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**Florida Supreme Court Committee on
Mediation and Arbitration Training**
*c/o Florida Dispute Resolution Center
Supreme Court Building
Tallahassee, Florida 32399-1905*

September 9, 1993

Chief Justice Rosemary Barkett
Florida Supreme Court Building
Tallahassee, Florida 32399-1900

Dear Justice Barkett:

The Florida Supreme Court Committee on Mediation and Arbitration Training has discussed the issue of senior retired judges acting as mediators and judges contemporaneously. We feel that doing so presents a conflict of interest and recommend to the court that this practice be prohibited. As an alternative, we suggest that the practice at least be prohibited in any circuit where the senior judge accepts assignment as a retired judge. _____

The Committee also recommends that the Supreme Court require that in every case the parties have the right to select their own mediator and the trial court not select the mediator unless the parties cannot agree on the selection.

Thank you for your consideration of these important issues. Please call me if you would like further input from our Committee.

Sincerely,

Frank Orlando

Judge Frank Orlando (Retired) *Frank Orlando*
Chair, Florida Supreme Court Committee on
Mediation and Arbitration Training