

10 December 1999

THE QUESTION

In response to your letter of September 10, 1999, please let this letter serve as a formal written request for an advisory ethics opinion. Specifically, I would like to be advised if it is ethical for me to participate as a mediator in this mediation network as outlined in the enclosed material I received from [a mediation services corporation].

I look forward to hearing from you.

Sincerely,

Certified Circuit Mediator  
Central Division

---

AUTHORITY REFERENCED

Florida Rules for Certified and Court-Appointed Mediators: 10.030, 10.070(b), 10.100

SUMMARY OF THE OPINION

From the information which was provided with the request for an advisory ethical opinion, the panel finds nothing which precludes the mediator from participating as a mediator with the mediation services corporation.

OPINION

From the information which was provided with the request for an advisory ethical opinion, the panel finds nothing which precludes the mediator from participating as a mediator with the mediation services corporation. In response to the two questions posed by the mediation services corporation, the panel opines that: 1) a non-lawyer can start a private mediation network which includes lawyers and non-lawyers who are certified as mediators, to conduct mediations throughout the state of Florida and 2) a non-lawyer may pay mediators, both lawyers and non-lawyers, on a flat fee per mediation basis as compensation for mediation services, if the mediators agree to such an arrangement.

However, the panel advises Florida certified mediators that a mediator is still bound by all of the Florida Rules for Certified and Court-Appointed Mediators, even if some other entity solicits business and handles the mediator's bookings and payments. Specifically, certified mediators retain

the professional responsibility to “adhere to the highest standards of integrity, impartiality, and professional competence.” See rule 10.030. Additionally, certified mediators must ensure that all appropriate disclosures are made to the parties in a timely manner and that all advertising is honest and accurate. See rules 10.070(b) and 10.100.

---

Date

---

Charles M. Rieders, Panel Chair