

The Honorable Shawn L. Briese, Chair
Supreme Court Committee on
Alternative Dispute Resolution Rules and Policy
386/257-6099 Fax: 386/248-8146

March 24, 2005

Thomas D. Hall, Clerk
Supreme Court of Florida
500 South Duval Street
Tallahassee, Florida 32399

Dear Mr. Hall:

This correspondence shall serve as the comment of the Supreme Court Committee on Alternative Dispute Resolution Rules and Policy (ADR Committee) to In Re: Amendments to the Florida Small Claims Rules (Two Year Cycle), Case Number: SC05-146. This comment is submitted pursuant to the authority of Administrative Order SC03-32, which created the ADR Committee and which directs the ADR Committee to “[M]onitor court rules governing alternative dispute resolution procedures and recommend to the Court necessary amendments.” For the record, the ADR Committee did attempt to communicate its views to the Small Claims Rules Committee, but unfortunately did not meet that committee’s deadline for input.

In relation to rule 7.090, the ADR Committee recommends the attached changes to subdivision (a) and (b) and supports the Small Claims Rules Committee proposed amendment to subdivision (f), with one addition. The ADR Committee also recommends that an alternative form (attached as new Form 7.321) be created for use in counties which utilize mediation at the time of the scheduled pre-trial conference. The proposed form would explain what mediation is and what parties can expect from the process. If such a form is adopted, Form 7.322 should remain unchanged for use by those few counties which do not currently utilize mediation prior to the pre-trial conference. Thus, the ADR Committee would substitute the creation of Form 7.321 for the Small Claims Committee’s proposed change to Form 7.322.

Thank you for your consideration of this matter.

Sincerely,

Shawn L. Briese