

IN THE CIRCUIT COURT OF THE 16th
JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA, IN AND FOR MONROE COUNTY

ADMINISTRATIVE ORDER 2.002

IN RE:
MEDIATION

_____:

In accordance with the authority vested in the Chief Judge by Rule 2.050 of the Florida Rules of Judicial Administration, it is

ORDERED that:

- A. A program is hereby created to serve as an adjunct to the Civil Division of the Circuit Court for the purpose of mediating civil matters appearing on the court docket. This program will be coordinated through the Office of the Court Administrator.
- B. The Mediation Program shall maintain a list of available mediators certified by the Florida Supreme Court pursuant to Rule 10.010c.
- C. Pursuant to Rule 1.700(a) Florida Rules of Civil Procedure, the court on its own motion may refer civil cases to mediation to facilitate the resolution of the dispute.
- D. Pursuant to Rule 1.720(f) (1,2) Florida Rules of Civil Procedure, within ten days of the referral, the parties may agree upon a stipulation with the court designating a mediator. A copy of this stipulation designating a mediator by the judge, shall be forwarded to the Office of the Court Administrator by the lead attorney who is designated in the order directing mediation.
- E. The Mediation Program shall keep a record of the case name, number, assigning judge, mediator and the lead attorney.
- F. If the parties cannot agree on a mediator the judge may refer the case to the Mediation Program for the selection of a mediator. On a rotational basis, the Mediation Program will provide the name of a certified mediator from the list of certified mediators. However, many of the mediators on the list presented to the 16th Judicial Circuit by Florida Dispute Resolution Center come from outside the circuit and are virtually unknown to the Court and the parties and their skills as mediators have gone untested in the 16th Circuit. Therefore, effective immediately, although the Mediation Program must continue to assign mediators by rotation from the list of persons certified to

perform such function, mediators from out of the circuit may be omitted from the rotation.

- G. Upon selection of the mediator, the lead attorney will contact the mediator to determine availability. If the mediator is not available for mediation, then the above procedure will be repeated until a mediator is selected. Upon notification that the selected mediator is not available to mediate the case, his/her name will be placed at the bottom of the rotation list.
- H. It is the sole responsibility of the appointed mediator to provide a space wherein the mediation may take place.
- I. Pursuant to Rule 1.700(a) (1,2) Florida Rules of Civil Procedure, the first mediation conference shall be held within sixty days of referral unless otherwise ordered by the court.
- J. Pursuant to Rule 1.710(a) Florida Rules of Civil Procedure, mediation shall be completed within forty-five days of the first mediation conference, unless extended by order of the court or by stipulation of the parties. A pending order of mediation does not toll the trial date of an order setting trial.
- K. Pursuant to Rule 1.720(b) Florida Rules of Civil Procedure, if a party fails to appear at a duly notified mediation conference without good cause, the Court upon motion shall impose sanctions, including an award of mediator and attorney fees and other costs, against the party failing to appear.
- L. Pursuant to Rule 1.730(a,b) Florida Rules of Civil Procedure, if a settlement or partial settlement is reached, it shall be signed by all parties or their counsel and promptly submitted to the court. If an agreement is not reached, the mediator shall immediately report, in writing to the court that no agreement has been reached.
- M. The financial obligation of mediation is the responsibility of the parties involved in the suit, unless otherwise agreed upon or ordered by the court. All mediators selected, as outlined in procedure F. and G., will conduct mediation conferences at a rate of \$150 per hour or such rate as may be agreed to in writing by the parties and the mediator, no less than five business days prior to the date of mediation. Absent agreement of the parties to the contrary, the cost of the mediator's services shall be borne equally by the parties to the mediation conference. Responsibility for billing and payment rests solely on the parties.
- N. All mediators will be required to submit a complete statistical mediation report form within ten days of completion of the mediation and return it to the Office of the Court Administrator. (Attachment A)

DONE AND ORDERED in chambers at Plantation Key, Monroe County, Florida,
on this the 13 day of December, 1994.

J. Jefferson Overby
Chief Judge

MEDIATOR'S REPORT
16th JUDICIAL CIRCUIT

NAME OF MEDIATOR _____ PHONE _____

CASE NAME: _____ CASE NO: _____

JUDGE _____ DATE(S) OF MEDIATION _____

TOTAL HOURS/MINUTES OF MEDIATION _____

TYPE OF MEDIATION:

CIVIL

| | |
|-----------------------------|-------|
| Auto Negligence | _____ |
| Other Negligence | _____ |
| Condominium | _____ |
| Contract & Indebtedness | _____ |
| Eviction | _____ |
| Mortgage & Lien Foreclosure | _____ |
| Other Civil | _____ |
| Products Liability | _____ |
| Quiet Title/Boundary | _____ |
| Replevin | _____ |

FAMILY

| | |
|-------------------------|-------|
| Dissolution of Marriage | _____ |
| Domestic Relations | _____ |

PROBATE

| | |
|--------------|-------|
| Estate | _____ |
| Guardianship | _____ |

OUTCOME:

_____ THE CONFLICT HAS BEEN COMPLETELY RESOLVED
_____ THE CONFLICT HAS BEEN PARTIALLY RESOLVED. SOME
ISSUES REQUIRE COURT RESOLUTION.
_____ THE PARTIES HAVE REACHED A TOTAL IMPASSE.
_____ THE MATTER HAS BEEN CONTINUED UNTIL _____ FOR
FURTHER MEDIATION.

Please send report to: Office of the Court Administrator
500 Whitehead Street-Room 302
Key West, FL 33040

ATTACHMENT "A"