

The Neutral

Newsletter of the Florida Dispute Resolution Center
Volume 4, Issue 3 – November 2019

The Annual Dispute Resolution Center Conference: Options and Opportunities

By Beth C. Schwartz, Court Publications Writer

This year, the Dispute Resolution Center (DRC) held its twenty-seventh annual conference from Thursday, August 15, through Saturday, August 17, 2019. Alternative Dispute Resolution (ADR) professionals from across the state gathered in Orlando to earn continuing education credits, learn about a panoply of ADR-related topics, and network with one another. Routinely drawing more than 1,000 attendees, the conference has continued to grow in size and scope since its inauguration in 1992.



Professor Nancy Welsh and Susan Marvin

Three very exciting and timely plenaries anchored this year's program. Law professor and mediator Nancy Welsh (Aggie Dispute Resolution Program, Texas A&M University School of Law) presented the opening plenary on *What We Do and Don't Know about Court-Connected Mediation*. Noting that anecdotes are not always borne out by data, she urged courts to collect data on the number of cases referred to mediation, the number of

mediations that occur, the types of settlements, and the parties' perceptions of the mediation to increase transparency in court processes and to enable courts to determine the extent to which mediation is fair and truly helps the parties. Given the heightening of digital attacks on individuals, institutions, and even entire cities, mediator and attorney Christopher Hopkins's afternoon plenary on Cybersecurity for Mediators was indeed opportune; in addition to pointing out common and not so common digital vulnerabilities, he offered attendees practical tips for protecting both their data and the confidential data with which they are entrusted. ADR Chief Susan Marvin, Mr. Hopkins, Christy Foley, Michael A. Carter, and Gregory Knight led the yearly Ethics Plenary featuring a mediation demonstration conducted through videoconferencing. Online Dispute Resolution (ODR) is a new concept for the judicial branch

that has become central to discussions of the future of courts. The Florida Supreme Court recently approved the implementation of an ODR pilot in six counties for small claims, civil traffic, and dissolution without children cases. A panel discussion followed related to mediator ethical issues that may arise from the use of ODR.

Sandwiched among the plenaries were five sets of workshop sessions (each with 13 possibilities to choose from) that offered attendees an abundance of opportunities to enhance their ADR skills and knowledge on a wealth of ADR-connected subjects. The conference included a few unique offerings, as well. In recognition of the burgeoning elder population—which experts predict will double between 2008 and 2030—this year’s program contained a five-part training on Elder Law Mediation and Shared Family Decision Making. A three-part Arbitration Training was also available.

In her welcome address in the conference brochure, Susan Marvin remarks on the importance of enhancing ADR skills, “especially as our world continues to demonstrate a need for professionals who can promote civil discourse and peaceful options to resolve disputes in all aspects of life.” In support of the pressing need for peacefulness and composure, the DRC set up a rock painting booth nestled among the various vendor booths. At this booth was a *Beginners Guide to Rock Painting* along with heaps of smallish, smooth stones and a bucket of paint pens in every conceivable color. Between sessions, and late into the evenings, people could be seen silently, mindfully decorating their chosen palettes with images of fanciful creatures, bodies of placid water, whimsical flowers and trees, and inspiring, calm-inducing words and sayings. For those who wanted to reinforce this sense of serenity, the program also offered 6:30 a.m. yoga classes both mornings as well as a 6:00 p.m. class at the close of the first day.



For the last 19 years, the DRC conference has been held in Orlando. It was most fitting that the Ninth Circuit’s Chief Judge, Donald A. Myers, was invited to welcome everyone to the program. After noting the dramatic rise in certain case types in Orange and Osceola counties, Chief Judge Myers pointed out that “There is no possible way we could try all those cases in our courts... If every case started in the courts and went to trial, it would be a devastating burden on and an impediment to justice.” “It’s the mediators who keep the courts from becoming overburdened, they perform foundational work for the health of our communities.” Quoting retired US Supreme Court Justice Sandra Day O’Connor, he reminded listeners that “The courts of this country should not be the places where resolution of disputes begins. They should be the places where the disputes end after alternative methods of resolving disputes have been considered and tried.” Thanking the mediators in the audience, he ended with, “The resolution of disputes begins not with the courts, but with you.”

Congratulations to Our Annual Award Winners



Amy Heather Blanton, 12th Judicial Circuit Mediation Services Coordinator, received the *DRC Award of Appreciation* for her years of service to both the Mediator Qualifications and Discipline Review Board, and Committee on ADR Rules and Policy.

The Honorable Rodney Smith, federal judge, U.S. Southern District Court of Florida, received the *DRC Award of Appreciation* for his service as chair and member of the Committee on ADR Rules and Policy, and as member of the Mediator Qualifications and Discipline Review Board.

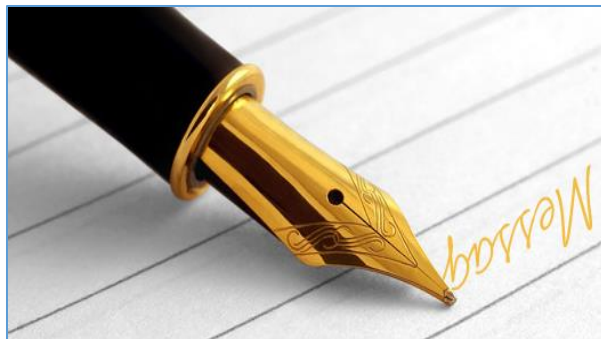


Jeanne E. Potthoff, 17th Judicial Circuit ADR Director, received the *Sharon Press Excellence in ADR Award* for her visionary leadership, professional integrity, and unwavering devotion to the field of alternative dispute resolution for over 30 years. Jeanne is a current member of the Committee on ADR Rules and Policy.

Message from the Director

Evaluative Mediation in the Florida Court System

Some mediators choose not to be Florida Supreme Court certified because they believe they would not be allowed to conduct evaluative mediations under the Rules for Certified and Court-Appointed Mediators (rules), and that the parties and attorneys who hire them want the mediators to conduct evaluations. First, this is an expression of the mistaken belief that the rules do not apply to uncertified mediators when they are selected to mediate court cases. Under the current rules, it has been the Mediator Qualification and Discipline Review Board's position when processing disciplinary complaint cases that those who mediate a case in which there is an order of referral to mediation are, in fact, already bound by the rules. Second, mediators may use evaluative techniques to the extent allowed by the rules. Third, parties may not be making an informed and voluntary decision – exercising self-determination – to request an evaluative approach to mediation because the attorneys, who often choose the mediator, may not explain the different types of mediation to their clients.



Regarding the second point, rule 10.370, entitled “Advice, Opinions, or Information” states:

- (a) Providing Information. Consistent with standards of impartiality and preserving party self-determination, a mediator may provide information that the mediator is qualified by training or experience to provide.
- (b) Independent Legal Advice. When a mediator believes a party does not understand or appreciate how an agreement may adversely affect legal rights or obligations, the mediator shall advise the party of the right to seek independent legal counsel.
- (c) Personal or Professional Opinion. A mediator shall not offer a personal or professional opinion intended to coerce the parties, unduly influence the parties, decide the dispute, or direct a resolution of any issue. Consistent with standards of impartiality and preserving party self-determination however, a mediator may point out possible outcomes of the case and discuss the merits of a claim or defense. A mediator shall not offer a personal or professional opinion as to how the court in which the case has been filed will resolve the dispute.

When adopting rule 10.370 in In re: Amendments to the Florida Rules for Certified & Court-Appointed Mediators, 762 So. 2d 441, 444, 444 (Fla. 2000), the Court described an “evaluative approach” to mediation and noted in the following passage that the evaluative mediation technique is recognized in the rule:

In this mediation style, the mediator, often at the request of the parties, makes and offers an independent judgment on the merits of issues under consideration and explains the likely outcome of litigation. Some like Dr. Firestone, believe this technique shifts the process from one of facilitation to one of adjudication, while others believe it is a useful technique that should be employed in appropriate situations.

The Committee [Committee on ADR Rules and Policy] was made well aware of the philosophical disagreement surrounding the evaluative mediation approach during the two years of hearings that preceded these proposals. As noted above, this debate was specifically addressed by the Committee in relation to rule 10.370. In drafting the rule, the Committee accepted that a mediator, often at the request of the parties, may offer an independent judgment on the merits of a case and attempted to provide a framework for this situation which is consistent with the basic mediation principles of impartiality and party self-determination. As explained above, subdivisions (a) and (c) allow a mediator to ‘provide information that the mediator is qualified . . . to provide’ and ‘point out possible outcomes of the case and discuss the merits of a claim or defense,’ only if impartiality and the parties’ self-determination will be preserved. The rule does not authorize the mediator to decide the case or act as an arbitrator. In fact, under subdivision (c), the mediator is specifically prohibited from offering personal or professional opinion intended to decide the dispute or direct a resolution of any issue and from offering an opinion as to how the court will resolve the dispute.

In considering proposed rule 10.370, we have reviewed the differences of opinion surrounding the evaluative mediation technique, but believe that the Committee, with its broad expertise in both mediation and arbitration, is best equipped to address the dispute. Accordingly, we decline to second guess the Committee’s decision that this mediation technique should be recognized in the rules. (Emphasis added.)

As recently as 2006, the Court added the fourth prohibition to rule 10.370 subdivision (c) regarding the mediator “unduly influencing” the parties. See In re: Petition of the Alternative Dispute Resolution Rules and Policy Committee on Amendments to Florida Rules for Certified and Court-Appointed Mediators, 931 So. 2d 877, 881. The Court stated, “This revision is consistent with subdivision (b) of rule 10.310, Self-Determination, which prohibits a mediator

from coercing or improperly influencing any party to make a decision or unwillingly participate in mediation.”

Thus, the Court has already considered the evaluative mediation approach favored by some uncertified and certified mediators conducting mediations in court cases, and the Court adopted the limitations and prohibitions to elements of the approach which are contained in rule 10.370.

Rule 10.370 is explicit concerning a mediator’s role and limitations on mediator conduct. The rule and the Court’s opinion adopting it recognize “evaluative mediation” as an appropriate technique. Discussing the merits of issues raised in the case and explaining possible outcomes if a judge decides the case as opposed to expressing an opinion on how the case will ultimately be resolved is an important distinction. A mediator is clearly permitted to do the former and may even offer an independent opinion regarding the merits of various claims or defenses if qualified by training or experience to do so as long as the mediator does so in an impartial manner which preserves party self-determination as required by rule 10.370(a). What a mediator may not do, however, is state how the court will decide the case or offer an opinion designed to decide the dispute. A mediator who does the latter has gone beyond the mediator’s charge in rule 10.220 to “reduce obstacles to communication, assist in the identification of issues and exploration of alternatives, and otherwise facilitate voluntary agreements resolving the dispute.” Additionally, expressing an opinion as to how the court will decide the case could compromise the mediator’s impartiality, which is “freedom from favoritism or bias in word, action, appearance, and includes a commitment to assist all parties, as opposed to any one individual,” under rule 10.330(a).

Furthermore, "while mediation techniques and practice styles may vary from mediator to mediator and mediation to mediation, a line is crossed, and ethical standards are violated when any conduct of the mediator serves to compromise the parties' basic right to agree or not to agree. Special care should be taken to preserve the party's right to self-determination if the mediator provides input to the mediation process." See rule 10.310, Self-Determination, Committee Notes.

Declining to provide the parties with an opinion about the ultimate outcome of the case does not reduce the mediator’s effectiveness. By no means is the mediator relegated to merely acting as a messenger and shuttling demands and offers from one room to another, nor should the mediator’s role be limited in such a fashion. A mediator may “raise issues and discuss strengths and weaknesses of positions underlying the dispute” and “help the parties evaluate resolution options and draft settlement proposals.” See rule 10.370, Committee Notes. There are many skills and techniques any mediator, certified or uncertified, may use “to reduce obstacles to communication, assist in the identification of issues and exploration of alternatives, and otherwise facilitate voluntary agreements resolving the dispute,” rule 10.220, which do not violate the parties’ rights in mediation. Such techniques include discussing the needs and interests which underlie the parties’ positions and creative means to meet those

needs and interests, brainstorming possible solutions, and the use of questions to conduct reality testing.

Mediators may be pressured by the parties' attorneys to offer an opinion in order to market their mediation business to the attorneys who hire them. As the Court stated in adopting rule 10.370, and as articulated in the rule and its comments, evaluative mediation is both recognized and permitted, provided that the mediator does not cross that fine line between "evaluating" and "deciding" the dispute. However, pressure on the parties should not be given priority over the parties' rights to an ethical mediation in which they can exercise self-determination and be free from the coercion that 10.370 rightly prohibits.

Depending on the specific situation and conduct of the attorney, the attorney may be abdicating to the mediator his or her obligations under Rule 4-2.1, "Adviser," Rules of Professional Conduct of the Rules Regulating the Florida Bar, which requires the lawyer to offer candid advice even if it may be "unpalatable to the client:"

In representing a client, a lawyer shall exercise independent professional judgment and render candid advice. In rendering advice, a lawyer may refer not only to law but to other considerations such as moral, economic, social, and political factors that may be relevant to the client's situation.

Comment

Scope of advice. A client is entitled to straightforward advice expressing the lawyer's honest assessment. Legal advice often involves unpleasant facts and alternatives that a client may be disinclined to confront. In presenting advice, a lawyer endeavors to sustain the client's morale and may put advice in as acceptable a form as honesty permits. However, a lawyer should not be deterred from giving candid advice by the prospect that the advice will be unpalatable to the client.

If mediators are providing legal opinions to parties, that crosses the line between being a mediator and an advocate. It is improper for a mediator to provide legal advice by any method within the scope of a mediation, whether such advice is by statement, question, or any other form of communication.

Some mediators may be concerned with satisfying the interests of the party's attorney rather than creating an environment in which parties are free to agree or not agree to a resolution of the conflict. Once again, the mediator remains free to be "evaluative" within the permissible scope of rule 10.370. However, a lawyer cannot delegate the duty of delivering candid advice, whether favorable or unfavorable, to the mediator. A mediator who accepts that delegation acts contrary to the highest ethical principles and the establishment of public trust and confidence in the mediation process as is required by rule 10.200, which states:

The public's use, understanding, and satisfaction with mediation can only be achieved if mediators embrace the highest ethical principles. Whether the parties involved in a mediation choose to resolve their dispute is secondary in importance to whether the mediator conducts the mediation in accordance with these ethical standards.

Does the mediator who offers an evaluative mediation which violates the protective limits of rule 10.370 meet with the parties and their attorneys prior to the mediation to openly discuss with the parties the various styles of mediation – facilitative, transformative, and evaluative – and allow the parties to choose the approach they believe meets their circumstances and needs? Or, do the mediator and the attorneys inform the parties prior to the mediation that an evaluative approach beyond that which is allowed by rule 10.370 will be used? If not, the parties are not provided with an opportunity to make an informed and voluntary decision and exercise self-determination in choosing the style of mediation in which they participate, and the parties most likely have no idea what each style entails.

Although mediators who conduct evaluative mediations which violate rule 10.370 may believe the evaluative mediations they conduct are not “neutral evaluation” or “early neutral evaluation,” when one compares their practices to the mediation rules, it appears that they are conducting early neutral evaluation rather than mediation. The American Bar Association defines “neutral evaluation” on its website as:

A process that may take place soon after a case has been filed in court. The case is referred to an expert, usually an attorney, who is asked to provide a balanced and unbiased evaluation of the dispute. The parties either submit written comments or meet in person with the expert. The expert identifies each side's strengths and weaknesses and provides an evaluation of the likely outcome of a trial. This evaluation can assist the parties in assessing their case and may propel them towards a settlement.

Dispute resolution professionals who hold themselves out as mediators may describe their evaluative process as confidential and requiring the parties' lawyers to provide key pleadings, confidential mediation statements, key cases, and applicable insurance policies and reservation of rights letters. After reviewing all the written information, and listening to the parties and lawyers at mediation, the mediator then considers each side's position and renders an evaluation of the case. Such a process does not meet the definition of “mediation” under section 44.1011(2), Florida Statutes, which is:

a process whereby a neutral third person called a mediator acts to encourage and facilitate the resolution of a dispute between two or more parties. It is an informal and nonadversarial process with the objective of helping the disputing parties reach a mutually acceptable and voluntary agreement. In mediation, decision making authority rests with the parties.

The role of the mediator includes, but is not limited to, assisting the parties in identifying issues, fostering joint problem solving, and exploring settlement alternatives.

Neutral evaluation has a creditable place in the alternative dispute resolution spectrum for client options on case resolution, but it should not be performed under the label of mediation.

The Uniform Mediation Act, Prefatory Note No. 2 (2003), approved by the American Bar Association in 2002, embraces the notion that there are different styles of mediation, including evaluative, and that it is best to inform the parties as to which style will be employed:

The primary guarantees of fairness within mediation are the integrity of the process and informed self-determination. Self-determination also contributes to party satisfaction. Consensual dispute resolution allows parties to tailor not only the result but also the process to their needs, with minimal intervention by the State. For example, parties can agree with the mediator on the general approach to mediation, including whether the mediator will be evaluative or facilitative. This party agreement is a flexible means to deal with expectations regarding the desired style of mediation, and so increases party empowerment. Indeed, some scholars have theorized that individual empowerment is a central benefit of mediation. See, e.g., Robert A. Baruch Bush & Joseph P. Folger, The Promise of Mediation (1994).

Thus, to truly implement self-determination, the parties should be provided with information regarding mediation styles and allowed to choose whether they prefer the evaluative approach which violates the protections of rule 10.370 or the more facilitative approach with the degree of evaluation described in rule 10.370 which the Court recognized and is embodied in the rules.

According to section 44.107(1), Florida Statutes, arbitrators serving in court-ordered, nonbinding arbitration, voluntary binding arbitration, and mediators conducting court-ordered mediation have the benefit of judicial immunity. Under subdivision (2), mediators of noncourt-ordered mediation have immunity from liability while mediating under certain circumstances. Perhaps some mediators may not want to acknowledge that the evaluative process they conduct is not mediation because doing so would mean the process would need to be explained to the parties and attorneys, either of whom might choose not to use it. The alternative dispute resolution professional would not have the benefit of immunity under section 44.107. The mediators who violate the limits and prohibitions of rule 10.370 when using an evaluative approach may desire the immunity of Florida's mediation system but are not willing to abide by the ethical standards and disciplinary process which protect the public and the public's perception of the court and legal systems.

Some certified mediators believe that an increasing number of mediators are relinquishing their circuit mediator certifications to avoid the need to comply with the standards of professional conduct governing certified mediators. Mediators who relinquish their certifications or avoid becoming certified in order to avoid the ethical rules are operating under the misapprehension that the rules do not apply to them. The rules are identified as the “Rules for Certified and Court-Appointed Mediators.” (Emphasis added.) Thus, an uncertified mediator who obtains a court appointment to mediate a case remains subject to the ethical standards and the disciplinary process. See rules 10.200 and 10.700.

Mediation has progressed in Florida since its inception in the 1980s. The standards of professional conduct that have developed serve the purpose of promoting public trust and confidence in the judicial system, mediators, and the mediation process by maintaining high standards of professionalism and ethical behavior. May all Florida mediators serve the court system and the public by conducting mediations in accordance with the ethical standards and providing parties with information and an opportunity to make an informed and voluntary choice of alternative dispute resolution processes if the mediator is offering and in truth providing an evaluation that is beyond the limits of ethical conduct in rule 10.370.

ADR News and Updates

DRC Hosts Lunch and Learn

On Friday, June 14, 2019, the DRC hosted a Lunch and Learn opportunity titled Mediation 101 available for all Office of the State Court Administrator and Supreme Court employees to attend. Mediation 101 offered an overview of mediation and its principles, a look at mediation in Florida’s trial and appellate courts and provided information on becoming a certified mediator. The training concluded with a video demonstration of a civil mediation.

DRC Training News

The DRC hosted an advanced CME program in Miami-Dade County. It was a fabulous group of mediators, many who had been in attendance for the DRC’s county mediation training program held last November.

The DRC’s commitment to offering free local mediator professionalism training for court mediators across Florida supports a professional, ethical, and skilled judiciary and workforce, one of the issues highlighted in the Supreme Court’s 2016-2021 Long-Range Strategic Plan.



Group photo from June 7, 2019, advanced CME training in Miami-Dade County.

Recognizing Florida Bar Members with 50 Years of Service

This past June, The Florida Bar recognized 375 lawyers marking 50 years of dedication to the practice of law. Several certified mediators were recognized, and the DRC would like to congratulate them. Below is the list of mediators with their mediator certification date noted.

Herbert L. Allen, Jr., Orlando, June 2008

Daniel Z. Averbook, Boca Raton, March 1991

Fred J. Berman, Fort Lauderdale, January 2013

James L. S. Bowdish, Stuart, February 1995

Jack P. Brandon, Winter Haven, September 1997

Carmine M. Bravo, Longwood, December 1990

Alfred R. Camner, Miami, May 2015

Stephen C. Cheeseman, Tampa, June 1993

Robert L. Cowles, Jacksonville, February 1991

Erik A. Dahlgaard, Sarasota, July 1992

Patrick E. Geraghty, Fort Myers, September 2015
 Richard A. Leigh, Winter Park, October 1995
 John C. Lenderman, St. Petersburg, November 2010
 David J. Mesnekoff, Miami, March 2008
 John D. Moxley, Jr., Titusville, August 2014
 Marvin B. Nodel, Boca Raton, September 2008
 Neale J. Poller, Fort Lauderdale, November 1996
 William R. Radford, Miami, April 2008
 Robert A. Rosenberg, Coral Springs, June 1991
 Norman Vaughan-Birch, Sarasota, August 2003
 Linda L. Vitale, Southwest Ranches, July 2010
 Lawrence M. Watson, Jr., Maitland, February 1991
 Louis J. Williams, Lakeland, June 1991

30 Year Mediators

The DRC began certifying mediators in December 1990. In the first year of certification, the DRC certified 1,446 mediators. In honor of the upcoming 30-year anniversary, here is a list of mediators who were certified between December 1990 and December 1991 and are still certified 30 years later.

Anthony J. Abate Sarasota	Alicen M. Barrett Dunedin	Philip H. Blackburn Orlando
John M. Allen Oldsmar	Douglas B. Beattie Longwood	Bruce A. Blitman Palm Beach Gardens
Frances A. Arnold Fort Lauderdale	Barbara M. Beilly Deerfield Beach	M. Thomas Bond, Jr. Ocala
Lynwood Arnold Tallahassee	Roger C. Benson St. Petersburg	Joseph R. Boyd Tallahassee
Daniel Z. Averbook Boca Raton	Barry E. Berger Palm Harbor	Carmine M. Bravo Longwood

Michael J. Brudny
Dunedin

Samuel G. Crosby
Lakeland

Ainslee R. Ferdie
Coral Gables

Stephanie C. Buck
Lakeland

Rick Dalan
Clearwater

Linda B. Fieldstone
Miami

Mary P. Burnett
Jacksonville

Ben H. Darby, Jr.
Lakeland

Gregory Firestone
Tampa

James A. Cabler
DeLand

Timothy W. Davis
North Miami Beach

Michael A. Fischler
Fort Lauderdale

Sonia Caplan
Boca Raton

Deborah O. Day
Winter Park

Joseph Michael Fitzgerald
Palm Coast

Alvin Capp
Plantation

Cristina De Oliveira
Coral Gables

Edwin L. Ford
Sarasota

Thomas G. Caprio
Lake Worth

Kim Joyner Diaz
Tampa

Philip Fougrousse
Merritt Island

Lois J. Carlton
Naples

Gary L. Dirlam
Orlando

J. Joaquin Fraxedas
Maitland

Charles N. Castagna
Clearwater

Jesse V. Dominguez
Tampa

Judith B. Friedland
Heathrow

Charles L. Cetti
Pensacola

Richard W. Driscoll
Tampa

Deborah T. Fromang
Fort Pierce

Thomas C. Chase
Fort Myers

Robert A. Dulberg
Miami

John G. Gale
Palmetto Bay

Mark E. Clements
Lakeland

Susan G. Ellis
Largo

Salvatore J. Gardino
Naples

Jay M. Cohen
Winter Park

Laurie Pine Farber
Boynton Beach

Lucinda M. Garland
Palmetto

Carol S. Cope
Coral Gables

Dee Anna Farnell
Clearwater

Ginette V. Garrandes
Miami

Robert L. Cowles
Jacksonville

Elaine E. Feldman
Miami

Joseph Giambalvo
Clearwater

Peter T. Gianino
Stuart

William C. Hearon
Miami

Jeffrey D. Keiner
Orlando

Marc R. Ginsberg
Miami Lakes

Leonard T. Helfand
Tallahassee

James E. Kelly
Dade City

Stann W. Givens
Tampa

Daniel S. Herman
Aventura

Jon C. Kieffer
St. Petersburg

Renee Goldenberg
Fort Lauderdale

Jack L. Herskowitz
Coral Gables

Brenda Klepach
Miami Beach

Charles E. Gordon
Winter Park

Julie K. Hilton
Panama City Beach

Peter M. Kramer
Miami

Thomas R. Grady
Naples

Danni Deaver Hoefling
Hobe Sound

Craig A. Laporte
Port Richey

Leif J. Grazi
Stuart

John P. Horan
Winter Springs

Sofia P. Larraz
Coral Gables

Raleigh W. Greene, III
St. Petersburg

David E. Horvath
Palm Beach Gardens

Michael H. Lax
Miami

Beth Greenfield-Mandler
Miami

W. Jay Hunston, Jr.
Stuart

John J. Lazzara
Tallahassee

Peter J. Grilli
Tampa

Gay L. Inskeep
St. Petersburg

Arthur Leibell
Miami Beach

Patricia Gunn
Clearwater

Thomas M. Jenks
Jacksonville

Linda E. Levrey
Boynton Beach

Steven J. Gutter
Boca Raton

Michelle Jernigan
Maitland

Jody M. Litchford
Orlando

Susan W. Harrell
Pensacola

John Paul Jones
St. Petersburg

Diamond R. Litty
Port St. Lucie

William F. Hathaway
New Smyrna Beach

James P. Judkins
Tallahassee

James V. Loboizzo
Sebring

Audrey Dawn Hayes
Fort Pierce

Monte E. Kane
Miami

Kempton P. Logan
Fort Myers

Roseann Lombardi Fort Myers	Allene D. Nicholson Key Biscayne	Leonard P. Reina Naples
Lisa J. Long Winter Park	Kent Norton Sarasota	Laurie L. Riemer Aventura
Joseph D. Lorenz Shalimar	Jody Ann O’Konski Fort Myers	Lynn D. Riley Dover
Ronald A. Luzim Coral Springs	Patricia C. O’Meara Port Charlotte	Ana R. Rivas-Vazquez Miami
Terrell C. Madigan Tallahassee	J. C. O’Steen Tallahassee	Elinor Robin Gainesville
R. Lynette Mancuso Sarasota	George S. Pappas Daytona Beach	Bruce R. Robinson Lake City
Richard M. Marchewka Fort Myers	Brian W. Pariser Miami	Robert A. Rosenberg Coral Springs
Bruce S. Margolis Lake Mary	Joycee Darin Patterson St. Petersburg	Wayne P. Rosenthal Boca Raton
Martha C. Merrell Odessa	Kathryn Collins Peek Jacksonville	Brian M. Ross Tampa
David B. Mitchell Coral Gables	Vivian Perez Miami	Candi M. Rowen Clearwater
Caridad Montano Miami	Steven M. Platau Tampa	Randall L. Rubin North Miami Beach
David Paul Montgomery Bradenton	H. Mark Purdy Fort Lauderdale	Margaret A. Rubinow Sarasota
Bill Moreno Miami	Bette Ellen Quiat Miami	Alan J. Rubinstein Fort Myers
Mary Nelson Morgan Jacksonville	John Richard Rahter St. Petersburg	Esta Y. Rubinstein Fort Myers
James M. Nicholas Satellite Beach	Louis F. Ray, Jr. Pensacola	John W. Salmon Miami

Douglas K. Sands
Stuart

Sheri Smallwood
Key West

Bruce J. Waddell
Cape Coral

David A. Sapp
Pensacola

Martin A. Soll
Miami

Glenn J. Waldman
Fort Lauderdale

Stephen C. Sawicki
Orlando

John R. Sorkin
Weston

Nancy Yanez Walker
Dallas, GA

Nicholas G. Schommer
Sebring

Charles A. Stampelos
Tallahassee

Daniel S. Wallace
Daytona Beach

Janet S. Seitlin
Miami

Jerold M. Stone
Sarasota

Douglas A. Wallace
Tampa

William H. Seitz
Daytona Beach

Stephen K. Stuart
Tampa

Mary Ann Ward
Tampa

John Gregory Service
Boca Raton

Meah D. Tell
Tamarac

Lawrence M. Watson, Jr.
Maitland

R. Mark Shelton
Lutz

Fran L. Tetunic
Plantation

Dana J. Watts
Sarasota

Susan E. Shostak
Columbus, OH

Stephen D. Thompson
Fort Myers

Nancy S. Weber
Orlando

Thomas D. Shults
Sarasota

Rollin E. Tomberlin
Ocala

Alison C. Weinger
Miami

Glenn N. Siegel
Port Charlotte

Michael A. Tonelli
Tampa

Samuel J. Weiss
Maitland

Bernard C. Silver
Tampa

John J. Upchurch
Ormond Beach

Terrence M. White
Ormond Beach

J. Jay Simons
Weston

Carol A. Vance
St. Petersburg Beach

Christopher Wickersham, Sr.
Daytona Beach

Ronald L. Sims
Orlando

Richard H. Vura, Jr.
Weston

John O. Williams
Tallahassee

Cary R. Singletary
Tampa

George L. Waas
Tallahassee

Louis J. Williams
Lakeland

Ronnie K. Witlin
Miami

Roy C. Young
Tallahassee

Michael J. Zimmerman
Miami

Court Raises Small Claims Jurisdiction

On August 13, 2019, The Florida Bar filed a petition with modifications related to the increase in county court jurisdiction, including a recommendation that small claims jurisdiction be raised from \$5,000 to \$8,000. The Court issued an opinion adopting the jurisdictional increase on November 14, 2019, in [SC19-1354](#).

Great News for Mediators

On June 7, Governor DeSantis signed a bill into law permitting remote online notarization adding Florida to the growing list of states that permit notaries to perform notarizations online for clients anywhere in the world. The law, which takes effect on January 1, 2020, will benefit Floridians in many ways.

U.N. Members Sign Mediation Convention to Settle Trade Disputes

This past August, members of the United Nations signed the Singapore Convention on Mediation, an agreement it hopes will make it easier to settle cross-border commercial disputes and stabilize trade relationships. The agreement was signed in Singapore by 46 U.N. members, including the United States and China. The aim is to have a global framework that will give businesses greater confidence to settle international disputes through mediation rather than taking the disputes to court, which can be time consuming and expensive.

News From the Field

Milestones

Eleventh Judicial Circuit Judge **Scott M. Bernstein** is the 2019 recipient of the Chief Justice Award for Judicial Excellence, honoring his service to and leadership within Florida's judicial branch. Chief Justice Charles T. Canady presented the award during a ceremony at the Conference of Circuit Court Judges of Florida. DRC Conference attendees will remember Judge Bernstein as our opening plenary speaker in 2016.

Rene Grafals retired July 31, 2019, after 12.9 years of service to the Seventeenth Judicial Circuit. Rene was previously with the American Arbitration Association for 27 years and is certified in the areas of family, county and dependency mediation.

Claudia Isom, Certified Circuit Mediator, was honored with the Florida Association for Women Lawyers' 2019 Rosemary Barkett Outstanding Achievement Award. This award honors an association member who has helped to overcome traditional stereotypes associated with women by breaking barriers, molding a new reality and a new way of thinking about themselves, others and their place in the universe.

Mark Weinberg, who has been the Trial Court Administrator for the Seventh Judicial Circuit since 1993, is the 2019 recipient of the Award of Merit from the National Association for Court Management. Presented each year at the NACM Annual Conference, this award "recognizes distinguished service and outstanding contributions to the profession of court administration." Recipients are chosen for leadership, improvements in the administration of justice and the delivery of public service, and support for the independence of the judiciary.

Free CME Opportunities

The **National Association for Court Management** (NACM) has recorded sessions from its annual conferences and made them available for free online. Examples include:

- [Online Dispute Resolution](#) – 1.0 CME hour
- [Opioid Crisis in the Courts](#) – 1.0 CME hour
- [Effective Communication](#) – 1.0 CME hour

Remember, these presentations can be watched and discussed with someone for live CME credit.

Mediator Retirements

The DRC would like to acknowledge and send best wishes to the following mediators who have announced their retirement since our last issue.

Melody A. Bowers, Huntsville, AL
Lynne K. Hennessey, Boca Raton
Larry D. Simpson, Tallahassee

Save the Date

We are excited to announce that our 28th DRC Annual Conference will be held on August 13-15, 2020, at the Rosen Centre Hotel, 9840 International Drive, Orlando. The Rosen Centre's location offers excellent facilities for a rich variety of educational offerings. The venue is also ripe for entertainment and family fun on International Drive and is minutes away from the I-Trolley, ICON park, Aquatic Orlando, Pointe Orlando, and premium outlet shopping. The Rosen Centre is offering our attendees luxury lodging accommodations for a reduced rate of \$105 plus tax, per night. Early bird registration and lodging information will be sent to all certified mediators in Spring 2020.