



## Be Neutral

September-October 2012

A Publication of the Georgia Office of Dispute Resolution

### From the Director: Commission Membership and Leadership Change



The September 27 meeting of the Georgia Commission on Dispute Resolution was marked by ceremony, as two long-serving members bid farewell, two new members joined the Commission, and the chairmanship changed hands.

Longtime Commission members Alan Granath and Martha Kitchens stepped down from their posts as their terms ended. Both Mr. Granath and Ms. Kitchens served on the Ethics Committee and the Budget and Personnel Committee. Mr. Granath served on the Rules Committee and chaired the ADR Court Program Liaison Committee, of which Ms. Kitchens was also a member. Georgia Court of Appeals Judge Sara Doyle presented each with a plaque recognizing their nearly six years of service.



Mr. Alan Ganath



Ms. Marti Kitchens

Succeeding Mr. Granath and Ms. Kitchens are Timothy Hedeem, Ph.D., associate professor of conflict management at Kennesaw State University; and Vjollca Prroni Young, a securities and corporate litigation analyst in the Atlanta office of Bryan Cave LLP. Both Dr. Hedeem and Ms. Young are registered mediators. They were appointed by the Georgia Supreme Court to serve five-year terms on the Commission and were sworn in by Judge Doyle.

Edith B. Primm, Esq., who has served as Commission chair since June 2009, stepped down as chair and resumed her role as a Commission member. Judge Doyle presented Ms. Primm with a Supreme Court resolution in which the Court thanked her for her steadfast leadership of the Commission during “the most difficult budgetary times in its 19-year history.” ([To read the full text of the resolution, please click here.](#)) Outside of her work on the Commission, Ms. Primm is executive director of the Justice Center of Atlanta and is considered by many ADR professionals to be among the founders of ADR in Georgia.



**Ms. Primm accepts Supreme Court resolution**

Succeeding Ms. Primm as chair is Judge Charles E. Auslander III of Athens-Clarke County State Court. Appointed to the Commission in September 2006, Judge Auslander served for several years as chair of the Ethics Committee. After he was sworn in as chair by Judge Doyle, Judge Auslander thanked Mr. Granath and Ms. Kitchens for their service, and he thanked Ms. Primm for her leadership, particularly in helping the GODR survive its funding crisis. He then outlined his three goals for his term as chair of the Commission:



**Judge Charles E. Auslander III**

- Service: Continue to focus on the Commission's core mission to serve its constituents, by efficiently registering neutrals, offering training, assisting court programs, providing strong ethics regulation and education, and publicizing the benefits of being registered;
- Jurisdiction: More clearly define, clarify, and communicate the jurisdiction of the Commission by establishing a jurisdiction task force, chaired by Judge Doyle;
- Registration: Promote the value of registration and the use of registered mediators among lawyers and judges, by establishing a communications/public relations committee that will strategize how to create and promote a Georgia registration "brand" and how to effectively communicate the message.

It's my privilege to continue to serve under such dedicated and thoughtful Commission members who are committed to the promotion of ADR in Georgia courts. The future looks bright indeed.

Shinji Morokuma, Director, GODR  
[gaodr@godr.org](mailto:gaodr@godr.org)

# R E N E W A L

The 2012 registration renewal season will begin November 1, with an on-time renewal deadline of December 31, 2012. Any renewal applications submitted after December 31, 2012, will be considered late, and late fees will apply. The late renewal deadline is April 30, 2013. Neutrals who do not renew by that date will be considered inactive. All registered neutrals must renew, except those with a registration expiration date of 1/1/2014.

Just as last year, only online renewals will be accepted in order to streamline the renewal process. Online renewals should take most neutrals 5-10 minutes to complete.

Renewal Applications: Online renewal access will be available through your personal online accounts on November 1. The online renewal application is already populated with your personal information, so most of you will need only to enter your continuing education information before proceeding to payment.

Renewal Fee: The basic renewal fee is \$125; it is \$150 for those registered in domestic relations mediation. Note: if you submit your application online after December 31, 2012, it will be considered late, and your renewal fee will double to \$250 or \$300. We don't want you to have to pay the late fee, so please submit your online application before December 31, 2012. You will have the choice of paying your renewal fee with a credit card through PayPal or by submitting a check. You do not need to have or create a PayPal account to use the PayPal function.

Continuing Education: All renewing neutrals must show on their renewal applications that they have taken at least 3 hours of continuing education in 2012. You cannot carry over CE hours from previous years or toward future years. See the "[Help! I Need CE!](#)" link for information on all the ways you can earn CE credit.

Background Check Authorization: If you've already submitted your "permanent" authorization form, you don't have to send us again. If you haven't submitted your permanent authorization, please do so. Your application will not be processed without a signed authorization form. Mail, e-mail, or fax your signed form to us.

Lawful Presence Affidavit and ID: The lawful presence affidavit and supporting ID are required again this year. Please see the article below.

Some tips: If you are mailing us something important, first make copies and file them, then send the material via a service that provides tracking and delivery confirmation. If you are faxing us something important, keep the fax transmittal confirmation. If you are e-mailing us something important, request a return receipt when your message is delivered or read (many e-mail programs allow this), and save it. Or save our responses to your e-mail.

More Information: See our [Frequently Asked Questions](#) for information on renewal fees, what counts as neutral CE and how to earn CE.

**\*\*Always send important documents to GODR via a service that offers tracking and delivery confirmation.\*\***

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## **IMPORTANT NOTICE: Verification of Lawful Presence Required for Renewal - Again**

The Georgia General Assembly did not amend the Immigration Reform and Enforcement Act of 2011 (O.C.G.A. § 50-36-1(e)) during the 2012 session. That means that all renewing neutrals will once again have to submit documentation that they are in the U.S. legally.

Under the 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:



1. **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>

1. **Include with the affidavit 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.** Examples would be a valid driver's license or a passport. A complete 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/czequmr>

Information and forms have also been appended to downloadable and online application forms.



### Save the Date! 2012 ADR Institute December 14

The 19th Annual ADR Institute and 2012 Neutrals' Conference will be held Friday, December 14, 2012, at the State Bar of Georgia Conference Center in Atlanta. This year's conference will once again present an agenda of engaging local and national presenters on a broad variety of topics in the ADR field. At least 6 hours of CLE and 6 hours of CE will be available. Look for more information in this newsletter.



### GSU College of Law to Open Investor Advocacy Clinic that Uses ADR Processes

Georgia State University College of Law plans to open the first law clinic in Georgia dedicated to serving small investors. The Investor Advocacy Clinic will assist small investors who cannot afford or find private legal representation because of the size of their claims. Under faculty supervision, GSU law students will provide legal services and representation for eligible clients whose brokers may have made unsuitable investments, excessive or unauthorized trades or otherwise failed to adhere to the clients' instructions.



Participating law students in the Investor Advocacy Clinic will use conflict resolution processes such as negotiation, mediation and arbitration to resolve investor cases. In addition, the Investor Advocacy Clinic will educate investors on how to prevent and resolve potential disputes.

"As employer-provided retirement packages become a thing of the past, more people turn to investment professionals, and sometimes find themselves in devastating circumstances. As the need for investor advocacy and legal representation grows, so will GSU Law," said Doug Yarn, law professor and executive director of the Consortium for Negotiation and Conflict Resolution, who will serve as director of the Investor Advocacy Clinic.

Scheduled to open in late spring or summer 2013, the clinic is supported by a \$250,000 grant from the FINRA Investor Education Foundation, the largest foundation in the U.S. dedicated to investor education. FINRA is the Financial Industry Regulatory Authority, the largest independent regulator for all securities firms doing business in the U.S.

For more information on the Investor Advocacy Clinic, call 404-413-9270, e-mail [InvestorAdvocacy@gsu.edu](mailto:InvestorAdvocacy@gsu.edu) or visit <http://law.gsu.edu/investoradvocacy>.

### GODR MEMBER BENEFIT SPOTLIGHT – AUTO INSURANCE

A group discount is available to Georgia Registered Neutrals, 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.

The following peace-of-mind benefits are provided:

- Attractive group rates that could save you up to 10%.
- Auto Insurance Deductible Savings Benefit<sup>1</sup>
- Superior Driver Discounts up to 12%<sup>2</sup>
- Glass repairs without a deductible
- Identity Protection Services at no additional cost<sup>3</sup>

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

<sup>1</sup> Deductible Savings Benefit is not available in all states. New York insureds must pay a state-required minimum deductible before using this benefit.

<sup>2</sup> Discount varies by state

<sup>3</sup> Identity Protection Services are not available to auto customers in NC or NH nor with all policy forms. Identity Protection Services are available in NC homeowner policies with the optional "Identity Theft Expense and Resolution Plus" endorsement for an additional premium.

<sup>4</sup> See policy for restrictions. Coverage not available in all states. Some losses settled at actual cash value. Losses may be subject to a deductible.

<sup>5</sup> Not available in all states

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

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: Without Key Facts, Mediation May be the Best Bet**

Parties in a case can assert and allege until they're blue in the face. But if they can't back up their claims with facts, their chances of winning in court are slim to none. In mediation, the willingness of parties to arrive at a mutually agreeable settlement may overcome a lack of key legal facts. In this month's CaseWatch for Mediators, Mary Ellen Cates, Esq., divorce attorney and registered mediator, focuses on a fact-light divorce case that perhaps should have been settled in mediation rather than going to trial.

[Read Full Article](#)



### **CaseWatch for Arbitrators: 11th Circuit: Ga. Contract Law Compels Arbitration**

Folks don't like to be told that they're wrong. The U.S. District Court for the Southern District of Florida tried twice to find that a bank-fee arbitration clause was unconscionable under Georgia law. Both times, it has been told by the 11th Circuit Court of Appeals that it was wrong. And both times, it has been told to compel arbitration. The district court's loss is our gain, as the decisions will help Georgia litigators dealing with arbitration clauses in contracts. John Allgood, Esq., veteran attorney, registered mediator and arbitrator, summarizes the latest appeal in this CaseWatch for Arbitrators.

[Read Full Article](#)

**Marketing Tip:  
PPC Advertising – a Marketing Idea Worth Considering**



If your idea of marketing is limited to highway billboards and print advertising, read on. The online universe can be a ripe market for your services, if you're smart and targeted with your advertising. In this month's Marketing Tip, master marketer and mediator Michele Gibson shows you how to use Pay-Per-Click and Charge-Per-Click advertising through internet search engines to sell yourself in cost-effective ways.

[Read Full Article](#)



## 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.

## 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!

## Upcoming CE and Training Offerings



Renewal season is right around the corner, and everyone needs 3 hours of CE to renew. Check 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 have 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. 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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