

# THE NEUTRAL

Newsletter of the Florida Dispute Resolution Center

VOLUME 1 ISSUE 2

AUGUST 2016

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## Message From the Director



A welcome message from the new acting chief of alternative dispute resolution.

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## ADR News and Updates



Updates for this issue include amendments to the Code of Judicial Conduct issued July 7, 2016.

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## Eldercaring Coordination (EC) Initiative



Learn more about the Eldercaring Coordination pilot projects underway in eight of Florida's Judicial Circuits.

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## News From the Field



Links and other resources, notable achievements and upcoming training events are featured in this section.

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# The Neutral

Newsletter of the Florida Dispute Resolution Center  
Volume 1, Issue 2 – August 2016

## Message From the Director

Hello! I am excited to be serving the Dispute Resolution Center as the new Acting Chief of ADR. Many of you may know me as the staff attorney for the DRC since July of 2012. Before coming to the DRC, I served as a staff mediator for the Second Judicial Circuit Court's ADR program for six years, during one of which I was also the small claims and county Mediation Services Coordinator. Alternative dispute resolution is one of my passions.

As the DRC moves forward, among other goals, we plan to promote the increased use of ADR processes, collaborate with other ADR professional organizations, collaborate with fellow court programs to offer judicial education regarding ADR, offer more interactive and supportive opportunities to court-connected ADR programs, and serve Florida Supreme Court certified mediators in new ways.



*Mediator files packed and ready to go.*

One of the DRC's summer activities has been to move from the Florida Supreme Court building to the Court's new annex. However, our mail procedures have not changed and our contact information, address and phone number, remain the same.

The DRC's second summer activity is our 24th Annual Conference, *Dimensions of Diversity*, coming next week on August 11-13, 2016, at the JW Marriott Grande Lakes in Orlando, Florida. At the conference, we are excited to provide educational opportunities focusing on all forms of diversity: race, ethnicity, gender identity, sexual orientation, religion, and culture, to name a few. Conference attendees may earn up to 13.2 CME credits. The Conference is also approved for 13 general with 1.5 ethics CLE credits by The Florida Bar.

You may want to look at the Florida Courts' webpage on [Fairness & Diversity](#) for a plethora of additional information regarding diversity topics in the court system.

The DRC is proud to train, certify, serve, and encourage you, Florida ADR professionals, as you support the Florida Judicial Branch's mission to "provide for the peaceful resolution of disputes."

Whether you conduct ADR as your sole business or you are a small claims court volunteer mediator, your professional and ethical provision of ADR processes promotes public trust and confidence in ADR and the court system. The Judicial Branch again affirmed the importance of ADR in enhancing access to justice and court services in The Long Range Strategic Plan for the Florida Judicial Branch 2016-2021, Goal 2.6: “Promote the use of innovative and effective problem-solving courts and alternative dispute resolution processes.”

Thank you for serving the people of Florida by encouraging and facilitating the resolution of disputes!

*Susan Marvin*

## ADR News and Updates

### Amendments to the Code of Judicial Conduct

On July 7, 2016, the Florida Supreme Court issued *SC16-63 In Re: Amendments to the Code of Judicial Conduct – Senior Judges Serving as Voluntary Trial Resolution Judges and Arbitrators*. The Code of Judicial Conduct now prohibits a senior judge from serving as a voluntary trial resolution judge or an arbitrator in any case in any circuit in which the senior judge is presiding as a judge. These prohibitions are similar to the prohibition the Court recently imposed on senior judges providing mediator services and are intended to ensure that the dual service does not result in an appearance of or the potential for impropriety. You can read the full text of [Opinion SC16-63](#) on the Court’s website.

### Judgments and Decrees Interest Rate Set

Small claims mediators take note. The quarterly rate of interest payable on judgments and decrees increased to 4.84 percent beginning July 1, 2016. For more information contact the Bureau of Accounting at 850-413-5511 or visit [Florida’s Chief Financial Officer’s](#) website.

### Number of Training Providers and Certified Mediation Training Programs Increasing

The number of certified mediation training programs is increasing. There are currently 23 certified mediation training program providers for a total of 40 training certifications. The number of training programs in each area is as follows: 11 county training programs, 8 family training programs, 12 circuit training programs, 3 dependency training programs and 6 appellate mediation training programs.

In addition to providing certified county training for local circuit programs throughout the state, the Dispute Resolution Center conducts continuing education programs like the one held recently for staff and contract mediators in the Sixth Judicial Circuit. Here is a great group photo from that lively training session held at the historic courthouse in Clearwater.



*Kimberly Kosch conducts continuing mediator education for the Sixth Judicial Circuit on June 28, 2016, in Clearwater.*

## Eldercaring Coordination Initiative

Pilot projects for Eldercaring Coordination (EC) are underway in eight of Florida's Judicial circuits: the 5th, 7th, 9th, 13th, 15th, 17th and 18th. EC is a dispute resolution process during which an Eldercaring Coordinator assists elders, legally authorized decision makers, and others who participate by court order or invitation, to resolve disputes with high conflict levels that impact the elder's autonomy and safety by:

- enabling more effective communication, negotiation and problem-solving skills;
- offering education about elder care resources;
- facilitating the creation and implementation of an elder care plan;
- making recommendations for resolutions; and
- making decisions within the scope of a court order or with the parties' prior approval.

### Requirements for Eldercaring Coordinators

Eldercaring coordinators shall be licensed or certified by a regulatory body of a jurisdiction, state or province, with at least a master's degree and the following:

- a. completion of family mediation training certified or approved by the circuit, state or province or commensurate with the objectives established by the Association for Conflict Resolution;
- b. completion of elder mediation training certified or approved by the circuit, state or province or commensurate with the objectives established by the Association for Conflict Resolution;
- c. completion of Eldercaring Coordination training commensurate with the objectives established by the Association for Conflict Resolution' approved Guidelines; and
- d. extensive practical experience in a profession relating to high conflict within families.

The Florida Chapter of the Association of Family and Conciliation Courts (FLAFCC) Task Force on Eldercaring Coordination developed Guidelines for Eldercaring Coordination in collaboration with the Association for Conflict Resolution, and in July 2015, trained Florida's first 24 eldercaring coordinators to service the first eight Pilot Project Sites. The [FLAFCC Guidelines for Eldercaring Coordinators](#) can be found at FLAFCC.org.

## News From the Field

### Links and Other Resources

The Office of Court Improvement (one of our new neighbors) at the Office of the State Courts Administrator has a wide list of resources available on the Florida State Courts website including the [Summer 2016 Edition of the Sexual Violence Review](#) and the [Domestic Violence Review Spring 2016 Edition](#). Videos and webinars that can be viewed for continuing mediator education domestic violence credits are also available in the [Family Courts](#) section.

### Notable Achievements

**Judge Nina Ashenafi-Richardson**, member of the ADR Rules & Policy Committee, received the Tallahassee Bar Association's inaugural Martha Barnett Women Lawyers of Achievement Award, which was established to recognize the accomplishments of women lawyers from the Second Judicial Circuit.

**Judge Lee A. Schreiber**, member of the Mediator Qualifications Board, was named the Elected Official of the Year for Southwest Florida by the National Association of Social Workers Florida Chapter, Southwest Florida Unit. She is being recognized for her support of the professionals who serve within the child welfare system and for ensuring that the best interest of the child is always of the utmost importance.

**Meah Rothman Tell**, member of the Mediator Ethics Advisory Committee, was recently named as the Chair of the Florida Bar's Alternative Dispute Resolution Section.

The ADR Rules and Policy Committee welcomes **W. Jay Hunston, Jr.**, of Stuart as its newest member. Mr. Hunston, appointed to serve a three year term, is a certified Circuit and Appellate Mediator and is a full-time dispute resolution professional.

The Mediator Ethics Advisory Committee welcomes three new members. **Christy Foley** of Longwood, **W. Wilson Knight** of Pensacola, and **Stanley Zamor** of Pembroke Pines were recently appointed to serve four year terms as certified County Mediator representatives of the Committee.

Save the Date

The Florida Chapter of the Association of Family and Conciliation Courts (FLAFCC) in partnership with the Office of Court Improvement presents the 2016 FLAFCC Conference on September 28-30, 2016, in Orlando.

The Institute for Dispute Resolution located at the University of Florida Levin College of Law will be holding their annual Continuing Mediator Education Seminar on October 21, 2016.