

ESSENTIAL ATTRIBUTES FOR ARBITRATION TRAINING APPROVAL BY THE
SUPREME COURT OF FLORIDA (*adopted July 2006*)

Training must:

- Be a minimum of 4 hours in length (exclusive of breaks and based on a 60 minute hour) *Rule 11.020, Florida Rules for Court-Appointed Arbitrators*
[Appropriate breaks must be provided – for every two hours of training, five minutes of breaks must be added; in addition, if the training lasts over 6 hours, there must be a minimum of 30 minutes provided for a meal or extended break.]
- Be conducted in a live format (*does not preclude the use of video components*)
- Be conducted by someone who meets the criteria outlined below for “primary trainer.”

Content:

- Review arbitration procedures for court-ordered cases, including:
 - how cases are referred
 - relevant limitation(s) on types of cases which can be referred to arbitration
 - how arbitrators will be selected or assigned
 - the practice and business of arbitration
 - any other procedural information
- Include an overview of the Florida Rules of Civil Procedure and Sections 44.103 and 44.104, Florida Statutes, which govern court-ordered/non-binding arbitration and voluntary/binding arbitration through the court (must include discussion of difference between mediation and arbitration; difference between mandatory/nonbinding arbitration and voluntary/binding arbitration; distinguish voluntary trial resolution judges from arbitrators; and distinguish “court-connected” arbitrations from other types of arbitration)
- Include a simulation (either taped or live) of a court-ordered (mandatory/nonbinding) arbitration of at least one hour in duration which shall include the presentation of facts and the deliberation portions. Following the arbitration deliberation, participants should have an opportunity to ask questions of the trainer. This segment should also cover how an arbitrator makes a decision, e.g., based on law or based on equity.
- Discuss various types of possibilities for rendering an award and the legal standing criteria which must be met in rendering an award. At a minimum, the following types shall be included: 1) simple form (no explanations); 2) detailed findings of fact, reasoning and conclusion of law; 3) “reasoned” award (not necessarily have the conclusions of law).
- Raise critical ethical issues and review rules 11.010 – 11.130, Florida Rules for Court-Appointed Arbitrators. In addition, arbitration ethics should be woven throughout the program.

Required Materials

- Provide at a minimum, the following materials:

Chapter 44, Florida Statutes

Rules 1.700 - 1.830, Florida Rules of Civil Procedure

Florida Rules for Court-Appointed Arbitrators

Rule 1-3.11, Appearance by Non-Florida Lawyer in an Arbitration Proceeding in Florida, Florida Rules Regulating the Florida Bar

Sample administrative order(s) and sample local rule(s)

Sample form(s)

Sample awards (at least one simple, full, and reasoned)

- Provide the DRC with a set of materials to be used in the arbitration program including copies of any exercises, exams, videos, and/or role plays. Once a set of materials has been submitted, the program need not send a complete set with each program offering, but must provide copies of any new materials to be used, as well as any modifications to previously submitted materials.

Trainer Qualifications:

- A primary trainer must have both court-ordered arbitration experience and training experience. Specific requirements include:

Arbitration Training Received: Successful completion of a court-ordered non-binding arbitration training which has been approved by the Florida Supreme Court.

Arbitration Experience: Arbitrated a minimum of 5 complete Florida court-ordered/non-binding arbitrations (*or their equivalent*) OR have adjudicatory experience as a judge, special master, hearing officer, or magistrate. In addition, must have served as an arbitrator in at least one court-ordered arbitration within the last two years.

Training Delivery Experience: Had responsibility as a trainer (as a lecturer and not a role play critiquer) in a minimum of 5 distinct training programs relating to ADR (minimum of 60 minutes per training program or at least 30% of the total program whichever is greater).

- Subject matter specialist shall have a substantial part of his or her professional practice in the area about which the specialist is lecturing and shall have the ability to connect his or her expertise with the arbitration process.

Other Requirements

- Any arbitration training program certified by the Supreme Court of Florida as meeting the requirements outlined herein shall be certified for a period of three years. During such time, training programs shall provide the Center with any and all changes made to training materials and agenda, including any modifications and updates of such information. The Center will review these amendments and determine if such substantial changes have been made so as to render the program a new program requiring separate certification.
- At least 30 days in advance of any course offering, the Center shall be notified of the dates for any certified arbitration training program offering and the provider shall file a copy of an annotated agenda which will be utilized during the training (including an identification of who will be presenting each portion).
- The provider shall provide the DRC with copies of all advertisements (including, but not limited to, newspaper ads, brochures, flyers, registration information) at the time the advertisement is distributed to the public. If the arbitration program also has a web site presence, a link to the web site must also be provided. The DRC reserves the right to attend any program for auditing purposes.
- Participants must complete their training requirements by attending one entire training program. The training program, in conjunction with the trainer, is responsible for ensuring that the integrity of each portion of the program is not compromised. Any portion of the training missed shall be made up as directed by the trainer. If a participant misses any portion or portions of the training program which compromise(s) the integrity of the program, the training program shall require the participants to repeat an entire program. It is the responsibility of the training program to delineate a specific remedial course of action for participants who do not successfully complete the program.
- The provider shall provide each participant with a signed/dated certificate indicating completion of the training in compliance with rule 11.020, Florida Rules for Court-Appointed Arbitrators, and send to the DRC, within 14 days of the course completion, a list of individuals who have successfully completed the course to the DRC. Successful completion is defined as: attendance by the participant at the entire training program and completion of all requirements. Trainers must have a means of ensuring that all participants attended the entire program (may be accomplished through sign in/sign out lists or other means).
- Each participant shall evaluate the training program on a form designed by the Center. Such evaluation forms shall be retained by the training program for no less than three years and a copy of the evaluations forms must be sent to the DRC (may be attached as a pdf to an e-mail). [see attached draft]
- The DRC shall be responsible for monitoring compliance with the training attributes and any other responsibility deemed appropriate by the Supreme Court Committee on Alternative Dispute Resolution Rules and Policy.