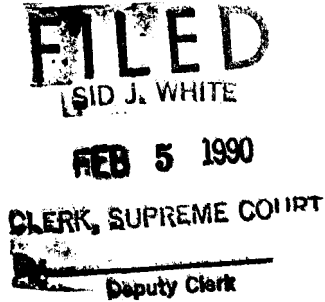


LAW OFFICES OF
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RONALD THOMAS SPANN
Admitted in FL, DC, IL & NY



In re: _____

January 25, 1990

The Honorable Raymond Ehrlich
Chief Justice of the Supreme
Court of Florida
Supreme Court Building
500 South Duval Street
Tallahassee, Florida 32399-1905

Re: Proposed Rule Changes in Mediation and Arbitration
on behalf of Society of Professionals In Dispute
Resolution/the Florida Academy of Certified
Mediators/4th DCA

Dear Mr. Chief Justice,

The Society of Professionals in Dispute Resolution (SPIDR) respectfully urges the Court to consider changing the proposed rules 1.760(c) to read as follows:

(c) Circuit Court Mediators. For certification the mediator of Circuit: Court matters, other than Family Matters, must:

(1) Complete a minimum of a 40 hour Circuit Court Mediation Program certified by the Supreme Court.

(2) Be a member in good standing of the Florida Bar or be an attorney licensed to practice in any United States jurisdiction and have at least five years experience as an attorney or mediator.

Given the abbreviated time frame, it is the position of the SPIDR Chapter's members with whom we have been able to communicate that these requirements are more appropriate selection criteria for mediators. There is no justification for restricting the pool of potential mediators to only those persons admitted for five or more years to the Florida Bar. There are forty-nine other jurisdictions in this country that produce competent well qualified extremely knowledgeable attorneys many of whom have extensive experience as mediators. It is ironic that those persons could qualify to train circuit civil mediators and yet would be ineligible to be appointed as a certified mediator in any Circuit in Florida. The Florida Bar holds absolutely no

monopoly on knowledge talent or experience as a mediator. If in fact the goal of the Court is to create and maintain a pool of knowledgeable talented able mediators this is no rational justification for excluding everyone who has not been admitted to the Florida Bar for five years. The parochial interest of the Florida Bar in "protecting its turf" is economically understandable. However, the true purpose of these rules should be provisions for the public good not the economical self-interest: of the Florida Bar.

SPIDR would further urge the Court to amend the proposed Rule 1.720(f)(1)&(2) to read as follows:

(f) Appointment of the mediator.

(1) Within fifteen days of the order of referral, the parties may agree upon a mediator and file a stipulation designating that mediator with the Court.

(2) If the parties cannot agree upon a mediator within fifteen days of the Order of referral, the Court shall appoint a mediator selected by rotation.

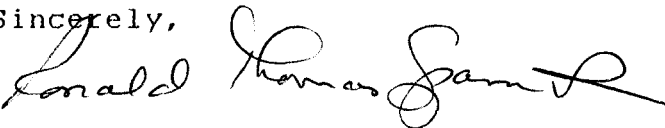
The purpose of these amendments are to give the parties the greatest possible latitude in selecting their own mediator. It is SPIDR's position that ten days is simply not enough time in the ordinary course of practice to permit the parties enough time to select a mediator. In addition it permits the parties to utilize the "free market" to obtain the mediator best suited to for their particular case and circumstances. In addition, it allows the parties an adequate opportunity to select and obtain the mediator best suited to their particular case.

By way of background, I (Spann) have been involved in Alternate Dispute Resolution since 1977, around the country, and specifically as an attorney/mediator in Florida since 1984. Having faced the difficulty of becoming certified in all twenty Circuits, I know full well the difficulty of a "traveling mediator" in meeting the variant demands of twenty different Chief Judges.

Simply stated, I believe that consistency and simplicity throughout the State would prove a blessing to the Court and to attorneys and alternate dispute resolution practitioners. I also believe that the Chief Judges will be faced with a lesser burden if the Supreme Court requires a single modus operandi.

We would like to again thank the members of the Committee and of the Court for the time talent and effort that they have invested in this project to improve mediation in Florida. Should anyone have any further questions concerning SPIDR's position on these matters please don't hesitate to let us know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ronald Thomas Spann".

Richard D. Faulkner for
Ronald Thomas Spann,
President of Florida
Chapter of SPIDH and
Director of E'ACM

Dictated but not read

RTS/RDF: vlk

xc: Bridenbach
Landry
Siegendorf
Litchford