

## *Advisory Opinion*

MEAC 2010-003

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

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August 24, 2010

### **The Question**

My questions concern my mediation company called “Private Judges, Inc.”

1. Am I still in violation of the Rules if I continue to use that title after 20 years?
2. Is there anything on the enclosed business card that violates any Rules?  
(Not reprinted here for confidentiality purposes.)

### **Business Card**

**PRIVATE JUDGES, INC.**  
Mediation Arbitration litigation  
Judge XXXXX  
*Retired*  
Phone, fax, address and website listed

Certified Circuit Court Mediator  
Southern Division

### **Authorities Referenced**

Rule 10.610(d), Florida Rules for Certified and Court-Appointed Mediators  
Commentary to Rule 10.610, Florida Rules for Certified and Court-Appointed Mediators  
Florida Supreme Court Opinion SC09-1384

### **Summary**

The use of the word “judge” in the title of the mediator’s company, as depicted on stationery, business cards, the title of a website homepage, and other marketing materials is prohibited.

### **Opinion**

Question One: Am I still in violation of the Rules if I continue to use that title after 20 years?

Question Two: Is there anything on the mediator’s business card that violates any Rules?  
(Note: The business card was provided but is not reproduced here for confidentiality purposes.)

Note: Because the Committee feels the answer to both questions is the same, they have been noted together above.

The use of the word “judge” in the title of the mediator’s company, as depicted on stationery, business cards, the title of a website homepage, and other marketing materials is specifically noted as a prohibition in the Supreme Court’s opinion in SC09-1384 (April 1, 2010) as they interpret the commentary following the revised Rule 10.610:

*“The mediator may not appear in judicial robes in an advertisement for his or her mediation services; the mediator may also not use the title ‘judge’ with or without modifiers to the mediator’s name in any advertisement. Indeed, the use of the title judge in any marketing practice, **including, but not limited to, letterhead and business cards, is inappropriate.** However, an accurate representation of the mediator’s judicial experience in references to background and experience **in bios and résumés would not be inappropriate [emphasis added].”***

Further, newly revised Rule 10.610(d) states: “Any marketing practice is misleading if the mediator states or implies that prior adjudicative experience, including, but not limited to, service as a judge, magistrate, or administrative hearing officer, makes one a better or more qualified mediator.”

The restriction on the use of the term “judge” or “judges” is explained further in the Commentary to the 2010 Revision to Rule 10.610 which states in part, “The roles of a mediator and adjudicator are fundamentally distinct... When engaging in any mediation marketing practice a former adjudicative officer should not lend the prestige of the judicial office to advance private interests ... the use of the word “judge” with or without modifiers to the mediator’s name would be inappropriate.”

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Date

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Beth Greenfield-Mandler, Committee Chair