

May 2, 2001

THE QUESTION

Dear Friends:

Re: Request for Opinion on Extent of Mediation Services

The mediation firm with which I am associated as an independent contractor is considering adding two areas of services to parties who participate in our pro se family law mediations. Both activities would occur only if there has been successful mediation and an agreement reached between the parties. Further, both parties would also agree in writing that the service would not constitute the giving of legal advice or the representation of either party. We would like to know if there are any constraints or ethical limitations on the following:

1. Providing the parties standard Supreme Court financial affidavit forms which are mandated for inclusion in certain family proceedings; and
2. Preparation of simple joint Petitions for Dissolution of Marriage and Answers and Waivers of Notice which specifically reference the Mediated Settlement Agreement that will be attached to the petition when filed.

A document describing the procedures followed by our local court in filing, docketing and closing of pro se dissolutions would also be provided at the close of the process. We anticipate the documents being furnished by a non-lawyer administrative person employed by the mediation firm. If necessary, a lawyer associated with the firm can be made available for the distribution of the documents.

We will appreciate your evaluation of this proposal and your providing an opinion of its efficacy.

Sincerely,

Certified Family Mediator
Northern Division

AUTHORITY REFERENCED

MEAC Opinion 2000-009

SUMMARY

Assisting pro se litigants with filling out forms approved by the Supreme Court of Florida after a mediated settlement agreement is not a per se violation of the mediation rules; however, caution should be exercised to ensure compliance with mediation rules and other professions' standards of conduct.

OPINION

The Committee would refer you to MEAC Opinion 2000-009, which answers your question. This opinion had not been made public at the time your question was submitted. If after reading this opinion you need further explanation or wish to file any supplemental questions, the Committee will be glad to consider such submission.

Date

Charles M. Rieders, Panel Chair