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O/a 12-3-87

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**FILED**  
SID J. WHITE

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Supreme Court of Florida  
Tallahassee, Florida  
32301

NOV 23 1987

CLERK, SUPREME COURT

By \_\_\_\_\_  
Deputy Clerk

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jpl

Gentlemen:

Please consider the following comments filed pursuant to the notice of proposed mediation and arbitration rules published in the Florida Bar News dated November 1, 1987.

My specific comments relate to mediator qualification and are as follows:

Section 1760 (b) provides for certification of attorneys as Family Mediators who are members in good standing of the Florida Bar. Paragraph (c) provides that an attorney seeking certification as a Circuit Court Mediator must be a member in good standing of the Florida Bar with at least five years Florida practice. As a graduate of the University of Florida College of Law and an out of state member of the Florida Bar since 1974, I believe that this provision unduly discriminates against out of state members. The same paragraph allows for certification of out of state judges who are not members of the Florida bar and have no Florida experience. This would seem to destroy any argument that knowledge of Florida law or Florida experience are valid criteria. The requirement of Florida practice for a licensed attorney to do mediation in Florida seems arbitrary and capricious.

On behalf of out of state members of the Florida Bar who may wish to practice mediation in Florida, I respectfully request that the Florida practice requirement be eliminated from Section 170 (c).

Respectfully submitted,

*Bruce W. Talcott*

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*Pl. Lawyer.*