

THE QUESTION:

I am interested in proposing some T.V. programming here in Miami. My thought was to set up a program much like Judge Wampler's [sic] show but instead of having a judge decide the outcome, that parties would do so with aid of a qualified mediator.

There are several questions that come to mind. First, is the procedure ethical? And second, if the parties waive all rights to confidentiality, is this something that is doable?

Initially, the program would "play-act" factual matters using fictitious names and issues to capture the public interest. Thereafter, with a favorable response we would select parties and their problems that would generate additional subjects to mediate.

This is on the cutting edge of the law, but it could substantially reduce the several courts' case loads [sic]

Please have the Advisory Panel deal with these issues expeditiously and advise me of their conclusions.

Many thanks for your courtesy and cooperation, and with best wishes, I am

Very truly yours,

Certified Circuit Mediator
Southern Division

SUMMARY OF THE OPINION:

The panel believes that if the parties are informed of their statutory right to confidentiality and they waive that right, there is no ethical violation.

AUTHORITY REFERENCED:

Rules: Florida Rules for Certified and Court-Appointed Mediators -
10.080

Chapter 44, Florida Statutes -
44.102(3)

OPINION:

The panel cannot furnish a complete answer to your question regarding the ethics of the television program you suggest because not enough information is furnished in your letter; however, the panel believes that if the parties are informed of their statutory right to confidentiality and they waive that right, there is no ethical violation. See section 44.102(3), Florida Statutes, and rule 10.080. If the program does not accurately represent the mediation process, there would be an ethical violation.

Date

Charles Rieders, Panel Chair