



## Be Neutral

September 2011

A Publication of the Georgia Office of Dispute Resolution

### Two New Members Sworn Into Commission

Judge Gregory A. Adams, Superior Court, Stone Mountain Judicial Circuit, and Ken Shigley, president of the State Bar of Georgia, are the newest members of the Commission on Dispute Resolution. Judge Adams and Mr. Shigley were sworn in by Commission Member Justice Hugh P. Thompson, Supreme Court of Georgia, at the Commission meeting on September 1, 2011.

“The Commission on Dispute Resolution plays a vital role in Georgia’s justice system,” Justice Thompson said. “Judge Adams and Mr. Shigley will enhance our Commission’s work as we create efficiencies for the citizens of our State,”

“We are delighted to welcome Judge Adams and Mr. Shigley to serve on our Commission,” said Edith B. Primm, Esq., Chair of the Commission. “Our alternative dispute resolution system continues to thrive in the courts through the unwavering support of our judges and our long-standing partnership with the State Bar of Georgia.”

Judge Adams was elected to the superior court bench in 2004 and previously served as a juvenile court judge in DeKalb County. Mr. Shigley, 2011-12 president of the State Bar of Georgia, is a trial attorney at Chambers Aholt & Rickard with over 30 years of experience in trial, litigation, and dispute resolution practice.



### Divorce Mediators:

#### Updated Guidelines for Revised Federal Income Withholding Form

As we reported in the [July issue of Be Neutral](#), the federal government required in May 2011 that a newly revised federal Income Withholding form be used by all divorcing parties who agree to an income deduction plan for child support payments. (An informative article on the newly revised form and related statutes, by Jill Radwin, Esq., of the Child Support Collaborative Project, is available [here](#).)

Unfortunately, a portion of this new federally created form would cause users to violate Georgia law. The new form should be used to fulfill the requirements of O.C.G.A. § 19-6-33. However, the form should not be filed with the court (to do so violates O.C.G.A. § 10-1-393.8). Instead, the new form should be sent to the obligor’s employer, together with an Income Deduction Order properly issued by the court under O.C.G.A. § 19-6-32.

To find ways for Georgia users to comply with both federal and state requirements, representatives from Georgia participated in the Federal Office of Child Support Enforcement’s recent employer symposium. Georgia representatives voiced various objections to the form, and for Georgia it was decided that practitioners should use the form as a notice; the form should not be considered an order that would require a judge’s signature

and would be filed in with the court clerk despite the form's containing a Social Security number.



Other more detailed changes to the form here in Georgia:

-- On p. 1, the revised income withholding form is titled "Income Withholding for Support." The check boxes below the title can identify the form as "Original Income Withholding Order/Notice for Support (IWO)." In Georgia, practitioners should consider the form as a "Notice" to a payor, not an "Order." In fact, it is good practice to simply cross out the word "Order" on the form.

-- On p. 2, in Georgia, a judge should not sign the Incoming Withholding Notice. In fact, it is good practice to simply cross out the word "Judge" on the form. The form should be signed instead by an "Issuing Official," who can be any number of people, including the custodial party, the non-custodial party, their attorneys or the attorneys' staff, or child support agency staff – but not mediators. Mediators should never sign any form in mediation except the mediation guidelines/agreement to mediate and any mediation agreement or report.

-- In Georgia, the completed Income Withholding Notice should be sent to the employer whose employee has been ordered to pay child support. Because the form requires the non-custodial parent's Social Security Number, the form should not be sent to a judge or to a court. Sending a document containing a Social Security Number to court – where it will become a public document – is a violation of Georgia law, O.C.G.A. §10-1-393.8. Note: Parties must submit to the obligor's employer a signed Income Deduction Order from the court along with the completed federal Income Withholding Notice. Completion of the child support agreement is no longer the only step the parties need to complete to have the withholding completed.



-- Because in Georgia the federal Income Withholding form is a "Notice" that can be signed by an "Issuing Official" and not an order requiring a judge's signature, mediators are not prohibited from helping parties to fill out the Income Withholding Notice. Making parties aware of the requirement to use the newly revised form in income deduction cases is not the unlicensed practice of law. Nor is directing parties to the form itself. (For more on the Commission's position on mediators and UPL, please review [Advisory Opinion 7](#), posted at the "[Mediator Ethics Information](#)" link on our website, [www.godr.org](http://www.godr.org).)

Links to the revised Income Withholding Notice and instructions are below.

IWO Form: [OMB 0970-0154 Form Final](#)

Instructions: [OMB 0970-0154 Form Instructions Final](#)

Q & A: [Federal and State Legislative Requirements: Income Withholding and the State Disbursement Unit](#)

For more information about the federal Incoming Withholding Notice, please contact Erica Thornton at 404-657-1131, [emthornton@dhr.state.ga.us](mailto:emthornton@dhr.state.ga.us), or Elaine Johnson, Child Support Guidelines Coordinator, at 404-463-6383, [elaine.johnson@gaaoc.us](mailto:elaine.johnson@gaaoc.us)





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## Reminder: Send in Your New Background Check Authorization Form

Just a reminder that we need a new background check authorization form from all registered neutrals. GODR has begun using this new “permanent” form through which you can authorize us to check your background whenever necessary, without your having to authorize it by signature each time. Once we have your permanent authorization, **you will never have to submit another background check authorization again** for as long as your registration status is active or inactive.

This new form simplifies the registration renewal process and eliminates several trees’ worth of paperwork.

The form is posted on our website under “Forms and Applications.” If you haven’t done so already, please fill it out, print it, sign it, and send it to us via e-mail, fax, post or express delivery as soon as possible so we can have it on file well before the 2011 renewal season starts November 1. We recommend that you always send important documents to GODR via a service that offers tracking and delivery confirmation.

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## Quick Question and Answer



**Q: How can I get started in ADR once I receive my registration?**

**A:** That depends on what area you want to work in. The registration credential was created for the court system. Registration is just the first step if you want to handle court-connected cases. Most cases are referred through the [local court ADR programs](#), although some neutrals are referred court cases directly. The court programs have the authority under the Supreme Court ADR Rules to maintain local rosters of approved registered neutrals and to set more stringent approval requirements than those of the state.

What can make you more attractive to a selective local court program? First, it helps if you have experience, of course, and the more experience you have, the better. Second, it helps if you are a good mediator or arbitrator, with a good reputation and recommendations from experts. Third, obviously, the more training and the more registration categories you have, the more versatile you will be to an ADR court program. Lastly, special skills, such as foreign language and cultural skills, are a plus, as is education or expertise in subject matter that comes up in court frequently. For example, if a court is located near an Air Force base and handles lots of cases involving Air Force personnel, any experience you have in military matters would make you more valuable to the local court ADR program.

But as you may have found already, the court system has lots of mediators vying for relatively few open slots on local rosters. It is very competitive, and it is not a viable full-time career option for most neutrals. Remember, though, that your registration can help you to find conflict resolution work outside the courts. Many neutrals who have no intention of handling court cases nonetheless seek and maintain their Georgia registrations because the credential has value to them beyond the courts and beyond Georgia.

Some companies – the American Arbitration Association, for example – specialize in providing conflict resolution services. The federal courts and smaller local courts use ADR. Many federal, state and local government agencies, non-profit organizations, private companies, public and private schools, college and universities, churches, associations, and other organizations have conflict management systems in place or use in-house or outside mediators and arbitrators. As you would when starting any new venture, be patient, creative and broad in your search for conflict resolution opportunities.

One last tip: As you’re looking for work, take every opportunity you can to learn about the ADR field and to network with professionals in the ADR and legal communities. You’re more likely to hear about work from people who know you and know your abilities.

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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!

### GODR MEMBER BENEFIT SPOTLIGHT – DENTAL INSURANCE

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### CaseWatch for Mediators: Danger! Know Your Ethical Limits!

Mediators are generally a very trusting bunch. When people tell us that something is true, we want to take believe them. That's fine out in the real world, but in mediation, you should expect parties to back up their assertions, particularly when it comes to critical financial information. In this month's CaseWatch for Mediators, Mary Ellen Cates, divorce attorney and registered mediator, shows us how badly things can go when parties are absolutely sure their right – when they're not.

[Read Full Article](#)

### CaseWatch for Arbitrators: Arbitrators Can Draft Awards that Withstand Challenges

It's not uncommon for arbitration awards to be challenged. As arbitrators, we can anticipate these challenges and give the courts critical information to decide whether to confirm or vacate arbitration awards. This month, John Allgood, Esq., veteran attorney, registered mediator and arbitrator, cites a recent Georgia Court of Appeals case to show us how to draft an arbitration award that will survive a challenge.



[Read Full Article](#)



### **Marketing Tip: How to “Go Viral” with Your Marketing**

You don't want viruses. But you definitely want to “go viral” with your marketing efforts. This month, our marketing maven and registered mediator Michele Gibson, shows you how you can harness the worldwide “word of mouth” power of the internet to make yourself a hot.

[Read Full Article](#)

### **Jobs: KSU Hiring for Two Tenure-Track Conflict Resolution Posts**



Kennesaw State University is seeking a staff member and a faculty member for its Master of Science in Conflict Management Program: Director of the Conflict Management Program, and Assistant Professor of Psychology/Conflict Management. Both postings close October 15, 2011. Good luck!



### **Save the Date: 2011 ADR Institute**

The 18th Annual ADR Institute and 2011 Neutrals' Conference will be held Friday, December 9, 2011, at the State Bar of Georgia Conference Center, 104 Marietta St. NW, Atlanta. We set an attendance record last year, and based on the speakers we are lining up, we think this year's conference will be even more popular. At least 6 hours of neutral continuing education and 6 hours of CLE (including 1 Ethics Hour) will be available. More details and conference registration will be available through [www.iclega.org](http://www.iclega.org) in November. Stay tuned!



### **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/>

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.

Georgia



Mediators Network

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## Upcoming CE and Training Offerings



Don't wait until the 2012 renewal season to get your CEs. 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 recently 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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