

How to File a Complaint Against a Mediator

The Georgia Commission on Dispute Resolution encourages neutrals to follow all applicable rules and standards. The Commission handles ethics complaints against mediators who are registered with the Georgia Office of Dispute Resolution (GODR) and who serve in Georgia court-connected cases. The Ethical Standards for Mediators are set forth in Appendix C of the Georgia Supreme Court Alternative Dispute Resolution Rules, www.godr.org/adrrules.html. If you believe a mediator has violated the ethical standards, you may file a complaint.

Calls to GODR regarding questions about a mediator's conduct will be treated confidentially. The mediator will not be contacted and a formal investigation will not begin unless a written complaint is filed. A written complaint may be filed by anyone having knowledge of the subject matter of the complaint.

To file a formal complaint, you may use the Complaint Form, which can be downloaded from this website www.godr.org/pdfs/Complaint_Form.pdf or you may call GODR at 404.463.3788, and we will mail you a form. We cannot accept e-mail complaints. Therefore, please sign and mail the completed form to:

Shinji Morokuma, Director
Georgia Office of Dispute Resolution
244 Washington St. SW
Suite 300
Atlanta, GA 30334-5900

GODR will send a copy of the complaint to the mediator, who has twenty days in which to respond.

The Director of GODR will make an initial review of the complaint to consider whether the allegations, if true, could be a violation of the relevant rules and ethical standards for mediators. The Director will report all formal complaints to the chairperson of the Commission's Committee on Ethics, who may determine that the complaint should be reviewed by the Committee.

The Director will make an initial inquiry through telephone conversations with the complainant, the mediator, other parties to the mediation, and any other person whose observations may be relevant.

If the Director concludes that the complaint has arisen from a misunderstanding, he has the discretion to invite the necessary participants to a facilitated meeting.

A mediator against whom a complaint is lodged (the respondent) has the right to a hearing before the Committee on Ethics. Prior to the hearing, the respondent has a right to review any relevant written material submitted to the Committee. If the Committee on Ethics finds that the respondent has violated the ethical standards, it may impose a variety of sanctions. The respondent may appeal an adverse decision by the Committee on Ethics to the full Commission.

The confidentiality of the mediation at issue in the complaint is deemed waived by the participants to the extent necessary to allow the complainant to present the complaint and the mediator to respond.

For further information and detail, please consult:

Appendix C, Chapter 1, A, (Ethical Standards for Mediators) and Chapter 2 (Ethics Procedures), II B, at www.godr.org/adrrules.html.