filed a crop insurance claim under the terms of a policy he obtained in accordance with the Standard Reinsurance Agreement with the Federal Crop Insurance Corporation ["FCIC"]. His 2008 crop had a low yield due to poor weather conditions. The farmer notified the insurance agent of a possible claim under the policy. The claimant and insurer disagreed on whether proper notice of the claim had been timely filed, but after a factual review the insurer denied the claim.

[Read Full Article](#)

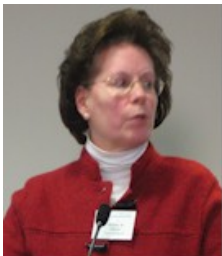


Jennifer Keaton

Practice Tip: Am I a Bad Divorce Mediator ?

In November 2014, the Georgia Supreme Court issued two rulings that dealt with child support deviations. Both cases are linked here (<http://www.win-windivorce.com/?p=146>) and here (<http://www.win-windivorce.com/?p=148>). To oversimplify the cases' rulings, the Supreme Court reiterated that judges must dot every "i" and cross every "t" if a deviation – upwards or downwards – from the State's "presumptive" amount of child support set forth in the State's guidelines is to occur.

[Read Full Article](#)



Michele Gibson

Marketing Tip Leveraging LinkedIn as Part of Your Marketing Efforts

For most ADR professionals, LinkedIn can be fertile territory for marketing their services and searching for prospective clients. However, there is a process to using LinkedIn well, and it is quite possible to damage your reputation if you do it incorrectly.

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Marketplace

Professional Liability Insurance Exclusively for Registered Neutrals

ODR, through [Complete Equity Markets, Inc.](#), offers Georgia registered neutrals a professional liability insurance program for neutrals at low association rates.

What is Professional Liability Insurance for?

For costs (including legal fees) or damages resulting from allegations of negligent acts, errors or omissions in the conduct of arbitration proceedings or dispute resolution services.

What kind of coverage is available (\$500 deductible per claim):

- \$100,000 per claim/\$300,000 aggregate
- \$250,000 per claim/\$500,000 aggregate
- \$500,000 per claim/\$1,000,000 aggregate
- \$1,000,000 per claim/\$1,000,000 aggregate

What will it cost?*

As low as \$230 annual premium for \$100,000/\$300,000 coverage for a mediator of non-family cases who mediates less than 20 hours/week.



As low as \$340 annual premium for \$100,000/\$300,000 coverage for a mediator who handles family cases and mediates 20 hours/week or more.

As low as \$390 annual premium for \$100,000/\$300,000 coverage for an arbitrator/mediator.

*Your insurance premiums may be tax-deductible business expenses.

Is this a deal?

Similar coverage is likely to cost several times more if you buy it as an individual.

What's special about this coverage?

- [Unlicensed/Unauthorized Practice of Law coverage](#) at no extra cost;
- Coverage regardless of which state you live or work in, as long as you are a Georgia- registered neutral;
- Prior Acts Coverage for claims as long as there is no prior knowledge of any pending claims and/or circumstance which may give rise to a claim against the Assured at inception date;
- Staff covered at no additional costs (includes secretaries, file clerks, etc.);
- Lower rates for part-time arbitrators/mediators;
- Volunteers can be included for coverage;
- Combination policies available for lawyers with mediation/arbitration practices;
- Defense coverage provided even where the insured is found at fault;
- Optional extended claims reporting period available.

Why do I need liability insurance?

Because across the country, neutrals are being sued and accused of misconduct more often these days. Defending against even false claims can cost a lot of money and cause a lot of anxiety. See this [article](#).

Yes, Georgia-registered neutrals serving in a court-annexed or court-referred program are immune from liability "for civil damages for any statement, action, omission or decision made in the course of any ADR process." But they can still be liable if, "that statement, action, omission or decision is 1) grossly negligent and made with malice or 2) is in willful disregard of the safety or property of any party to the ADR process." ([Georgia Supreme Court ADR Rules, VII\(C\)](#)). And even defending yourself from a baseless lawsuit can be daunting and expensive. This liability policy can give you that extra peace of mind.

[CLICK HERE FOR AN APPLICATION FORM!](#)

For more information, [Kaitlyn Hassall](#) , Account Executive

Toll-free Phone 800-323-6234

E-mail: khassall@cemins.com

www.cemins.com

CE Calendar

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.

March 27

Mediation Advocacy- Institute of Continuing Judicial Education in Georgia

Time: 8 am – 3 pm

Location: State Bar of Georgia Conference Center, 104 Marietta St. NW, Atlanta, GA 30303

Cost: \$155 (Early Registration); \$185 (On-Site Registration)

Info: Click here for brochure: [Mediation Advocacy Brochure](#)

Register online: secure.iclega.org/4dcgi/1/class_detail.a4d

Potential CE Hours: 6 hours

April 14

Advancing Your Mediation Skills

Presenter: Conflict Management Training Academy / Carol Rice

Time: 9:00 a.m. - Noon

Location: Conflict Management Training Academy, Smyrna, GA

Cost: \$125

Contact Info: 770.435.5009 or conflictacademy@aol.com

Potential CE Hours: 3

April 20-21

Specialized Issues in Domestic Violence Training

Presenter: Center for Conflict Management at Kennesaw State University

Time: 8:30 a.m. - 5:00 p.m.

Location: Center for Conflict Management at Kennesaw State University

402 Bartow Avenue, Suite 2039, Kennesaw, GA 30144

Cost: \$450; USG Employees/Students (\$360)

Contact Info: cm.hss.kennesaw.edu/training/ Registration deadline 4/10/2015

Potential CE Hours: 14

May 5

Mediation in the Court System (Brown Bag Lunch)

Presenter: Conflict Management Training Academy / Jerry Wood

Time: 11:30 a.m. - 1:30 p.m.

Location: Fulton County Juvenile Court, 395 Pryor Street, Atlanta, GA 30312

Cost: Free

Contact Info: 770.435.5009 or conflictacademy@aol.com

Potential CE Hours: 1(Certificate Issued)

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