



Be Neutral

October 2011

A Publication of the Georgia Office of Dispute Resolution

From the Director:



IMPORTANT NOTICE: Verification of Lawful Presence Required

A new Georgia law takes effect in the new year that will affect registration processing.

The Illegal Immigration Reform and Enforcement Act of 2011 (O.C.G.A. § 50-36-1(e)), becomes effective **January 1, 2012**. Under the new law, 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.

This law does not affect any applications submitted by December 31, 2011. However, any applications submitted after that date will be subject to the new law's requirements.

Therefore, as of January 1, 2012, before your registration can be issued, renewed or reinstated you are required to:

- 1. 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 Report," or directly at this link: <http://tinyurl.com/7ewa6v4>
- 2. 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 will also be appended to downloadable and online application forms. As far as we know, we will be required to collect this information from renewing neutrals every renewal season.

And a reminder: On-time registration renewal season ends December 31, 2011. Applications submitted after that date will be charged double the on-time registration fee, so please renew on time!

HAPPY HOLIDAYS!!!

Shinji Morokuma, Director, GODR
gaodr@godr.org

Hurry!!! Registration Renewal Deadline is December 31, 2011!!!

The 2011 on-time renewal season ends **December 31, 2011**. If you submit your renewal application after December 31, 2011, then you will have to pay double your normal renewal fee, so please renew on time!!

Complete instructions and renewal materials are available at www.godr.org. All neutrals will need to renew except those few whose registration expiration date is 1/1/2013. 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.

Renewal Fee: The base renewal fee is **\$125**. For neutrals registered in domestic relations mediation the renewal fee is **\$150**. If you renew after December 31, 2011, then you will have to pay double your normal renewal fee, so please renew on time. 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.

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. **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 or call us at 404-463-3788.



Quick Question and Answer

Q: Is there any possibility that registered neutrals could once again carry over excess CE credits from one renewal season to the next?

A: When the Commission on Dispute Resolution shortened the registered period from two years to one year in 2009, it also changed the continuing education requirement from 6 hours every two years to 3 hours every year. The Commission also stopped accepting excess CE hours carried over from the previous renewal cycle. The reason for this change was to encourage registered neutrals to take CE that was current and increase the likelihood that they would stay up to date on their knowledge and skills. Because there are so many ways for registered neutrals to earn CE each year, the Commission felt that the lack of carryover hours would be a minimal imposition.

It is possible that the Commission would reinstate carryover CE hours, but only if a compelling argument can be made that the burden of taking CE every year outweighs the potential benefits to neutrals' professional qualifications.

GODR is committed to making it easier for neutrals to earn CE each year. GODR has posted two, free 1-hour videos from past ADR Institutes, and it plans to post a 1-hour video from every



successive ADR institute. GODR is also constantly searching for other opportunities for online CE learning.

GODR MEMBER BENEFIT SPOTLIGHT – AUTO INSURANCE



Georgia Registered Neutrals may receive a discount on auto insurance through MetLife Auto & Home. This benefit is made available by BPC Financial, the administrator of the GODR Registered Neutrals Insurance & Retirement Programs.

[Visit program website to receive a No Obligation quote today >](#)

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.



CaseWatch for Mediators: When Should Fringe Benefits Be Counted as Income?

Some workers are fortunate to receive a variety of benefits paid in full or in part by their employers – health insurance, life insurance, phone, car. But when calculating child support obligations, which employer-provided benefits count as gross income and which ones don't? Mary Ellen Cates, divorce attorney and registered mediator, uses one Georgia Supreme Court case to help us find the answers, in this month's CaseWatch for Mediators.

[Read Full Article](#)

CaseWatch for Arbitrators: Awards Confirmation Deadlines Not Tolled by Clarification Requests

Deadlines are final. That's probably why they have the word "dead" in them. In the legal field, the consequences of missing a deadline can be fatal to a cause. This month, John Allgood, Esq., veteran attorney, registered mediator and arbitrator, highlights a Georgia Court of Appeals case that shows that deadlines are not to be trifled with when an arbitration award awaits confirmation by a court.

[Read Full Article](#)



Practice Tip: Mindfulness in Mediation

Raise your hands if you know someone who has confused mediation and meditation. Well, they may have been onto something, it turns out. Mediators who are mindful – calmly self-aware – can encourage the same behavior in their parties. In this Practice Tip column, Registered Mediator Chris Carlsten tells you how your mindfulness can put your parties in a state of mind where they can be empowered to cooperate and collaborate on a resolution to their dispute.

[Read Full Article](#)



Code Revision to Enhance Georgia as International Arbitration Venue

Arbitration is the preferred method of dispute resolution in international commerce. Many states have revised their arbitration laws in an effort to make their legal climates more attractive for international business. Georgia is no exception. The Metro Atlanta Chamber of Commerce, most of the major Atlanta law firms, the American Arbitration Association, other ADR providers, and many international businesses have formed the Atlanta International Arbitration Society, whose purpose is to promote Atlanta and Georgia as favorable venues for international commercial arbitration. Professor Douglas H. Yarn of Georgia State University College of Law, was asked to revise the Georgia Arbitration Code to reflect advancements in the field since 1988. His executive summary explains the purpose and substance of this revision.

[Read Full Article](#)



Georgia Mediators Association: Humble Beginnings

The Georgia Mediators Association is an exciting and growing organization that had its humble beginnings in two separate, small, but dedicated groups – the Family Mediation Association of Georgia and the Cobb Mediators Association.

The Family Mediation Association of Georgia was first on the mediation scene, started by Betty Manley in about 1985. This group was dedicated to promoting family mediation, supporting mediators, and serving as an information link between mediators and the courts that were just then getting into mediation. This group remained intact until 2004.

A group of dedicated mediators who were certified by the Cobb County Superior Court initiated the Cobb Mediators Association in 1993. They were also small but active until 2004, when it joined with Family Mediation Association of Georgia and the new organization was named the Georgia Mediators Association. The goal was to take GMA's membership statewide. Up to this point, most of the activity of both organizations had been confined to the metro Atlanta counties, making it difficult for the rest of the state to have a voice and take advantage of continuing education programs that were concentrated in Atlanta.

GMA has made great strides towards this goal, now having board members from Athens, St. Simons and Macon, and general membership reaching all over the state. GMA is planning a

series of three-hour continuing education programs to be offered in Savannah, Columbus, Macon and Gainesville (see our website's continuing education section for dates and times). Our goal is to continue to grow in number as well as respond to the needs of mediators statewide.

If you're interested in joining GMA, please contact our Membership Chair, Roy Finch, 150 E. Washington St., Athens, GA 30601, 706 227-9005, Royfinch@bellsouth.net. Or download a membership application form at www.gamediators.com.

Marti Kitchens, M.A., [photo], is registered mediator, a Licensed Marriage and Family Therapist, and a member of the Georgia Commission on Dispute Resolution.

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!



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 student Alex Salzillo 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/>

Georgia



Mediators Network

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.



Upcoming CE and Training Offerings

It's renewal season! 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 CJEs. 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.



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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