

Florida Dispute Resolution Center  
**THE RESOLUTION REPORT ONLINE**

December 2006 - Volume 21, Number 4  
News on Dispute Resolution trends, laws and ethics

---

Welcome to the online edition of the Resolution Report, **DECEMBER 2006**  
This online version allows you to get your news faster and more efficiently. We hope you will find this format to be beneficial. Your feedback and suggestions for the newsletter are always welcome.

**This Issue Featuring**

- Message from the Director
- 15<sup>th</sup> Annual DRC Conference Highlights By Kimberly Kosch
- Correction\*
- Case and Comment by Perry Itkin
- ADR Committee: Response to Publication Notice

**Short Takes**

- Convention Recordings CME Packages
- Hats Off
- Mediator Qualifications Board Member Update

**Click To See**

- New Mediator Ethics Advisory Opinions
- Mediator Qualifications Board Update
- Schedule of Certified Mediation Training Programs
- Mediator Search Verify Certification Status

**News From The Field**

- ADR Blogs
- ADA accommodations in mediation sessions
- CPR Institute Appoints a New President
- NITA USF Modern Divorce Advocacy Course Brochure

Florida Dispute Resolution Center  
**THE RESOLUTION REPORT ONLINE**

December 2006 - Volume 21, Number 4  
News on Dispute Resolution trends, laws and ethics

---

---

## Message from the Director

*By Sharon Press*

---

---

As the year winds to a close, it seems appropriate to take stock on accomplishments of the year, as well as to reflect on expectations for the coming year. In this issue of the *Resolution Report*, you'll find an article on our [annual conference](#). This event clearly goes in the major accomplishment category. With over 1000 participants in attendance as we commemorated the 20<sup>th</sup> anniversary of the Center, it was truly an awesome experience to look out and see all those dispute resolvers gathered together in one place. It also was a personal honor for me to recognize [David Strawn](#) for his significant contributions to ADR in Florida. The conference remains one of the best deals in town for providing an opportunity to connect with friends and colleagues, to satisfy CME requirements, and to become re-energized through challenging thoughts and inspired comments. We've signed our contract at the Rosen Centre for 2007 (August 23 – 25) and are working on finalizing 2008, so be sure to save the dates.

### Senior Judges and Mediators

This past week, Judge Tom Bateman, Judge Frank Kaney, Seymour Benson (retired circuit judge), and I conducted the first offering of the special ethics program for senior judges who also serve as mediators. This course was mandated by the Florida Supreme Court in [Opinion SC04-2482 In Re: Report of the Alternative Dispute Resolution Rules and Policy Committee on Senior Judges as Mediators \(915 So.2d 145\)](#). With nearly 50 senior judges in attendance, the discussion was lively and informative. The team will now begin work on preparing an on-line version of the course for release prior to November 3, 2007, the effective date of Rule 2.320, Florida Rules of Judicial Administration which mandates the completion of the course prior to a senior judges serving as a mediator. The offering of this course was the culmination of years of study by the Supreme Court Committee on ADR Rules and Policy on the issues related to Senior Judges Serving as Mediators, so it too, was a major accomplishment... and with the on-line version yet to be developed, more work lies ahead.

### Arbitration

In July, the ADR Rules and Policy Committee adopted new, *interim*, standards for the four hour required training program. [Rule 11.020, Florida Rules for Court-Appointed Arbitrators](#). The standards went into effect November 1 and all previously approved programs must re-design their training and re-submit for approval. A list of [approved arbitration training](#) programs can be found by following this link. We expect additional providers to be added so if you are interested in completing the training, please check back frequently. This also falls in the categories of both big accomplishment and more work to be done. Specifically, the Arbitration Subcommittee, under the chair of Perry Itkin, is undertaking a comprehensive review and reexamination of the rules of procedure, the statute, and the Florida Rules for Court-Appointed Arbitrators for needed revisions and updates. For the most part, the procedural rules governing court-connected arbitration have not been amended since adoption in 1988.

### Mediator Qualifications

Florida Dispute Resolution Center  
**THE RESOLUTION REPORT ONLINE**

December 2006 - Volume 21, Number 4  
News on Dispute Resolution trends, laws and ethics

---

Another area in which we can note some major accomplishments and some unfinished work is with regards to the qualifications necessary to be certified by the Florida Supreme Court as a mediator. Specifically, 2006 saw Oral Argument on the bold point system recommendations from the ADR Rules and Policy Committee and the May 2006 release of [SC05-998](#). See *Resolution Report* Volume 21, Number 3 for a full reprint of the amended Rules for Certified and Court-Appointed Mediators. As those of you have been following this issue closely know, the qualifications point system was adopted in May, effective August 1, 2006, for all of the areas of certification (county, family, circuit and dependency), **and** that the Supreme Court maintained, on an interim, the requirements that individuals must be members of The Florida Bar with five years of Florida practice or retired judges from any US jurisdiction. This provision has been the subject of additional comments by [The Florida Bar \(August 2006\)](#) and [Response](#) by the ADR Rules and Policy Committee (September 2006). Thereafter, the Supreme Court published the full qualification point rule (retaining The Florida Bar membership or retired judge requirement) in *The Florida Bar News* ([November 1, 2006](#)) and requested comments. The comment period ended December 1, and you can view the [comments](#) received by visiting the Clerk's Rules Cases page. The Committee has been requested to file its response to the comments by December 21. You will be able to view that response once filed by following the same link. So, while the adoption of the Point System remains a major accomplishment of 2006, the full impact of the recommendations will not be known until 2007 when the Supreme Court issues its final Opinion on circuit mediator qualifications.

**Mediator Qualifications Board (MQB) and Mediator Ethics Advisory Committee (MEAC)**

The volunteer members of the MQB and MEAC continued to provide outstanding service. While the MEAC received seven requests for opinions, the MQB received a record twelve grievances.

We said goodbye to Northern Division Circuit Mediator MEAC member Willie Walker who completed two complete terms (8 years) on the MEAC and was not eligible for re-appointment. Joining the MEAC is Gerald Lewis who has already participated actively in the last few meetings. We also have been working on a revised index with enhanced ways to access previous opinions. Look for it to appear early 2007 on [www.flcourts.org](http://www.flcourts.org).

We also said good bye to the following MQB members: Robert Cameron, Khalil Day, Judge Pauline Drayton, Judge Jose Rodriquez, and Hannah Shear whose terms ended on the Board. At the most recent annual meeting of the Board, all members were thanked for their service and received a certificate of appreciation. Receiving special recognition were Judge Shawn Briese, Judge Theotis Bronson, Sonia Caplan, Welborn Daniel, Anthony Dieguez, Janice Fleischer, Julie Hilton, Chrystie Newell, and Carmen Stein who have served 15 years on the MQB! In addition, the Board observed a moment of silence for Judge Linda Dakis, also a founding member of the MQB, who died earlier this year.

Congratulations and welcome to new MQB members: Gary Feder, Judge Janis Keyser, Judge-Elect Elizabeth Krier, Carlotta Mitchell, Elaine Rindner, and Judge William Stone.

The work of the MEAC, the MQB, the MTRB and the various Supreme Court ADR Committees is so

Florida Dispute Resolution Center  
**THE RESOLUTION REPORT ONLINE**  
December 2006 - Volume 21, Number 4  
News on Dispute Resolution trends, laws and ethics

---

important and could not be accomplished without the dedicated service provided by the members. I am extremely grateful for all that they do!

**2007 Expectations**

In 2007, I anticipate that work will continue on the issues of mediator advertising and public education, use of ADR in the criminal context, appellate mediation, and consideration of court-connected ADR from a systems standpoint. In addition, to the regular work of certifying and renewing mediators, handling grievances, responding to requests for ethical opinions, publishing the newsletter and the compendium, we expect 2007 to be a year filled with opportunities!

I wish each of you a joyous holiday season and a new year filled with happiness, health, peace, and opportunities! Sharon

Florida Dispute Resolution Center  
**THE RESOLUTION REPORT ONLINE**

December 2006 - Volume 21, Number 4  
News on Dispute Resolution trends, laws and ethics

---

---

**Reflections on the 15<sup>th</sup> Annual DRC Conference**  
**Highlights: "Honoring Our Past...Celebrating Our Future"**

*By Kimberly Ann Kosch*

---

---

The Dispute Resolution Center hosted more than 1,000 conflict resolution practitioners at our Annual Conference for Mediators and Arbitrators: Honoring Our Past, Celebrating Our Future in August at the Rosen Centre Hotel in Orlando. The Conference highlighted the 15<sup>th</sup> anniversary of Annual DRC Conferences along with the 20<sup>th</sup> year anniversary of the Dispute Resolution Center. Attendees were welcomed to the Conference and Orlando by Chief Judge Belvin Perry of the 9<sup>th</sup> Judicial Circuit whose commanding presence and heart felt words captivated the audience. In keeping with our theme and celebrating our milestones, our invited plenary speakers, Professor Joseph "Josh" Stulberg, Dean James Alfini and Professor Nancy Welsh, embodied the successes and challenges alternative dispute resolution (ADR) in Florida has experienced over the last 20 years.

One of the most memorable moments of the Conference was the presentation of the DRC Annual Award of Appreciation to David Strawn before a thousand of his peers and his family during the opening plenary. David received the award for his "vision and leadership in advancing alternative dispute resolution in Florida" over the last two decades. In presenting the award to him, DRC Director Sharon Press recited the history of a man who truly has worn "many hats" – including: his life's passion as a cattle farmer, his service to the judiciary, his gubernatorial appointment as Sheriff, and his contributions as one of the founding fathers of court –connected ADR in Florida. The presentation ended with a gift from the DRC staff of one more hat, one to keep the sun off his head as he enjoys in his retirement.

There are only a few people I can think of who could follow the type of tribute that was given to David and keep the flow of excitement and electricity in the air. Attendees were honored to hear Professor Joseph "Josh" Stulberg deliver a keynote address. Josh was instrumental in the initial offerings of the first certified mediation training programs in Florida and to this day, the DRC continues to use these materials when training new county court mediators. Josh was in a unique position to congratulate Floridians on a job well-done and reminded the audience that there is more work still to do.

From singular stars to the dynamic duo, Dean James Alfini and Professor Nancy Welsh took center stage during our Friday afternoon plenary "Do You Need A Vision...Where Are You Going Without One?" Thought-provoking and reflective banter between Jim and Nancy demonstrated their understanding of important issues facing our profession and the collective wisdom of two intellectual giants in our field.

Florida Dispute Resolution Center  
**THE RESOLUTION REPORT ONLINE**  
December 2006 - Volume 21, Number 4  
News on Dispute Resolution trends, laws and ethics

---

Complimenting our historical superstars, were over 100 Conference faculty members who offered a combined 37 individual workshops and nine facilitated break-out sessions. Cary R. Singletary, a mediator, arbitrator and trainer from Tampa, once again conducted the pre-conference offering of our Approved Arbitration Training Program. Over 100 neutrals were trained in that forum.

Our co-sponsoring organizations, Florida Academy of Professional Mediators, Florida Coalition Against Domestic Violence and Nova Southeastern Department of Conflict Analysis & Resolution along with our collaborating organizations Association of South Florida Mediators & Arbitrators, Florida Chapter of ACR, Florida Chapter of AFCC, Mediation Training Group, Inc., and USF Conflict Resolution Collaborative contributed to our educational endeavors and offered participants an opportunity to learn about their organizations.

Our last plenary session, an Ethics Panel, featured members of the Mediator Ethics Advisory Committee (MEAC) and moderator Jim Alfini discussing mediator confidentiality and a recently released MEAC opinion on the same topic. This plenary, offered an opportunity for audience participation and many attendees offered their opinions. This plenary could have been entitled "the great debate!"

There was no debating when it came time to present the DRC Awards of Recognition. The voice of the DRC for over six years, Glenda Larry, was honored for her service and dedication to the DRC and the Office of the State Courts Administrator. Glenda had recently received a promotion and currently serves as Justice Quince's judicial assistant. So while she is gone, she hasn't gone too far. Thank goodness for that! Also recognized was MEAC member Willie Walker who had served eight years on the MEAC and was term-limited from accepting another appointment. MEAC members meet, as needed on Saturday mornings throughout the year to discuss ethical issues and provide advisory opinions to their colleagues. The members of the MEAC are truly unsung heroes!

On a personal note, I wish to thank all of our Conference staff: Sharon, Rosezetta, Glenda, Stephanie, Ramon, Sherry, Karl, Carlotta, Josh, Dawn, Jacob, Tameka and Beth for their hard work, dedication and most importantly their friendship. They are, beyond a doubt, the perfect "A-Team".

Hope to see you next year at the 16<sup>th</sup> Annual Conference on August 23-25, 2007 in Orlando at the Rosen Centre Hotel.

Florida Dispute Resolution Center  
**THE RESOLUTION REPORT ONLINE**  
December 2006 - Volume 21, Number 4  
News on Dispute Resolution trends, laws and ethics

---

---

**Correction\***

---

---

In *The Resolution Report* Volume 21, Number 3 the following underlined phrase was inadvertently left out of the *Report* on page 4, under the heading "Circuit Mediators.":

"An applicant must be a member in good standing of The Florida Bar with at least five years of Florida practice and be an active member of The Florida Bar within one year of application for certification..."

Click on the link for a full copy of the *Administrative Order AOSC06-9* which governs the Florida Supreme Court requirements for mediator certification.

Florida Dispute Resolution Center  
**THE RESOLUTION REPORT ONLINE**  
December 2006 - Volume 21, Number 4  
News on Dispute Resolution trends, laws and ethics

---

---

**Case and Comment**

*By Perry Itkin*

---

---

**“But, You Shouldn’t Have Done That! Pay the Mediator Anyway!”**

The appellant in *Areizaga v. Board of County Commissioners of Hillsborough County, et al.*, 935 So.2d 640 [Fla. 2<sup>nd</sup> DCA 2006] failed to appear at a court ordered mediation [actually, an oral court order not reduced to writing – not that it made a difference here]. The trial judge ordered him to pay the bill of the mediator [a very good move!] as a sanction.

Florida Rule of Civil Procedure 1.720(b) allows the court to impose the sanction of payment of the mediator’s bill when a party fails to appear for a scheduled mediation without good cause. Among appellant’s defenses were the lack of a written order [not so fast held the Second District Court of Appeal!] and that the County failed to coordinate the date and time of mediation with him [the evidence showed otherwise – but, in any event, what’s the mediator’s coordination responsibility, if any? **Hint**: take a look at *MEAC Opinion 2005-007* summarized below.]

Appellant also argued that in light of Florida Rule of Civil Procedure 1.710(b), which prohibits mediation of extraordinary writs, mediation should never have been ordered. Yes, agreed the appellate court, but [and you know what that means!] appellant should not have ignored the court order and should have brought the issue to the attention of the trial court **before** the mediation – not afterward. All to say, ultimately the order to mediate the extraordinary writ was quashed and appellant still had to pay the mediator.

In summary, *MEAC Opinion 2005-007* provides:

1. If a party is requesting that the mediation be rescheduled for “good cause,” the mediation should be rescheduled to a mutually convenient time consistent with Rules for Certified and Court-Appointed Mediators, Rule 10.330(a). If the party is objecting to attending mediation, the mediator cannot compel attendance, however, the party should be advised that pursuant to Florida Family Law Rule of Procedure 12.741(b)(2), the party may be subject to sanctions by the court for “nonappearance.” [Note: this question was raised in the context of a family mediation, thus the cite to the family rules. See also rule 1.720, Florida Rules of Civil Procedure and rule 8.290, Florida Rules of Juvenile Procedure]

2. A report to the court regarding nonappearance should not include any reason for the nonappearance.

3. A date for mediation may be set without the advance agreement of all parties, but

Florida Dispute Resolution Center  
**THE RESOLUTION REPORT ONLINE**  
December 2006 - Volume 21, Number 4  
News on Dispute Resolution trends, laws and ethics

---

then any party would be permitted to request that it be rescheduled.

4. A mediator may report non-appearance at a mediation if the mediator gave the non-appearing party due notice of the date and time for the mediation session and good cause was not shown for rescheduling.

Good guidance here for *all* cases!

**“Remember: A Mediator Is Responsible!”**

*Katz v. Progressive Express Insurance Company*, Case Number 2005-CA-1000 [2<sup>nd</sup> Judicial Circuit, In and For Leon County, FL].

This is an important, unreported circuit court judge’s order [quoted in full except for the italicized commentary] dismissing a case with prejudice which contains a valuable lesson for mediators.

“THIS CAUSE was considered at a noticed case management conference at which counsel for the parties failed to appear and after reviewing the court file and being otherwise advised in the circumstances I find, and it is

ORDERED AND ADJUDGED that this case is DISMISSED WITH PREJUDICE.

The court file reflects that a mediation report was filed by mediator, *[named]*, that states in relevant part: “The parties amicably settled all issues in this case.” However, the report does not comply with rule 1.730(b), Fla. R. Civ. P. in that it does not indicate the existence of a signed or transcribed agreement nor has a stipulation of dismissal been filed in the absence of

Florida Dispute Resolution Center  
**THE RESOLUTION REPORT ONLINE**  
December 2006 - Volume 21, Number 4  
News on Dispute Resolution trends, laws and ethics

---

the existence of a signed or transcribed agreement. *[COMMENT: In your mediation practice, how do you report to the Court that a settlement has been reached in mediation?]*

Moreover, neither counsel for the parties have to this date and time notified the court that the case management conference previously scheduled and noticed was no longer necessary. Counsel are reminded of their professional and ethical responsibilities to the courts under the Rules Regulating The Florida Bar, Ideal 6 and Goal 6.8 of the Ideals and Goals of Professionalism, "Respect for the Time and Commitment of Others: A lawyer should promptly notify the court or tribunal of any resolution by the parties that renders a scheduled court appearance unnecessary," and the Guidelines for Professional Conduct adopted by the Trial Lawyers Section of The Florida Bar and the Florida Conference of Circuit Court Judges. In addition to the preceding references, *[the mediator]*, also a member of The Florida Bar, as a Florida Supreme Court Certified Mediator is reminded of his duties, obligations and responsibilities not only under the rules of civil procedure but under the Rules for Certified and Court-Appointed Mediators and, in particular, rules 10.400, 10.420(c), 10.500, 10.510 and 10.600.

Therefore, based on all of the foregoing, sanctions are imposed and the case dismissed with prejudice. No motion for rehearing or reconsideration is allowed."

**COMMENT:** Here's a quick review of the Rules cited in the court order:

Rule 10.400	Mediator's Responsibility to the Mediation Process
Rule 10.420(c)	Conduct of Mediation; Closure
Rule 10.500	Mediator's Responsibility to the Courts
Rule 10.510	Information to the Court
Rule 10.600	Mediator's Responsibility to the Mediation Profession

Florida Dispute Resolution Center  
**THE RESOLUTION REPORT ONLINE**  
December 2006 - Volume 21, Number 4  
News on Dispute Resolution trends, laws and ethics

---

Please take some time to review these rules which you'll find in the October, 2006 issue of *The Resolution Report* [previously mailed to you and which you can also access on line by clicking [here](#)].

**“Go Directly to Jail; Do Not Pass Go; Do Not Collect \$200.00!”**

The case of *Higgins v. Higgins*, 2006 Fla. App. LEXIS 20867 [Fla. 2nd DCA 2006] is illustrative of the relationship between being jailed by a trial judge who later orders the same party to mediation [on the very same day, no less]!

The former wife in this post divorce case was held in direct criminal contempt of court during a hearing, summarily sentenced to jail for 6 months, actually jailed and then returned to court later the same day when the same judge ordered her and her former husband to mediation in the office of the court mediation program. [COMMENT: Any problems that you see so far? Okay, how about prior to ordering the parties [who were pro se] to mediation, the judge had announced to the former wife that her attempt to relocate with the parties' minor child was barred by court order [which it wasn't] and unlawful and that was one of the reasons for the contempt conviction? It's not getting better, is it!?!]

Florida Dispute Resolution Center  
**THE RESOLUTION REPORT ONLINE**  
December 2006 - Volume 21, Number 4  
News on Dispute Resolution trends, laws and ethics

---

As a result of the mediation, the parties signed a document entitled "Order" as did the "Mediator[,] Preparer of Order of Court." [COMMENT: Mediators as "Guardians of the Process" - o.k.; mediators as "Agents of Reality" - o.k.; but mediators as "Preparers of Order of Court"????] This order transferred custody of the minor child from the mother to the father. You guessed it – the former wife/mother appealed the order of contempt and the order modifying custody.

How significant were the "highly coercive circumstances", devised by the trial judge, to the appellate court which reversed the trial judge? What about party self-determination? Another valuable resource is *MEAC Opinion 2006-002* which predates the opinion in *Higgins* and provides, in summary, that:

*Given the judge's intervention, the mediator must carefully monitor the parties' participation in the mediation to ascertain the parties' ability to exercise self-determination and must be prepared to terminate the mediation if any party is unable or unwilling to participate meaningfully in the process. A mediator is not relieved of ethical responsibilities by writing the "agreement" up as a "scrivener."*

My best wishes to you for a Happy, Healthy, Prosperous and Safe New Year!

Florida Dispute Resolution Center  
**THE RESOLUTION REPORT ONLINE**  
December 2006 - Volume 21, Number 4  
News on Dispute Resolution trends, laws and ethics

---

---

**SHORT TAKES**

---

---

***“DELRAY WOMAN TO TEACH IN BELIZE ABOUT HOW TO WORK OUT DIFFERENCES”***

Deri Joy Ronis received a \$12,500 grant from Rotary International to teach conflict resolution and group dynamics to university students in Belize for five months next year. Ronis is a peace psychologist who has done family and individual counseling and corporate mediation.

Deri Joy Ronis says she has never done things traditionally. "My mother used to ask me when I was going to be normal," the Delray Beach resident remembered. With a first name that is actually an acronym of family names, she says she was bound to be a little different. But it was her middle name, Joy, that defined her path to peace psychology, and now it's her career that is taking her in new directions -- specifically to Galen University in San Ignacio, Belize, where she will teach from January to May next year.

Affectionately known as Dr. Deri, Ronis is a peace psychologist who specializes in peace studies and conflict resolution. She has helped bring joy to businesses, schools, and individuals in Palm Beach County for more than 20 years by mediating problems. She recently received the Rotary International Scholar Professor and Goodwill Ambassador Award. She will get a \$12,500 grant and spend a semester teaching conflict resolution and group dynamics to university students in the developing country. "This is the opportunity of a lifetime," Ronis said. It's not the first time Ronis will try to make a difference overseas. After graduating from a New York high school in 1969, Ronis went to live and work in a kibbutz, an independent communal farm in Israel. While her Brooklyn friends were flinging mud at Woodstock, she was picking oranges near Qiryat Shemona. "I moved my way up to the kitchen, which I didn't like because I had to cut the heads off fish," said Ronis, who ended up as head of the kibbutz's volunteer quarters. She said that during her time in Israel she occasionally hid in bomb shelters, much like people in the region do today, she said. "When will people in the world stop killing each other," said Ronis, who said she believes that not everything can be mediated, even though her livelihood is mediation. "Anger is a gift that lets us know that something needs to be learned," Ronis said. It's a message she stresses in her Delray Beach private practice, where she provides individual and family counseling, as well as corporate mediation for many businesses, including the U.S. Postal Service. Ronis also works as a part-time counselor and teacher at Toussaint L'Ouverture High School for Arts and Social Justice in Delray Beach. "Wherever you go, there is an opportunity to teach conflict resolution," said Ronis, whose extensive resume is full of seized opportunities.

Ronis holds several college degrees, including a bachelor's in bilingual educational studies from Empire State College in New York City and a doctorate in international peace studies and conflict management from Union Institute in Cincinnati. She's a published author and has been part of developing numerous help and healing programs in the county. "I love what I

Florida Dispute Resolution Center  
**THE RESOLUTION REPORT ONLINE**

December 2006 - Volume 21, Number 4  
News on Dispute Resolution trends, laws and ethics

---

do, but I've always dreamed of teaching overseas as a professor," Ronis said. "And it's a gift to be able to teach these subjects during such a pivotal time in history. We are at a threshold.

"But Ronis said she believes that the situation in the world is not too far gone, especially when there are organizations such as Rotary International "helping to establish pockets of peace all over the world. I think where there is life, there is hope," Ronis said. It's a sentiment she saw personified just before her mother died in 1999. "She told me, 'I think I've finally learned to accept you like I've learned to accept myself.'"

### ***Hats Off to.....Gil Fayerman***

Lake County Volunteer Gil Fayerman has met the President of the United States' Volunteer service challenge!

Mr. Fayerman has completed the President of the United States' certification process with 4000 hours and achieved gold award status in recognition of your outstanding community service to Lake County. He received the following:

- \* A letter signed by the President of the United States, a gold lapel pin and the coveted President's "Call To Service" pin.
- \* A personalized certificate and letter from the President's Council on Service & Civic Participation.
- \* An appreciation letter signed by the Lake County Board of county Commissioners' Chairman.

Florida Dispute Resolution Center  
**THE RESOLUTION REPORT ONLINE**  
December 2006 - Volume 21, Number 4  
News on Dispute Resolution trends, laws and ethics

---

---

**SHORT TAKES**

\*\* Mediator Qualifications Board Member Update \*\*

---

---

We express our deep appreciation to the following members who, after many years of exemplar service to the Mediator Qualifications Board, have resigned:

**Northern Division**

Kahlil Day: Florida Supreme Court certified as mediator since 1992 – MQB member initially Circuit mediator from Central Division and later, Family Mediator from Northern Division - 10 years)

Judge Pauline Drayton – Duval County Judge, Judicial Member of MQB for 9 years

**Southern Division**

Robert Cameron (C – certified as mediator since 1994; County Mediator member of MQB for 10 years)

Judge Jose Rodriguez – Dade County Judge; Judicial Member of MQB for 9 years

Hannah Shear FR – certified as a mediator since 1991; Family member of MQB for 10 years

We welcome and thank the following new members to the MQB:

**Northern Division**

Carlotta Mitchell, family mediator member; certified since 2005

Judge William Stone, 1st Judicial Circuit Judge; Judicial mediator member; certified county, family and circuit mediator from 1991-2002

**Southern Division**

Gary Feder, family mediator member, Florida Supreme Court certified mediator since 1992

Susan Dubow, county mediator member, Florida Supreme Court certified mediator since 1990)

Judge Janis Keyser, Palm Beach County Judge, Judicial member

Elaine Rindner, county mediator member, Florida Supreme Court certified since 2001

Florida Dispute Resolution Center  
**THE RESOLUTION REPORT ONLINE**  
December 2006 - Volume 21, Number 4  
News on Dispute Resolution trends, laws and ethics

---

Judge-Elect Elizabeth Krier, newly elected 20th Circuit Judge, Judicial member; Florida Supreme Court certified family and circuit mediator from 1992-04

Linda Levrey, family mediator member; Florida Supreme Court certified mediator since 1991

Finally, we recognize and thank the following members who have served on the MQB since the beginning and have just completed 15 years of service:

Judge Shawn Briese, judicial member, Central Division

Sonia Caplan, county mediator member, Southern Division

Anthony Diequez, attorney member, Southern Division

Judge Theotis Bronson, judicial member, Central Division

Janice Fleischer, circuit mediator member, Southern Division

C. Welborn Daniel, circuit mediator member, Central Division

Julie Hilton, circuit mediator member, Northern Division

Chrystie Newell, family mediator member, Northern Division

Carmen Stein, family mediator member, Central Division

Florida Dispute Resolution Center  
**THE RESOLUTION REPORT ONLINE**  
December 2006 - Volume 21, Number 4  
News on Dispute Resolution trends, laws and ethics

---

---

**New Mediator Ethics Advisory Opinions**

---

---

The opinions of the Mediator Ethics Advisory Committee are rendered pursuant to the authority of rule 10.900, Florida Rules for Certified and Court-Appointed Mediators, and are based on the specific facts outlined in the question. They are based on the Committee's interpretation of the rules in effect on the date the opinions were rendered. The summary of each opinion has been prepared for quick reference. Any inconsistency between the summary and the opinion should be resolved in favor of the opinion.

*Mediator Ethics Advisory Committee issued the following opinions since the last Resolution Report: the DRC staff has been working on a revised index with enhanced ways to access previous opinions. Look for it to appear early 2007*

**2005-007**

A and C: If a party is requesting that the mediation be rescheduled for "good cause," the mediation should be rescheduled to a mutually convenient time consistent with rule 10.330(a). If the party is objecting to attending mediation, the mediator cannot compel attendance, however, the party should be advised that pursuant to rule 12.741(b)(2), the party may be subject to sanctions by the court for "nonappearance."

B: A report to the court regarding nonappearance should not include any reason for the nonappearance.

D: A date for mediation may be set without the advance agreement of all parties, but then any party would be permitted to request that it be rescheduled.

E: A mediator may report non-appearance at a mediation if the mediator gave the non-appearing party due notice of the date and time for the mediation session and good cause was not shown for rescheduling. "

**2006-001**

If the quotation provided is the complete advertisement and the telephone number relates to a person (or company) that does provide mediation services ["Got Conflict...Mediate, Divorce through mediation contested or uncontested. Call 555-5555"], it does not violate the mediator's ethical standard for advertising. However, if the advertising mediator is not competent to mediate the cases advertised, or if there were additional text which was false or misleading, the advertisement would violate rule 10.610.

Florida Dispute Resolution Center  
**THE RESOLUTION REPORT ONLINE**  
December 2006 - Volume 21, Number 4  
News on Dispute Resolution trends, laws and ethics

---

**2006-002**

Given the judge's intervention, the mediator must carefully monitor the parties' participation in the mediation to ascertain the parties' ability to exercise self-determination and must be prepared to terminate the mediation if any party is unable or unwilling to participate meaningfully in the process. A mediator is not relieved of ethical responsibilities by writing the "agreement" up as a "scrivener."

**2006-003**

A) Yes, it would be an ethical violation to report to the court that a party did not have full settlement authority. Under the circumstances presented, the mediator is limited to reporting that no agreement was reached.

B) No, the parties' signatures on the stipulation form are insufficient to authorize a mediator to disclose otherwise confidential information.

**2006-004**

A certified mediator is subject to a good moral character requirement and is prohibited from performing any act which would compromise the mediator's integrity; however, there is no general prohibition regarding a mediator exhibiting behavior "unbecoming" a mediator. In addition, the actions of an attorney or a party in a mediation, cannot be judged as if they were those of a mediator.

**2006-005**

Based on the facts of the question, the filing of a grievance with The Florida Bar does not appear to be prohibited by the statutory and rule confidentiality requirements. Whether the reporting of the attorney litigant's action is prohibited is beyond the scope of the Committee's function since it would involve an interpretation of the attorney ethics code.