

Advisory Opinion**MEAC 2012-008**

Mediator Ethics Advisory Committee

Florida DRC, Supreme Court Building Tallahassee, FL 32399

December 6, 2012

The Question:

I am soon hoping to receive my certification as a Primary Trainer for the County Mediation Training Course in Florida. As such, I would like to remunerate people for referrals of students to my County Mediation Certification Courses. Would having this practice be in violation of any ethical rules? I have reviewed the ethical rules and found nothing prohibiting the same.

While there are MEAC opinions about possible conflicts of interest by paying for Mediation referrals from law firms/attorneys to conduct mediations, I have not found any opinions on the payment of referrals from agents for "students" who attend a mediation course.

Certified County and Circuit Mediator
Central Division

Authority Referenced:

Rules 10.380(e), 10.620 (a) Florida Rules for Certified and Court-Appointed Mediators

Summary:

It would be inappropriate and improper for a certified mediator to offer remuneration to individuals who refer students to the certified mediator's mediation certification training programs and any other mediation trainings.

Opinion:

It would be inappropriate and improper for a certified mediator to offer remuneration to individuals who refer students to the certified mediator's mediation certification training programs and any other mediation trainings.

Rule 10.380(e), Remuneration for Referrals, Florida Rules for Certified and Court-Appointed Mediators states, "No commissions, rebates, or similar remuneration shall be given or received by a mediator for a mediation referral." Rule 10.620, Integrity and Impartiality, states, "A mediator shall not accept any engagement, provide any service, or perform any act that would compromise the mediator's integrity or impartiality."

When forming opinions on standards of conduct, it is essential to look not only at the letter of the rules, but also at their intent. Reading these two rules together (10.380(e) and 10.620), the MEAC is of the opinion that providing remunerations or other compensation to an individual for the mere referral of students to a certified mediator's mediation training is the equivalent of a "kick back." Engaging in such compensation would impugn not only the integrity of the mediation and training process but that of the mediator as well. It can also give the appearance of affecting the mediator's impartiality in the event the referring individual has future business with the certified mediator.

December 6, 2012
Date


Beth Greenfield-Mandler, Committee Chair