

# How to Become A Florida Supreme Court Certified Mediator

## Step By Step Guide



In order to assist applicants, the Florida Dispute Resolution Center has created the following guide which outlines the mediator certification qualifications and application process for county, family, dependency, circuit and appellate mediation.

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## Attachment A- Mediator Qualifications Florida Rules for Certified and Court-Appointed Mediators

### **Rule 10.100. Certification Requirements**

- (a) **General.** For certification as a county court, family, circuit court, dependency, or appellate mediator, a mediator must be at least 21 years of age and be of good moral character. For certification as a county court, family, circuit court, or dependency mediator, one must have the required number of points for the type of certification sought as specifically required in rule 10.105.
  
- (b) **County Court Mediators.** For initial certification as a mediator of county court matters, an applicant must have at least a high school diploma or a General Equivalency Diploma (GED) and 100 points, which shall include:
  - (1) 30 points for successful completion of a Florida Supreme Court certified county court mediation training program;
  - (2) 10 points for education; and
  - (3) 60 points for mentorship.
  
- (c) **Family Mediators.** For initial certification as a mediator of family and dissolution of marriage issues, an applicant must have at least a bachelor's degree and 100 points, which shall include, at a minimum:
  - (1) 30 points for successful completion of a Florida Supreme Court certified family mediation training program;
  - (2) 25 points for education/mediation experience; and
  - (3) 30 points for mentorship.

Additional points above the minimum requirements may be awarded for completion of additional education/mediation experience, mentorship, and miscellaneous activities.

- (d) **Circuit Court Mediators.** For initial certification as a mediator of circuit court matters, other than family matters, an applicant must have at least a bachelor's degree and 100 points, which shall include, at a minimum:
  - (1) 30 points for successful completion of a Florida Supreme Court certified circuit mediation training program;
  - (2) 25 points for education/mediation experience; and
  - (3) 30 points for mentorship.

Additional points above the minimum requirements may be awarded for completion of additional education/mediation experience, mentorship, and miscellaneous activities.

- (e) **Dependency Mediators.** For initial certification as a mediator of dependency matters, as defined in Florida Rule of Juvenile Procedure 8.290, an applicant must have at least a bachelor's degree and 100 points, which shall include, at a minimum:
- (1) 30 points for successful completion of a Florida Supreme Court certified dependency mediation training program;
  - (2) 25 points for education/mediation experience; and
  - (3) 40 points for mentorship.

Additional points above the minimum requirements may be awarded for completion of additional education/mediation experience, mentorship, and miscellaneous activities.

- (f) **Appellate Mediators.** For initial certification as a mediator of appellate matters, an applicant must be a Florida Supreme Court certified circuit, family or dependency mediator and successfully complete a Florida Supreme Court certified appellate mediation training program<sup>1</sup>.
- (g) **Senior Judges Serving As Mediators.** A senior judge may serve as a mediator in a court-ordered mediation only if certified by the Florida Supreme Court as a mediator for that type of mediation.
- (h) **Referral for Discipline.** If the certification or licensure necessary for any person to be certified as a family or circuit mediator is suspended or revoked, or if the mediator holding such certification or licensure is in any other manner disciplined, such matter shall be referred to the Mediator Qualifications Board for appropriate action pursuant to rule 10.800.
- (i) **Special Conditions.** Mediators who are certified prior to August 1, 2006, shall not be subject to the point requirements for any category of certification in relation to which continuing certification is maintained.

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<sup>1</sup> Rule 9.730, Florida Rules of Appellate Procedure, regarding appointment of mediators

(a) Appointment by Agreement. Within 10 days of the court order of referral, the parties may file a stipulation with the court designating a mediator certified as an appellate mediator pursuant to rule 10.100(f), Florida Rules for Certified and Court-Appointed Mediators. Unless otherwise agreed to by the parties, the mediator shall be licensed to practice law in any United States jurisdiction. (b) Appointment by Court. If the parties cannot agree upon a mediator within 10 days of the order of referral, the appellant shall notify the court immediately and the court shall appoint a certified appellate mediator selected by such procedure as is designated by administrative order. The court shall appoint a certified appellate mediator who is licensed to practice law in any United States jurisdiction, unless otherwise requested upon agreement of the parties.

**Rule 10.105. Point System Categories**

- (a) Education. Points shall be awarded in accordance with the following schedule (points are only awarded for the highest level of education completed and honorary degrees are not included):

High School Diploma/GED	10 points
Associate's Degree	15 points
Bachelor's Degree	20 points
Master's Degree	25 points
Master's Degree in Conflict Resolution	30 points
Doctorate (e.g., Ph.D., J.D., M.D., Ed.D., LL.M)	30 points
Ph.D. from Accredited Conflict Resolution Program	40 points

An additional five points will be awarded for completion of a graduate level conflict resolution certificate program in an institution which has been accredited by Middle States Association of Colleges and Schools, the New England Association of Schools and Colleges, the North Central Association of Colleges and Schools, the Northwest Association of Schools and Colleges, the Southern Association of Colleges and Schools, the Western Association of Schools and Colleges, the American Bar Association, or an entity of equal status.

- (b) Mediation Experience. One point per year will be awarded to a Florida Supreme Court certified mediator for each year that mediator has mediated at least 15 cases of any type. In the alternative, a maximum of five points will be awarded to any mediator, regardless of Florida Supreme Court certification, who has conducted a minimum of 100 mediations over a consecutive five-year period.
- (c) Mentorship. Ten points will be awarded for each supervised mediation completed of the type for which certification is sought and five points will be awarded for each mediation session of the type for which certification is sought which is observed.
- (d) Miscellaneous Points.
- (1) Five points shall be awarded to applicants currently licensed or certified in any United States jurisdiction in psychology, accounting, social work, mental health, health care, education, or the practice of law or mediation. Such award shall not exceed a total of five points regardless of the number of licenses or certifications obtained.
  - (2) Five points shall be awarded for possessing conversational ability in a foreign language as demonstrated by certification by the American Council on the Teaching of Foreign Languages (ACTFL) Oral Proficiency Test, qualification as a court interpreter, accreditation by the American Translators Association, or approval as a sign language interpreter by the Registry of Interpreters for the Deaf. Such award shall not exceed a total of five points regardless of the number of languages in which the applicant is proficient.

- (3) Five points shall be awarded for the successful completion of a mediation training program (minimum 30 hours in length) which is certified or approved by a jurisdiction other than Florida and which may not be the required Florida Supreme Court certified mediation training program. Such award shall not exceed five points regardless of the number of training programs completed.
- (4) Five points shall be awarded for certification as a mediator by the Florida Supreme Court. Such award shall not exceed five points per category regardless of the number of training programs completed or certifications obtained.

### Committee Notes

The following table is intended to illustrate the point system established in this rule. Any discrepancy between the table and the written certification requirements shall be resolved in favor of the latter.

Points Needed Per Area of Certification		Minimum Points Required in Each Area
County	100	30 certified county mediation training; 10 education (minimum HS Diploma/GED); 60 mentorship
Family	100	30 certified family mediation training; 25 education/mediation experience (minimum Bachelor's Degree <sup>2</sup> ); 30 mentorship [and requires 15 additional points]
Dependency	100	30 certified dependency mediation training; 25 education/mediation experience (minimum Bachelor's Degree <sup>3</sup> ); 40 mentorship [and requires 5 additional points]
Circuit	100	30 certified circuit mediation training, 25 education/mediation experience (minimum Bachelor's Degree <sup>4</sup> ); 30 mentorship; [and requires 15 additional points]
Appellate		For initial certification as a mediator of appellate matters, an applicant must be a Florida Supreme Court certified circuit, family or dependency mediator and successfully complete a Florida Supreme Court certified appellate mediation training program <sup>5</sup> .

<sup>2</sup>In order to amass the 25 education/mediation experience point minimum for family, dependency or circuit court certification, one must have either:

A) a Master's Degree or higher; OR B) a Bachelor's Degree (20 points) **and** have substantial mediation experience (yielding at least 5 points) or have earned a graduate certificate in Conflict Resolution (5 points).

<sup>3</sup> See #2 above

<sup>4</sup> See #2 above

A) a Master's Degree or higher; OR B) a Bachelor's Degree (20 points) **and** have substantial mediation experience (yielding at least 5 points) or have earned a graduate certificate in Conflict Resolution (5 points).

<sup>5</sup> Rule 9.730, Florida Rules of Appellate Procedure, regarding appointment of mediators who are licensed to practice law

(a) Appointment by Agreement. Within 10 days of the court order of referral, the parties may file a stipulation with the court designating a mediator certified as an appellate mediator pursuant to rule 10.100(f), Florida Rules for Certified and Court-Appointed Mediators. Unless otherwise agreed to by the parties, the mediator shall be licensed to practice law in any United States jurisdiction. (b) Appointment by Court. If the parties cannot agree upon a mediator within 10 days of the order of referral, the appellant shall notify the court immediately and the court shall appoint a certified appellate mediator selected by such procedure as is designated by administrative order. The court shall appoint a certified appellate mediator who is licensed to practice law in any United States jurisdiction, unless otherwise requested upon agreement of the parties.

<b>Education/Mediation Experience (points awarded for highest level of education received)</b>			
HS Diploma/GED	10 points	Master's Degree in Conflict Resolution	30
Associate's Degree	15 points	Doctorate (e.g., JD, MD, PhD, EdD, LLM)	30
Bachelor's Degree	20 points	Ph.D. from accredited CR Program	40
Master's Degree	25 points	Graduate Certificate CR Program	+5
Florida certified mediator: 1 point per year in which mediated at least 15 mediations (any type) OR any mediator: – 5 points for minimum of 100 mediations (any type) over a 5 year period			

<b>Mentorship- must work with at least 2 different certified mediators and must be completed for the type of certification sought</b>	
Observation	5 points each session
Supervised Mediation	10 points each complete mediation

<b>Miscellaneous Points</b>	
Licensed to practice law, psychology, accounting, social work, mental health, health care, education or mediation in any US jurisdiction	5 points (total)
Florida Certified Mediator	5 points (total)
Foreign Language Conversational Ability as demonstrated by certification by ACTFL Oral Proficiency Test; qualified as a court interpreter; or accredited by the American Translators Association; Sign Language Interpreter as demonstrated by approval by the Registry of Interpreters for the Deaf	5 points (total)
Completion of additional mediation training program (minimum 30 hours in length) certified/approved by a state or court other than Florida	5 points (total)

# Attachment B

## Certified Mediation Training Providers

The mediation training programs listed below have been certified by the Supreme Court of Florida in accordance with the Mediation Training Standards and Procedures. Once you have completed a certified mediation training program, an application for certification will be provided to you.

**Contact training providers directly for their schedules.**

**Direct links to trainer websites are located at [www.flcourts.org](http://www.flcourts.org) - select ADR/Mediation**

### Appellate Mediation Training

Dunlap Mediation	(Eric D. Dunlap, Esquire)	(321) 230-3088 (Altamonte Springs)
Mediation Services, Inc.	(Melvin Rubin, Esquire)	(305) 446-4345 (Miami)
Mediation Training Center	(Perry Itkin, Esquire)	(954) 567-9746 (Fort Lauderdale)
Mediation Training Group, Inc.	(Susan Dubow & Dr. Elinor Robin)	(561) 241-0413 (Boca Raton)
USF Conflict Resolution Collaborative	(Michael Orfinger, Esquire)	(800) 852-5362 (Tampa)

### County Mediation Training

Alternative Dispute Resolution Services	(Christopher M. Shulman, Esquire)	(813) 935-9922 (Tampa)
Conflict Resolution Academy	(Carol Rice)	(770) 435-5009 (Atlanta)
Matthew L. Cersine, Esquire		(407) 592-7326 (Orlando)
Dispute Resolution Center	( <i>Court-sponsored trainees only</i> )	(850) 921-2910 (Tallahassee)
Dunlap Mediation	(Eric D. Dunlap, Esquire)	(321) 230-3088 (Altamonte Springs)
Institute of Conflict Resolution & Communication (Alexia Georgakopoulos, Ph.D)		(561) 703-9875 (Boca Raton)
Toby Isaacson, Esquire		(727) 579-4600 (St. Petersburg)
Mediation Training Group, Inc.	(Susan Dubow & Dr. Elinor Robin)	(561) 241-0413 (Boca Raton)
Arve Wikstrom, J.D.		(407) 538-5509 (Orlando)

### Circuit Mediation Training

Alternative Dispute Resolution Services	(Christopher M. Shulman, Esquire)	(813) 935-9922 (Tampa)
Charles N. Castagna		(727) 446-4221 (Clearwater)
Davis Mediation Firm	(Donovan D. Davis, Esquire)	(407) 448-3665 (Orlando)
Dunlap Mediation	(Eric D. Dunlap, Esquire)	(321) 230-3088 (Altamonte Springs)
Mediation Education, LLC	(Hal Wotitzky, Esq. & Stephan Widmeyer, Esq)	(941) 575-9666 (Punta Gorda)
Mediation Services, Inc.	(Melvin Rubin, Esquire)	(305) 446-4345 (Miami)
Mediation Training Center	(Perry Itkin, Esquire)	(954) 567-9746 (Fort Lauderdale)
Mediation Training Group, Inc.	(Susan Dubow & Dr. Elinor Robin)	(561) 241-0413 (Boca Raton)
USF Conflict Resolution Collaborative	(Jim Williams, Esquire)	(800) 852-5362 (Tampa)
Nancy Neal Yeend		(650) 857-9191 (Los Altos, CA)

### Dependency Mediation Training

David Wolfson, Esquire		(850) 557-4448 (Tallahassee)
USF Conflict Resolution Collaborative	(Dr. Gregory Firestone)	(800) 852-5362 (Tampa)

### Family Mediation Training

Institute of Conflict Resolution & Communication (Alexia Georgakopoulos, Ph.D)		(561) 703-9875 (Boca Raton)
Mediation Services, Inc.	(Melvin Rubin, Esquire)	(305) 446-4345 (Miami)
Mediation Training Center	(Perry Itkin, Esquire)	(954) 567-9746 (Fort Lauderdale)
Mediation Training Group, Inc.	(Susan Dubow & Dr. Elinor Robin)	(561) 241-0413 (Boca Raton)
USF Conflict Resolution Collaborative	(Dr. Gregory Firestone)	(800) 852-5362 (Tampa)

## Attachment C Mentorship Requirements

Mentorship shall include observing mediations conducted by certified mediators and conducting mediations under the supervision and observation of certified mediators. The mentorship requirements for those seeking certification shall be performed in a manner consistent with the following requirements:

The responsibility of structuring a mentorship rests with each trainee. The trainee shall not receive any fees for any case which the trainee utilizes to complete the required mentorship.

All duly certified mediators are required to allow, upon request, a minimum of two mediation observations or supervised mediations per year. The certified mediator shall not charge the trainee any fees to observe a mediation conducted by the certified mediator, but may charge a reasonable fee for observing and supervising a trainee while the trainee conducts a mediation. In addition, the certified mediator shall be entitled to any compensation paid for the mediation.

The certified mediator shall remain in control of the case.

In order for an applicant to be awarded mentorship points, the applicant must work with at least two different certified mediators and the mediations involved must be of the type for which certification is sought.

The confidentiality and privileges provided in the Mediation Confidentiality and Privilege Act, shall apply when a trainee serves as a mediator, comediator, or observer.

Ten points will be awarded for each completed supervised mediation and five points for each mediation session observed.

State-funded trial court mediation programs shall assist trainees in completing their mentorship requirements.

Applicants shall provide original signatures of all mentors in relation to all mentorship activity claimed.

### *Mediation Observations*

For each observation required for certification, the trainee must observe an entire session of the type of mediation for which certification is sought, conducted by a certified mediator of the type for which certification is sought. The observation requirement shall not be satisfied by any individual who is a party, participant, or representative in the mediation. A trainee may not fulfill the observation



requirements before beginning a certified mediation training program. The observation requirement may be completed prior to the conclusion of the certified mediation training program. An appellate or pre-suit mediation which is or would have been the type of mediation for which certification is sought if it had been filed in a trial court and if conducted by a certified mediator of the type for which certification is sought may be utilized for observation purposes. A federal court mediation conducted by a certified circuit mediator may be utilized to fulfill a circuit mentorship. Administrative agency mediation conducted under rules and procedures other than that of the state trial courts may not be utilized to fulfill the mentorship requirements.

### *Supervised Mediations*

The requirement that the trainee conduct a mediation under the supervision and observation of a certified mediator may be fulfilled by the trainee co-mediating with a certified mediator, only if, in the opinion of the certified mediator, the trainee had a significant impact on the outcome of or made a substantial contribution to the mediation. At the conclusion of the mediation, the mentor shall determine if the trainee had a significant impact on the outcome of or made a substantial contribution to the mediation. If so, it may qualify as a “supervised” mediation. If not, it will qualify only as an observation.

For purposes of the requirement to conduct mediations, mediation is defined as a complete case, which may consist of multiple sessions. The entire mediation shall be mediated or observed by a certified mediator of the type for which certification is sought. In the event the trainee is only able to participate in a single session of a multi-session mediation, such participation qualifies as an observation regardless of the trainee’s level of participation. An appellate or pre-suit mediation which is or would have been the type of mediation for which certification is sought if it had been filed in a trial court and if conducted by a certified mediator of the type for which certification is sought may be utilized for the requirements to conduct mediations under observation and supervision. A federal court mediation conducted by a certified circuit mediator may be utilized to fulfill a circuit mentorship. Administrative agency mediation conducted under rules and procedures other than that of the state trial courts may not be utilized to fulfill the mentorship requirements.

## Attachment D CME Requirements for Certified Mediators AOSC11-1

### **Continuing Mediator Education**

The purpose of continuing mediator education (CME) shall be to enhance the participant's professional competence as a mediator. The requirement of CME and the reporting thereof shall apply to all certified mediators seeking renewal and shall be fulfilled in accordance with the following procedures.

### **General Requirement**

To qualify as Continuing Mediation Education (CME), a course or activity shall have significant, current intellectual or practical content and shall constitute an organized program of learning directly related to the practice of mediation. CME shall be conducted by an individual or group qualified by practical or academic experience.

All certified mediators (mediators) must complete a minimum of:

1. Generally: Sixteen hours of CME, which shall include a minimum of four hours of mediator ethics, a minimum of two hours of domestic violence education, and a minimum of one hour of diversity/cultural awareness education in each two year renewal cycle, including the two years following initial certification.
2. Family and Dependency: Family and dependency mediators must complete an additional two hours of the required 16 hours in domestic violence education per each renewal cycle, for a total of four hours.
3. Appellate: Appellate mediators must complete no less than four hours of appellate mediation specific education. This may be part of or in addition to the required 16 hours per each renewal cycle of the underlying certification.

Mediators who are certified in more than one area must complete sixteen hours of CME applicable to each of their areas of certification. Hours completed may be utilized toward more than one area of certification if the subject matter is relevant to each field of certification. For example, courses on such topics as mediator ethics, domestic violence, and general mediation skills may be credited to any or all of the areas of certification.

At a minimum, fifty percent of the required CME hours must be satisfied by attendance, not as a lecturer or presenter, at a live lecture, live seminar, or an audio/video playback of a seminar attended by a group that discussed the materials presented. Interactive Internet presentations may be counted as attendance at a live lecture. Non-interactive Internet presentations shall be applied toward the audio-visual category. A maximum of four hours of CME may be earned through mentoring as defined above.

Mentoring activities cannot be applied toward the required ethics, diversity/cultural awareness, or domestic violence CME components.

Continuing education completed for another profession's continuing education requirement may be used as CME if the material bears directly on the mediator's mediation practice and complies with the CME guidelines set forth in this order.

Mediator certification shall not be renewed until all CME requirements are completed.

### **Definition**

A CME hour is defined as fifty minutes. CME may be completed during the mediator's renewal cycle in any of the following formats:

- (1) attending a live lecture or seminar;
- (2) listening to or viewing an audio or video presentation of a lecture or seminar with a group, and participating in a discussion of the materials presented;
- (3) listening to or viewing audio or video presentations;
- (4) serving as a mentor pursuant to rule 10.100, Florida Rules for Certified and Court-Appointed Mediators;
- (5) participating in Internet presentations;
- (6) lecturing or teaching in CME courses;
- (7) authoring or editing written materials submitted for publication that have significant intellectual or practical content directly related to the practice of mediation; and
- (8) successfully completing a self-directed program that is qualified for continuing education credit by a governmental licensing board.

### **Reporting Requirements**

Mediators must maintain proof of attendance at CME programs or other appropriate documentation and must report their CME at the end of each two-year renewal cycle on the Center's renewal form. The mediator shall be responsible for maintaining all records relating to CME, which records shall be subject to audit. In addition, the mediator must certify that he or she has read the current Florida mediation rules; Chapter 44, Florida Statutes; and other relevant statutes.

Any CME hours completed may be utilized for only one renewal cycle. Hours in excess of the minimum requirement shall not be carried forward to the next renewal cycle.

Attending and lecturing or teaching at the same CME presentation will not entitle a mediator to additional credit. This prohibition against repeat attendance shall not apply to annual conferences and yearly updates.

If all other qualifications for renewal are satisfied and all fees paid or waived, but a mediator is deficient in CME credits, the mediator shall be notified in writing and certification shall be continued for ninety days from the notice of noncompliance. During those ninety days, the mediator shall complete all remaining CME requirements to be eligible for renewal.