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Florida Supreme Court Attention: Clerk's Office 500 South Duval Street Tallahassee, Florida 32399-1927

Re: Petition to Amend Mediator Qualifications, SC05-998

Your Honors:

The following comments were submitted last December to the Committee on ADR Rules and Policy, and are reiterated here for the record, as comment on the above-referenced:

I have been mediating since working with the Citizen Dispute Settlement Program in the early 1980's. I was certified as Circuit Civil Mediator number 346 in 1991. I conduct an active mediation practice as an adjunct to my law practice. I have presented at seminars on mediation and I am the past Chair of the ADR Section of the St. Petersburg Bar Association. Further, as a board certified civil trail attorney I have been a mediation "consumer" representing parties at mediations for many years.

I am strongly opposed to elimination of Florida Bar membership as a prerequisite for Circuit Civil certification, for the following reasons:

- 1. "Certification" means a guarantee of certain objective criteria. Licensure as an attorney is much more than a "paper credential." It carries with it the components of a minimum of seven years of post-high school education, graduation from an accredited law school, successful completion of the bar examination, and a careful vetting of background and character by the Florida Board of Bar Examiners.
- 2. Granted that no particular credential is a guarantee of skill as a mediator, licensure as an attorney does reasonably guarantee a threshold of competence.
- 3. Legal competence on the part of the mediator is often vital in civil litigation cases.

This is not protectionism. Parties to disputes have <u>always</u> had the privilege of stipulating to the use of non-lawyer, non-certified mediators. Maintaining the current standard of certification will not abridge that freedom to contract, but diluting the standard will diminish its significance.

Very truly yours,

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