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August 2, 1993

Honorable Rosemary Barkett
Chief Justice
Florida Supreme Court
Supreme Court Building
500 South Duval Street
Tallahassee, Florida 32399-1925

In Re: Judges Not Being Permitted to Mediate
Our File No.: 1000835

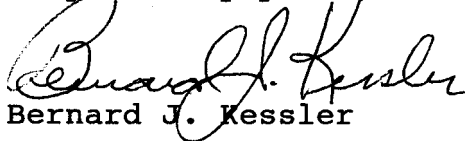
Dear Justice Barkett:

I would like to add my voice to those opposing retired judges, who preside over trials from time to time, being permitted to continue working as paid mediators. In the past, the retired judges in Dade, Broward and Palm Beach monopolized the mediation assignments. In recent years, because of rule changes by the Supreme Court, there has been an increase in the number of cases certified mediators receive in those counties.

However, in Broward, because of aggressive marketing by a particular organization, whose staff is composed mainly of retired judges, there are still a lower number of referrals by rotation. Just as the Courts endeavor to discourage forum or judge shopping, the same principle, I believe, should be applied to mediation and arbitration.

I certainly have no objection to retired judges mediating, as long as they cannot exercise any indirect marketing of their services simply by reason of their part-time service to the court system.

Respectfully yours,


Bernard J. Kessler

BJK/mc