

X

ASSOCIATION OF RETIRED ATTORNEYS, INC.

Room 208
Sarasota County Court House
2000 Main Street
Sarasota, Florida 34237

November 20, 1987

The Honorable Parker Lee McDonald
Chief Justice of the Supreme Court of Florida
Supreme Court Building
Tallahassee, FL 32301

THRU: The Honorable Gilbert A. Smith
Chief Judge, 12th Judicial Circuit
Sarasota County Courthouse
2000 Main Street
Sarasota, FL 34237

RE: Proposed Rules for Mediation and Arbitration

Dear Justice McDonald:

The Association of Retired Attorneys, Inc., Sarasota, Florida, was organized to assist on a voluntary, non-profit and non-political basis the institutions within the State of Florida dealing with the administration of justice and the delivery of legal services. Our membership consists of 53 retired attorneys and judges from various State and Federal jurisdictions. Our members serve on various County advisory boards and are active in the Gulf Coast Legal Services Program using retired attorneys to provide legal advice and service to the indigent elderly. Our largest effort has been in the 12th Circuit Mediation Programs, the Citizen Dispute Settlement Program, County Court Small Claims Mediation, and recently, the Family Mediation Program.

The "Proposed Rules For The Implementation of Florida Statutes, Sections 44.301-306" are both comprehensive and concise as to practices and procedures, but we believe Section 1.760, "Mediator qualifications" and Section 1.810b, "Qualification" should be broadened to permit the future appointment of qualified retired attorneys in good standing with their respective State Bars to participate as "Family Mediators, Circuit Court Mediators and Arbitrators. Specifically, it is recommended:

- (a) Section 1.760(b)(2) be amended to read,

"(2) hold a current license in Florida in a mental health field or be a member in good standing of the Florida Bar or a retired attorney in good standing in the Bar of any other State, and...." (added words are underlined)

- (b) Section 1.760(c)(1) be amended to read,

"(1) be a former Judge of a Court having jurisdiction over family matters, or a trial Court with general jurisdiction who was a member of the Bar in the State in which he presided; or a member in good standing of the Florida Bar, or a retired attorney in good standing in the Bar of any other State with at least five years of Florida practice or practice in the State in which he held Bar membership;"

- (c) Section 1.810(b) be amended to read,

"(1) Qualification. Arbitrators shall be members of the Florida bar, or retired attorneys in good standing in the bar of any other State, except where otherwise agreed by the parties. The Chief Arbitrator shall have been a member of the Florida Bar, or a retired attorney who is a member in good standing in the Bar of any other State for at least five years...."

There are many cogent reasons for including qualified retired attorneys in the State mediation and arbitration programs.

(1) There is a small but highly trained and experienced group of retired attorneys in the various Florida circuits who would be available on a volunteer basis to provide immediate and effective mediation services to the Courts and to the community.

(2) The effectiveness of the retired attorneys in pre-trial mediation of cases in the Manatee and Sarasota County Courts has been established beyond any question. Before the use of mediators in the Sarasota and Manatee County Courts, the case backlog numbered in the thousands and the delays ranged as high as 18 to 24 months. The County Courts (Small Claims Docket) currently have no backlog and the cases are heard within 3 to 5 months of being filed. It is difficult to conclude that the same qualified and experienced retired attorney mediators, similiarly, would not be just as effective in acting as Circuit Court Mediators and Family Mediators, particularly after successfully completing the Mediation Training Programs required by the "Proposed Rules."

The Honorable Parker Lee McDonald

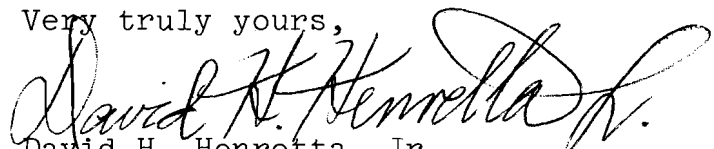
November 20, 1987

Page -3

(3) The full utilization of the retired attorneys would be very cost effective. The savings resulting from the use of qualified volunteer mediators and arbitrators could be used to further enhance the public image and effectiveness of the State Judicial System.

The Association of Retired Attorneys strongly urges and recommends the Court consider the advantages to the State Judicial System of utilizing the services, in both mediation and arbitration, of the pool of highly skilled and experienced retired attorneys who would be readily available primarily in a volunteer capacity to serve the Court.

Very truly yours,

A handwritten signature in cursive script, reading "David H. Henretta, Jr.", written in dark ink.

David H. Henretta, Jr.
President