

**THE ELEVENTH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FLORIDA**

**CASE NO. 18-01
(Court Administration)**

**ADMINISTRATIVE ORDER
NO. 94-19 A1
(Amending AO No. 94-19)**

**IN RE: AMENDMENTS TO
ADMINISTRATIVE ORDER NO. 94-19
DUE TO COURT RULE CHANGES**

WHEREAS, pursuant to Administrative Order No. 94-19, executed by then-Chief Judge Leonard Rivkind on July 26, 1994, the Circuit established procedures for appointing mediators; and

WHEREAS, some of the legal authorities cited in Administrative Order No. 94-19 have been modified since 1994.

NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, under Rule 2.215, Florida Rules of Judicial Administration, Administrative Order No. 94-19 is hereby amended to rely upon the following legal authorities:

1. The reference to Florida Rule of Civil Procedure 1.720(f) is replaced with Rule 1.720(j).
2. Reliance on Florida Rule of Civil Procedure 1.943(d) is similarly modified to read as Florida Family Law Rules of Procedure Form 12.902.

Except as amended herein, all other terms and conditions of Administrative Order No. 94-19 remain in full force and effect.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, on this 25th April, 2018.

**BERTILA SOTO, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA**

ELEVENTH JUDICIAL CIRCUIT DADE
COUNTY, FLORIDA

CASE NO. 94-1
(Court Administration)

IN RE: PROCEDURES FOR
APPOINTMENT OF MEDIATORS
IN THE CIRCUIT COURT.

ADMINISTRATIVE ORDER
NO. 94-19

WHEREAS, Rule 1.720(f), Florida Rules of Civil Procedure, provides that a trial judge, who has entered an Order of Referral to Mediation, shall appoint a certified mediator whenever the parties cannot agree upon a mediator;

WHEREAS, it has been recommended that this Circuit appoint mediators exclusively on a strict rotation system, excepting only those cases where the court has established an in-house mediation program for use in specific cases or where the court has approved special mediation pilot projects;

NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, It is

ORDERED as follows:

1. Upon entry of an Order of Referral to Mediation, the trial judge shall furnish a copy of said Order to the Mediation Division as well as to the parties.

2. Within fifteen days (ten days plus an additional five days for mailing) from the date of an Order of Referral, the parties may agree to the designation of a certified mediator of their choice.

3. The plaintiff or petitioner shall file with the Clerk of the Court, within the time and period specified above, a Notice of Stipulation of Mediator which shall identify the name, address and telephone number of the mediator agreed upon. Copies of the Notice shall be served upon the parties, the agreed mediator, the Mediation Division of the Eleventh Judicial Circuit, and the trial judge's judicial assistant.

4. If the parties are unable to agree to a mediator within the specified period, the plaintiff or petitioner shall request the Mediation Division to appoint a mediator within five days thereafter. Such request must contain a certification by the plaintiff or petitioner that after a good faith effort, the parties were unable to agree upon a mediator. Together with a Request for Appointment of Mediator, the plaintiff or petitioner should provide to the Mediation Division a sufficient number of stamped addressed envelopes in order for the Division to serve a Notice of Designation of Mediator upon the parties and the selected mediator.

5. The Administrative Office of the Courts shall continue to maintain a list of certified mediators. Any certified mediator may make application, on a form provided by the Administrative Office of the Courts, to be included on said rotating list of certified mediators for appointment in general jurisdiction, family and probate cases in this circuit. Mediations shall be held in Dade County.

6. When court appointment of a mediator is required, the Mediation Division shall select a mediator from the list utilizing a blind rotation system. The Division shall keep a log of mediator assignments to ensure maintenance of this rotation system. The mediator assigned by the Division will be the designated mediator without further order of court. Mediators in the employ of Dade County shall not be included on the rotation list.

7. The trial judge shall appoint the court's in-house mediators from the Mediation Division for the following types of cases:

a) those involving indigents;

- (i) parties determined by the Clerk to qualify as indigent for filing purposes, pursuant to Chapter 57, Florida Statutes;
- (ii) parties declared indigent by written order of the trial judge after the filing of a financial affidavit substantially in compliance with Form 1.943(d), Florida Rules of Civil Procedure, and such further inquiry as the trial judge may deem appropriate;
- (iii) parties represented by Legal Aid, Legal Services of Greater Miami, or similar pro bono organizations.

b) those cases where Metropolitan Dade County is a party.

8. As an alternative to the appointment of a private mediator in family cases, the trial judge may appoint the court's in-house mediators from the Mediation Division for any family division case in accordance with the fee schedule as provided by existing administrative order.

9. As an alternative to the appointment of in-house mediators in family cases, the trial judge may permit the Pro Se Family Mediation Project, a one-year pilot project created by the Dade County Bar and the Florida Bar Foundation, to assign mediators in certain family cases. Under this option, the parties shall be responsible for the payment of fees in accordance with the fee schedule promulgated by the Project and otherwise in accordance with existing administrative order. The mediator selected by the Pro Se Family Mediation Project shall be deemed designated without further order of court.

10. The Chief Judge may, for good cause, remove a mediator from the rotating list of certified mediators eligible to receive court appointments in this circuit after affording the mediator an opportunity to be heard. Good cause shall include, but shall not be limited to, violations of the Florida Supreme Court Standards of Professional Conduct for Certified and Court-Appointed Mediators.

11. Sanctions may be imposed upon the failure of any party to comply with this Order.

This Administrative Order shall apply to all Orders of Referral entered on or after August 1, 1994. Administrative Order No. 92-39, entered in Case No. 92-1, shall be rescinded effective August 1, 1994.

DONE and ORDERED in Chambers at Miami, Dade County, Florida, this 26th day of July, 1994.

LEONARD RIVKIND, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA