



THE FLORIDA BAR

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Corrected Copy

The Honorable Thomas D. Hall, Clerk
Supreme Court of Florida
500 South Duval Street
Tallahassee, Florida 32399-1927

In Re: Petition of the Alternative Dispute Resolution Rules and Policy Committee on Amendments to Florida Rules for Certified and Court-Appointed Mediators: SC 05-998

Dear Mr. Hall:

By opinion dated May 11, 2006 the court solicited comments from The Florida Bar concerning the minimum qualification for mediators. On Friday, July 28, 2006 the board of governors authorized this comment.

It is the position of The Florida Bar that the rules should retain the requirement of membership in The Florida Bar, but that persons eligible for certification under the rule must have been a member of The Florida Bar and/or some other bar jurisdiction, in good standing, for the five years immediately preceding an application. It is also the position of The Florida Bar that retired judges from other jurisdictions with five years of active trial judge experience, immediately preceding an application, should remain eligible for certification.

This recommendation differs from the current requirements in that the recommendation of the bar provides for five years of bar membership in good standing immediately before application and allows for membership in other bar jurisdictions when calculating the five year membership requirement. The current requirements do not require five years of membership in good standing immediately prior to an application and do not allow membership in good standing of other United States jurisdictions to be counted for that purpose. The bar's recommendation is consistent with the current rule in that it allows a retired trial judge from any United States jurisdiction who was an active trial judge for the five years immediately preceding application to be certified as a mediator.

It is the uniform relief of the bar that circuit court mediation in the state is extremely effective, that its effectiveness is due in large part to the quality of mediators, and that the quality of mediators is greatly dependent on the minimal qualifications contained in the rules.

The bar appreciates this opportunity to provide these comments.

Sincerely,

John F. Harkness, Jr.

cc: Henry M. Coxe III, President
Francisco R. Angones, President-elect
Honorable Shawn L. Briese, Chair,
Alternative Dispute Resolution Rules and Policy Committee
Larry Fong, President, Association for Conflict Resolution
Linda Fieldstone, President, Florida Association of Family and Conciliation Courts
Kenneth R. Hart, Ausley & McMullen, Florida Institute of Public Accountants
Martin G. Holleran
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Jayne M. Lambert
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