

Advisory Opinion**MEAC 2011-010**

Mediator Ethics Advisory Committee

c/o Florida DRC, Supreme Court Building, 500 S. Duval Street, Tallahassee, FL 32399

September 27, 2011

The Question:

I would appreciate an ethics opinion on whether it is appropriate for a mediator who has completed a Supreme Court certified county mediation training but is not yet certified to advertise him/herself as listed below? Would your answer differ if the person was or was not in the process of seeking county court certification?

The use of this reference appears automatically in email communications, business cards and advertisements and on the individual's resume.

Name of Individual
Florida Supreme Court-
County Court Trained Mediator

Submitted by Certified County Mediator
Central Division

Authorities Referenced

Rule 10.610 Marketing Practices, Florida Rules for Certified and Court-Appointed Mediators
MEAC Opinion 2002-003

Summary

It is misleading and inappropriate for a mediator who has completed a Florida Supreme Court mediation training but is not yet certified to advertise him/herself as Florida Supreme Court County Court "Trained" Mediator.

Opinion

Florida Supreme Court "trained" mediator is not one of the categories of mediators designated by the Supreme Court and may mislead the public to believe such a mediator is certified or has some other special or recognized status. Someone not certified should use neither the terms "Florida Supreme Court" nor "trained" in their advertising for this reason.

The Committee's answer to the question above does not differ if the person is in the process of seeking mediator certification.

The prohibition on misleading marketing practices is specifically covered in Rule 10.610 Marketing Practices, which precludes misleading advertising in addition to false advertising. Further, the MEAC has previously considered generic designations in MEAC Opinion 2002-003 and found them to be in violation of the Rules. It is the opinion of this Committee that the term “trained” is included in those generic designations which are prohibited due to their misleading nature.

Date

Beth Greenfield-Mandler, Committee Chair