

February 13, 2004

THE QUESTION

I was recently informed that county mediators were informing participants what they believed the county judge would rule in their case. A county judge confirmed/encourage this practice.

Is there an exception to the Standards of Professional Conduct Rule 10.370(c) for county mediators?

Certified Family Mediator  
Central Division

AUTHORITY REFERENCED

Rules 10.200, 10.310, 10.330, and 10.370(c), Florida Rules for Certified and Court-Appointed Mediators

SUMMARY

All of the Standards of Professional Conduct for Mediators found in Part II, Florida Rules for Certified and Court-Appointed Mediators, are applicable to all types of certified and court-appointed mediators. Thus, there is no exception for county mediators in relation to the provision prohibiting mediators from predicting how the court will decide a case.

OPINION

Rule 10.200, entitled "Scope and Purpose" makes Part II (Standards of Professional Conduct) applicable to all certified and court-appointed mediators. Rule 10.370(c) prohibits a mediator from offering a "personal or professional opinion as to how the Court in which the case has been filed will resolve the dispute." This provision was adopted to support party self-determination, rule 10.310, and mediator impartiality, rule 10.330, which are fundamental to the mediation process. The committee finds no exception to rule 10.370(c) for county court mediators.

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Date

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Fran Tetunic, Committee Chair