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November 22, 2006

Florida Supreme Court
Committee on Alternative Dispute
Resolution Rules and Policy c/o
Judge Shawn L. Briese
Committee Chair
125 East Orange Avenue
Room 106
Daytona Beach, FL 32118

**IN RE: Petition of the Alternative Dispute
 Resolution Rules and Policy Committee on
 Amendments to Florida Rules for Certified
 and Court Appointed Mediators, Case No.
 SC05-998**

To the Honorable Committee,

In response to the Supreme Court invitation for comments on the committee's proposed amendment on the issue of retaining Florida Bar membership requirement for certified court mediators, I respectfully submit the following comments in connection with Rule 10.100 (d).

My name is Edgardo Rodriguez-Quilichini. I am attorney with over fifteen years of experience. Currently, I am the *Pro Se* Counsel for the United States District Court for the District of Puerto Rico. I was admitted as an attorney by the Puerto Rico Supreme Court on June 1991. Recently, on September 2006, I gained admission to the Florida Bar.

In August 1985, I obtained a B.A. in European Studies from George Mason University in Fairfax, Virginia. In

December 1986, I obtained a Master of Arts in Diplomacy from Schiller International University in London, England. In May 1990, I completed my Juris Doctor degree from the Inter American University in San Juan, Puerto Rico. In August 1991, I obtained my LL.M. degree in International and Comparative Law from the University of Notre Dame, London Law Centre. Finally, I completed undergraduate and post-graduate studies in Madrid, Spain, and Paris, France.

In December 1991, I started out my legal career as a State Administrative Law Judge. In September 1992, I set up my own legal office to practice mainly administrative law. In September 1993, I became an Assistant Solicitor General in charge of handling cases before the P.R. Court of Appeals, the P.R. Supreme Court, the U.S. Court of Appeals for the First Circuit, and the U.S. Supreme Court. I had the opportunity to conduct extensive appellate litigation in each one of these judicial forums. In June 1997, I became an Assistant Federal Public Defender in San Juan, P.R., where I headed the Appellate Division of the Office. I was required to appear before the U.S. Court of Appeals for the First Circuit and the U.S. Supreme Court. In 2000, I went to work as a litigation attorney for O'Neill & Borges, perhaps Puerto Rico's finest law firm. I practiced from Construction law to Personal Injury. In addition, I was a mediation advocate in a large number of cases. Finally, since April 2002 I have been a *Pro Se* Counsel for the U.S. District Court for the District of P.R. I have assisted U.S. District Judges in handling and managing *pro se* litigation cases. I have also assisted the Chief Judge in many special projects, including the Court's A.D.R. plan.

Throughout my life I have traveled to the state of Florida on countless occasions for leisure purposes. My family has real estate holdings in Port St. Lucie which trace back to my grandparents. I also purchased real estate in Orlando. Since my ties to Florida are so extremely close, I decided to sit for the Florida Bar. In September 2006 I was proudly sworn in as a Florida attorney. Contemplating the possibility of establishing my own A.D.R. practice in Florida, I inquired about the requirements to become a Florida Supreme Court Certified Circuit Civil Mediator. By word of mouth, I was told that I needed to be a Florida Bar member to be eligible. Thereafter, I did not hesitate to enrol in an outstanding civil circuit court mediation training held in Orlando from

November 8-12, 2006. It was during this excellent training that I learned that, in addition to being a Florida Bar member, I also needed five years of legal experience in Florida to be eligible for certification as a civil circuit court mediator.

I realize that I should have read the rules dealing with eligibility prior to enrolling in the training. Yet I find that the five-year Florida legal practice requirement constitutes a burden for out-of-state attorneys who have recently become members of the Florida Bar.

I have provided a brief background of my professional experience to demonstrate that my legal practice is comparable to the five-year requirement of Florida practice. Of course, you will find plenty of other newly admitted Florida Bar members coming from other jurisdictions with better professional backgrounds than mine.

During my training I came to the conclusion that, because of her/his preparation and legal training, an attorney-mediator can be much more instrumental in assisting the parties in getting a mutually satisfactory agreement. An attorney makes her/his living trying to persuade a single judge, a three-judge panel, or a jury of why his client is correct. These are transferable skills that with additional training and adequate personal traits can be very effective in a mediator. In this respect, I find that the distinction between certified county court mediators for non-attorneys and certified civil circuit court mediators for attorneys is very well justified.

For the reasons above, I subscribe and strongly support the position of the Florida Bar insofar as it has taken the position that the requirement of Florida Bar membership should be retained for circuit court mediators, but that **the applicant also should be required to have been a member of the Florida Bar or other bar jurisdiction, in good standing, for the five years immediately preceding an application.**

In the alternative, I suggest that the applicant for civil circuit court mediator should be a **member of the Florida Bar, in good standing, with five years of legal experience acquired in Florida or as a member the bar of other U.S. jurisdiction.**

I thank you for taking your valuable time in reviewing my comments.

Cordially,

S/Edgardo Rodriguez-Quilichini
EDGARDO RODRIGUEZ-QUILICHINI
FL Bar Member 26906

I HEREBY CERTIFY that the original and nine copies of this comment on the proposed amendment to the Florida Rules for Certified and Court Appointed Mediators have been sent via priority mail with delivery confirmation to Committee Chair, Judge Shawn L. Briese, 125 East Orange Avenue, Room 106, Daytona Beach, FL 32118

s/Edgardo Rodriguez-Quilichini
EDGARDO RODRIGUEZ-QUILICHINI
FL Bar Member 26906