

**FILED**

SID J. WHITE

JUL 14 1993

CLERK, SUPREME COURT

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

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July 11, 1993

The Honorable Sid J. White  
Clerk, Supreme Court of Florida  
Tallahassee, FL 32399-1927

Issue of Senior Judges Serving as Mediators for Pay being given temporary assignment on the Bench being considered at the Supreme Court's July 15, Conference.

Dear Mr. White:

The following are my comments concerning this. My relevant experience is limited to the Circuit Court of the Fifteenth Judicial Circuit where practically speaking, there is no marketing. Almost all of my experience is in that Circuit and its County Court has unpaid mediators and, on best belief, no retired Florida judges acting as mediators.

To prevent some senior judges from acting both as sitting judges and mediators would deprive parties of the services of some of the finest mediators or the bench the services of some of the finest judges, depending on which they chose to be, because the same qualifications cause one to excel in both; an understanding of the facts and the ability to apply the legal principals involved..

I believe a better approach would be mandatory restrictions on what marketing a Judge can do if he wishes to mediate, which can be monitored by the Judicial Qualifications Commission or the Florida Bar Standing Committee on Advertising, just as there are now mandatory standards of conduct a sitting Judge must go by now.

It also would reinforce the effectiveness that mediation now has because part of that effectiveness is the respect that the parties have for a mediator who is also a Judge sitting on the Bench.

Sincerely,



Bertram Shapero