

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

**CASE NO. 07-1
(Court Administration)**

**ADMINISTRATIVE ORDER
NO. 07-07
(Rescinding AO 5-03 and AO 5-03 A1)**

**IN RE: ESTABLISHING
PROCEDURES, REVISING ORDER,
CREATING AND MAINTAINING
QUALIFIED ARBITRATORS AND RE-
ESTABLISHING COMPENSATION
FOR COURT APPOINTED
ARBITRATORS**

WHEREAS, pursuant to Fla. R. Civ. P. 1.810 and 1.820, the Chief Judge of this Circuit, or his designee, has the authority and responsibility for establishing procedures for determining the time and the place of arbitration hearings and for establishing other procedures for the expeditious and orderly operation of such hearings; and

WHEREAS, section 44.103, Fla. Stat. (2007), concerning court-ordered, nonbinding arbitration, has been amended by the Florida Legislature thereby necessitating revisions to certain procedures and the order of referral followed in connection with court appointed arbitrators for this Circuit; and

WHEREAS, pursuant to Administrative Order No. 05-03, as amended, the Court established procedures for creating and maintaining the "Circuit's List of Qualified Arbitrator's" and established a reasonable rate of compensation for such arbitrators; and

WHEREAS, this Order consolidates all such procedures and the rate of compensation;

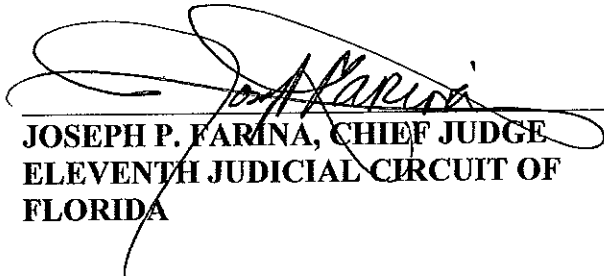
NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, it is hereby **ORDERED** that the following are hereby established as the procedures, order, and rate of compensation to be followed in connection with court appointed arbitrators:

1. Notice of Non-Binding Arbitration Hearing Procedures (Attached hereto as Attachment "A" and incorporated as if fully set forth herein)
2. Order of Referral to Non-Binding Arbitration (Attached hereto as Attachment "B" and incorporated as if fully set forth herein)

3. Official List of Qualified Arbitrators for the Eleventh Judicial Circuit (Attached hereto as Attachment "C" and incorporated as if fully set forth herein) Said list, to be made available to all judges of the Circuit, is comprised of qualified persons, who are certified as arbitrators by the State of Florida and have agreed to serve as arbitrators for the Circuit. Pursuant to the Fla. R. Civ. P. 1.810(a), the List may be revised or updated as the need arises by the Director of the Arbitration/Mediation Division of the Circuit, as the Chief Judge's designee.
4. Compensation-The compensation of arbitrators selected by the Court from the list of qualified arbitrators shall be at the rate of One Hundred Fifty Dollars (\$150.00) per hour. Such compensation shall be initially borne proportionally by each side unless otherwise agreed to by the parties or ordered by the Court. This cost may be taxed at the conclusion of the case pursuant to law.

This Administrative Order shall take effect on October 1, 2007, and shall remain in effect until further order of the Court. Administrative Order No. 5-03, entered on June 7, 2005 and Administrative Order No. 05-03 A1, entered on July 22, 2005, shall be rescinded in their entirety and held for naught on the effective date of this Order.

OCTOBER **DONE AND ORDERED** in Chambers at Miami-Dade, Florida, this 1st day of OCTOBER, 2007.


**JOSEPH P. FARINA, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF
FLORIDA**

ATTACHMENT "A"

NOTICE OF NON-BINDING ARBITRATION HEARING PROCEDURES

PLEASE READ CAREFULLY

AUTHORITY

A judge may refer any contested civil action filed in a circuit or county court to non-binding arbitration § 44.103, Fla. Stat.

DESCRIPTION

Non-binding arbitration is a quasi-judicial proceeding conducted in an informal setting. The presentation of testimony and evidence shall be kept to a minimum, and most matters are to be presented through the statements and argument of counsel. The arbitrator is a finder of fact and applier of law. The arbitrator functions as judge and jury. The arbitrator's decision is not binding if the parties subsequently choose to seek a trial.

See § 44.103 Fla. Stat. and Fla. R. Civ. P. 1.820(b).

DESIGNATION OF ARBITRATOR[S]

Arbitrators designated by the Court shall be selected from the list of certified arbitrators maintained by the Chief Judge or his designee pursuant to Fla. R. Civ. P. 1.810, and Administrative Order No. 07-07 Arbitrators shall comply with all ethical requirements set forth in the Florida Rules for Court Appointed Arbitrators.

COMMENCEMENT

The initial arbitration hearing shall be held within sixty (60) days of the signed referral order. Fla. R. Civ. P. 1.700(a). It is the responsibility of the chief arbitrator¹ to notify the parties in writing of the date, time, and place of all conferences and/or hearings unless the Order of Referral specifies the date, time and place. Fla. R. Civ. P. 1.700(a)(2).

POWER OF ARBITRATORS

An arbitrator, or the chief arbitrator of a panel, shall have authority to commence and adjourn the arbitration hearing, and carry out other such duties as are prescribed by

¹ In the case of a panel, one of the arbitrators shall be appointed as the chief arbitrator. Where there is only one arbitrator, that person shall be the chief arbitrator. Fla. R. Civ. P. 1.810. *See also* Fla. R. Arb. 11.010.

§ 44.103(4), Fla. Stat. The chief arbitrator shall not have authority to hold any person in contempt or in any way impose sanctions against any person. Fla. R. Civ. P. 1.820(a).

Any party to the arbitration may petition the court in the underlying action, for good cause shown, to authorize the arbitrator to issue subpoenas for the attendance of witnesses and for the production of books, records, documents, and other evidence at the arbitration and may petition the court for orders compelling such attendance and production at the arbitration. Subpoenas shall be served and shall be enforceable in the manner provided by law. See § 44.103(4), Fla. Stat.

CONDUCT OF HEARING

The arbitration hearing shall be conducted informally. Presentation of testimony shall be kept to a minimum, and matters shall be presented to the arbitrator primarily through the statements and arguments of counsel. Fla. R. Civ. P. 1.820(c). Also, a brief summary of the issues and facts shall be submitted to each arbitrator at least one (1) week before the arbitration hearing.

Individual parties or authorized representatives of corporate parties shall personally attend the arbitration hearing unless excused in advance by the chief arbitrator for good cause shown. Failure to appear without having been excused by the chief arbitrator or by the Court may result in the arbitrator rendering a decision based upon the evidence presented by parties in attendance.

COMPLETION

Arbitration shall be completed within thirty (30) days of the first arbitration hearing unless extended by order of the court on motion of the chief arbitrator or of a party. No extension of time shall be for a period exceeding sixty (60) days from the date of the first arbitration hearing. Fla. R. Civ. P. 1.820(g)(1).

DECISION AND TRIAL DE NOVO

At the conclusion of the presentation, the arbitrators[s] shall retire to consider and discuss the testimony and render a decision. The decision shall be reduced to writing and submitted to the parties within ten (10) days. Fla. R. Civ. P. 1.820(g)(3). The parties then shall have twenty (20) days from the date of service of the decision to move for trial. Fla. R. Civ. P. 1.820(h). If no such motion is made, the arbitration decision shall be final and shall be referred to the presiding judge who shall enter any orders or judgments as may be required to carry out the terms of the decision. Counsel is responsible for preparing and

submitting any proposed orders or judgments for this purpose. Fla. R. Civ. P. 1.820(h).

Upon motion made by either party within 30 days after entry of judgment, the court may assess costs against the party requesting a trial de novo, including arbitration costs, court costs, reasonable attorney's fees, and other reasonable costs such as investigation expenses and expenses for expert or other testimony which were incurred after the arbitration hearing and continuing through the trial of the case in accordance with the guidelines for taxation of costs as adopted by the Supreme Court.

If a party in non-binding arbitration is not satisfied with the award and seeks a trial, as allowed, the party does so at the peril of having to pay all arbitration costs, court costs, attorneys' fees, investigation expenses for expert testimony or evidence, and other "reasonable costs" if the ultimate decision is not "more favorable than the arbitration decision." Specifically, if a plaintiff or petitioner requests a trial de novo after arbitration and obtains a judgment at trial which is at least Twenty-five (25) percent less than the arbitration award, then costs and attorney's fees shall be set off against the award. In addition, when the costs and attorney's fees total more than the amount of the judgment, the court shall enter judgment for the defendant against the plaintiff for the amount of the costs and attorney's fees, less the amount of the award to the plaintiff. Similarly, a defendant who files for a trial de novo may be liable for the plaintiffs' attorney's fees and costs if the judgment entered against the defendant is at least Twenty-five (25) percent more than the arbitration award. See, § 44.103(6), Fla. Stat.

ATTACHMENT "B"

IN THE CIRCUIT COURT FOR THE
11TH JUDICIAL CIRCUIT IN AND
FOR MIAMI-DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO.:

Plaintiff,

vs.

Defendant.

_____ /

ORDER OF REFERRAL TO NON-BINDING ARBITRATION

THIS COURT has reviewed its docket and the case file in this matter and has determined that this cause is appropriate for non-binding arbitration. Accordingly, pursuant to § 44.103, Florida Statutes, Fla. R. Civ. P. 1.700, 1.800, 1.1810 and 1.820 and upon this Court's own motion, and/or upon motion or stipulation of the parties, it is **ORDERED** as follows:

1. This case is referred to non-binding arbitration on all issues, including attorney's fees and costs.

2. Within fifteen (15) days after service of the "Order of Referral to Non-Binding Arbitration," the parties may agree upon the designation of one (1) or a panel of three (3) qualified arbitrators. If the parties are able to agree upon the designation of an arbitrator or a panel of arbitrators, the plaintiff or petitioner shall, within the time period set forth above, file with the Clerk of the Court, and with the arbitrator(s) contingently designated in paragraph three (3) below, a "Notice of Stipulation of Arbitrator(s)" which shall identify the name, address and the telephone number of the arbitrator or arbitrators agreed upon.

3. In the event the parties are unable to agree upon the designation of one or more qualified arbitrators within the period specified in paragraph two (2) of this Order and fail to timely file the "Notice of Stipulation of Arbitrator(s)," the Court designates and appoints _____, whose address is _____ and phone number is (____) _____ to serve as arbitrator in the case.

4. Court ordered non-binding arbitration shall be conducted in an informal manner. The presentation of testimony and evidence shall be kept to a minimum, and most matters are to be presented through the statements and argument of counsel.

5. Upon motion for good cause, the parties may petition the court to stay proceedings, pending arbitration.

6. The compensation of arbitrators selected by the Court from the list of qualified arbitrators shall be at the rate of One Hundred Fifty Dollars (\$150.00) per hour. The cost shall be initially borne proportionally by each side unless otherwise agreed to by the parties or ordered by the Court. The cost may be taxed at the conclusion of the case pursuant to law.

7. Further, if a plaintiff or petitioner moves for a trial de novo after arbitration and obtains a judgment at trial which is at least Twenty-five (25) percent less than the arbitration award, then costs and attorney's fees shall be set off against the award. In addition, when the costs and attorney's fees total more than the amount of the judgment, the court shall enter judgment for the defendant against the plaintiff for the amount of the costs and attorney's fees, less the amount of the award to the plaintiff. Similarly, a defendant or respondent who moves for a trial de novo may be liable for the plaintiffs' attorney's fees and costs if the judgment entered against the defendant is at least Twenty-five (25) percent more than the arbitration award.

8. The procedures attached hereto, entitled "Notice of Non-binding Arbitration Hearing Procedures," are hereby incorporated into this Order and made a part hereof and shall be complied with by all persons subject to this Order.

DONE AND ORDERED at Miami-Dade County, Florida this ____ day of _____, 200__.

Circuit Court Judge

cc: All Parties

ATTACHMENT "C"

OFFICIAL LIST OF QUALIFIED ARBITRATORS FOR THE ELEVENTH JUDICIAL CIRCUIT

Pursuant to Administrative Order No. 07-07, the Director of the Mediation/Arbitration Division of the Administrative Office of the Courts promulgates the following list of qualified arbitrators for the court appointment in the circuit:

Aguerrebere, Juan, Jr
2121 Ponce De Leon Blvd
Suite 650
Coral Gables, Florida 33134
(305) 567-0150

Anania, Ronald J.
10910 S.W. 10th Court
Davie, Florida 33324
(954) 476-9616

Areadier, Mauricio
9130 South Dadeland Blvd
Suite 1218
Miami, Florida 33156
(305) 668-8311

Ballman, Donna
4801 South University Drive
Suite 3010
Ft. Lauderdale, Florida 33328
(954) 680-6669

Barnet, Lionel
9100 South Dadeland Blvd
Suite 404
Miami, Florida 33156
(305) 670-7887

Bayer, Theodore R.
9400 South Dadeland Blvd.
Suite 300
Miami, Florida 33156
(305) 670-6300

Berkman, Jason M.
407 Lincoln Road
Penthouse Southeast
Miami Beach, Florida 33139-3008
(305) 534-4757

Blitman, Bruce A.
9050 Pines Blvd
Suite 450
Pembroke Pines, Florida 33024
(305) 437-3446

Bloom, Anne
1140 N. W. 100th Way
Ft. Lauderdale, Fl 33322
(305) 926-8801

Canner, Gary F.
U.S. Court of Appeals
51 S. W. 1st Av.
Suite 1304
Miami, Florida
(305) 714-1901

Capo, Amanda
Post Office Box 4837
Carolina, PR 00987-4837
(787) 289-7821

Chiquito, Kathiuzka K.
10773 N.W. 58th Street
Suite 81
Miami, Florida 33178
(305) 303-3494

Ciravolo, Rick G.
19 West Flagler Street
Suite 1100
Miami, Florida 33130
(305) 375-8100

Cohen, Lewis H.
200 Berkley Road
Suite 115
Miami, Florida 33024-1171
(305) 894-4801

Cook, Philip
7865 S. W. 126th Terrace
Miami, Florida 33156
(305) 238-4063

Feder, Gary N.
Post Office Box 249177
Coral Gables, Florida 33124-9177
(305) 667-7100

Feiler Schwartz, Loree
7685 S. W. 104th Street
Suite 200
Miami, Florida 33156
(305) 670-2112

Feldman, Elaine
9301 S. W. 62nd Court
Miami, Florida 33156
(305) 666-3839

Ferdie, Anislee R.
717 Ponce De Leon Blvd
Suite 215
Coral Gables, Florida 33134-2084
(305) 445-3557

Fernandez, Luis Lucas
711 S. W. 28th Road
Miami, Florida 33129
(305) 285-2401

Fernandez, Ricardo J.
3195 S. W. 3rd Av
Miami, Florida 33129
(305) 858-7800

Fingar, Michael J.
Post Office Box 812395
Boca Raton, Florida 33481
(561) 988-6252

Finkel, J. M.
28 West Flagler Street
Suite 330
Miami, Florida 33130
(305) 379-7538

Fletcher, Paul G.
1500 South Dixie Highway
Suite 200
Coral Gables, Florida 33146
(305) 661-6125

Gale, John G.
1001 Brickell Bay Drive
Suite 1508
Miami, Florida 33131-4938
(305) 536-0106

Garrido, Jorge L.
1025 Hardee Road
Coral Gables, Florida 33146
(305) 778-7041

Ginsburg, Lisa R.
8020 N. W. 7th Avenue
Miami, Florida 33156
(305) 691-7300

Gladstone, William E.
326 Palm Trail
Delray Beach, Florida 33483-5529
(954) 274-0405

Eric Glazer
1920 E. Hallandale Beach Blvd
8th Floor
Hallandale, Fl 33009
(954)455-1665

Gonas, Roy B.
5060 SW 64th Ave
Miami, Florida 33155-6120
(305) 740-9447

Hannah, Cindy N
1140 N.W. 100th Way
Ft. Lauderdale, Fl 33322
(954) 599-0401

Usher-Jones, Rosemary
1033 Hardee Road
Coral Gables, Florida 33146
(305) 665-7314

Kessler, Bernard
6109 Balboa Circle
Suite 103
Boca Raton, Florida 33433-8169
(561) 394-5080

Knecht, Harold C. Jr
901 Ponce de Leon Blvd
Suite 304
Coral Gables, Florida 33134
(305) 444-0237

Knight, C. Frauser
11890 S. W. 60th Avenue
Pinecrest, Florida 33156
(305) 666-4738

Knox, George
150 S. E. 2nd Ave
Suite 902
Miami, Florida 33131
(305) 577-3775

Kosnitzky, Michael
100 S.E. 2nd Street
Suite 2600
Miami, Florida 33131-2144
(305) 539-8400

Langbein, Leslie
8181 NW 154th Street
Suite 105
Miami, Florida 33016
(305) 556-3663

Lau, Mary A.
100 South Ashley Drive
Suite 1700
Tampa, Florida 33602
(813) 229-2121

Leonardo, Giselle
1 East Broward Blvd
Suite 700
Ft. Lauderdale, Fl 33301
(954) 728-9026

Linhart, Jacob J.
18860 La Costa Lane
Boca Raton, Florida 33496

Marcus, Ira
88 East Las Olas Blvd
Suite 710
Ft. Lauderdale, Florida 33301
(954) 523-9696

Markowitz, Ira F.
9900 West Sample Road
Suite 300
Coral Springs, Florida 33065
(954) 755-8501

Meyer, Mark
230 Hampton Lane
Key Biscayne, Florida 33149
(305) 361-1167-(561) 222-3388

Michaelson, Steven
P.O. Box 17483
Plantation, Florida 3318
(954) 370-2694

Mitchell, David B.
2655 Le June Road
Suite 1001
Coral Gables, Florida 33134
(305) 461-5015

Nadler, Joseph
2665 South Bayshore Drive
Suite 900
Coconut Grove, Florida 33130
(305) 373-7768

Nicholson, Allene
44 West Flager Street
19th Floor
Miami, Floria 33130
(305) 579-9990

Nowell, Sidney
4 Old Kings Road North
Suite 4
Palm Coast, Florida 32137
(904) 445-8900

Pesetsky, Walter S.
17701 Biscayne Blvd.
Suite 200
Aventura, Florida 33160
(305) 682-7830

Pieper, Nathaniel
823 Roxmere Road
Tampa, Florida 33609-4235
(813) 286-2129

Postman, Alan L.
9155 South Dadeland Blvd
Suite 1412
Miami, Florida 33156

Powers, Williams Jr.
906 North Monroe Street
Tallahassee, Florida
(850)942-5522

Price, Pete N.
900 South Federal Highway
Suite B
Hollywood, Florida 33020
(954) 964-8000

Rones, Victor
16105 N.E. 18th Ave
North Miami Beach, Florida 33162
(305) 945-6522

Rose, Howard A.
20495 N.E. 34th Court
Miami, Florida 33180
(305) 935-0176

Saks, Keith W.
2701 Ponce De Leon Blvd
Suite 200
Coral Gables, Florida 33146
(305) 567-0797

Salmon, Michael H.
3601 Avolado Avenue
Coconut Grove, Florida 33133
(305) 444-4378

Scheer, L. George
18325 Collins Ave
Suite 61
Sunny Isles Beach, Florida 33160
(305) 932-6480

Shachat, Martin
1300 Miami Garden Drive
Apartment 215 E
Miami Garden, Florida 33179
(305) 947-1136

Sirkin, Alan
3500 South Bayhomes Drive
Miami, Florida 33133
(305) 665-3349

Smith, Angela
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Miami, Florida 33269-3131
(305) 625-6197

Soll, A
3530 Mystic Pointe Drive
Suite 401
Aventura, Florida 33180-4524
(305) 932-0001

Steinberg, Adam J.
4000 International Place -- Suite 4000
100 S.E. 2nd Street
Miami, Florida 33131
(305) 530-0050

Stinson, Steven A.
P.O. Box 32551
Palm Beach, Florida 33420
561-707-8707

Swartz, Jeffrey
9130 South Dadeland Blvd
Two Datan Center PH-II
Miami, Florida 33156
305-670-3700

Tobin, David L.
7807 S.W. 88th Terrace
Miami, Florida 33156
(305) 274-6403

Weiss, Norman L.
1099 Canoe Brooke Circle
Boca Raton, Florida 33498
(561) 488-7020

Welcher, Roger
2801 Ponce De Leon Blvd
9th Floor
Miami, Florida 33134
(305) 445-4090

Wolfson, Jerome H.
3399 S. W. 3rd Ave
Miami, Florida 33145
(305) 285-1115

Young, Robert A.
212 East Stuart Ave
Lakes Wales, Florida 33853
(863) 676-8584