

FLORIDA SUPREME COURT
Mediator Ethics Advisory Committee

Opinion Number: 2013-012
Date of Issue: March 5, 2014

The Question

May I sign the mediator's oath below? I am concerned with the statement: solemnly swear (affirm) that I will administer justice without respect to persons (below in bold).

*MEDIATOR'S OATH (OR AFFIRMATION),
required by the Southern District of Florida of United States Bankruptcy Court,
in the Loss Mitigation Mediation Program
Effective April 1, 2013, as part of the
VERIFICATION OF QUALIFICATION TO ACT AS MEDIATOR*

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
MEDIATOR'S OATH (OR AFFIRMATION)

RECEIVED
MAR 10 2014
Supreme Court of Florida
Dispute Resolution Center

Each mediator of the United States Bankruptcy Court shall take the following oath or affirmation before performing the duties of his office:

"I, _____ do **solemnly swear (affirm) that I will administer justice without respect to persons**, and do equal rights to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as a mediator for the United States Bankruptcy Court, Southern District of Florida, under the Constitution and laws of the United States, so help me God".

By:
(Signature)
(Print Name)

SWORN TO AND SUBSCRIBED
NOTARY PUBLIC, State of Florida at Large
My Commission Expires:

Submitted by a Certified County, Family, Circuit, Appellate
Southern Division

Authorities Referenced

Rule 10.520, Florida Rules for Certified and Court-Appointed Mediators
MEAC Opinion 2012-005
S.D. Fla. L.R. 9019-2 (A)(5) Mediation.

Summary

A Florida Supreme Court certified mediator subject to local rule 9019-2(A)(5), United States Bankruptcy Court, Southern District of Florida, who is mediating in the Loss Mitigation Mediation Program, may sign the referenced mediator's oath currently required by the rule without violating the Florida Rules for Certified and Court-Appointed Mediators.

Opinion

Rule 10.520, Florida Rules for Certified and Court-Appointed Mediators, states, "A mediator shall comply with all statutes, court rules, local court rules, and administrative orders relevant to the practice of mediation." (Emphasis added.)

Local rule 9019-2(A)(5), United States Bankruptcy Court, Southern District of Florida, states, "Mediator's Oath. Every mediator shall take the oath or affirmation prescribed by 28 U.S.C. Statute 453, before serving as a mediator. The oath may be administered by any person authorized to administer oaths, and proof of the oath or affirmation shall be included on the Local Form 'Verification of Qualification to Act as Mediator'."

Therefore, pursuant to Rule 10.520, when a mediator is conducting a **federal court mediation** in the United States Bankruptcy Court, Southern District of Florida, in the Loss Mitigation Mediation Program, the mediator **is required** to comply with the local court rules. See also MEAC 2012-005. However, this must be done "in a manner consistent with [the] ethical rules," rule 10.500, Florida Rules for Certified and Court-Appointed Mediators.

A Florida Supreme Court certified mediator subject to local rule 9019-2(A)(5), United States Bankruptcy Court, Southern District of Florida, mediating in the Loss Mitigation Mediation Program, may sign the referenced mediator's oath currently required by the rule without violating the Florida Rules for Certified and Court-Appointed Mediators.

 March 5, 2014
Signed and Dated by Beth Greenfield-Mandler, MEAC Committee Chair