MEAC: Year in Review

Presented by Christy Foley, Esq.
About Me

Florida County Court Certified Mediator

Member of MEAC since 2016 - and current Chair

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MEAC Opinions

Requests for over 20 MEAC opinions in 2017

Today will focus on:

Impartiality
and
Confidentiality
Impartiality
2017-001: Referrals to Lawyers
May a mediator refer a party to a specific lawyer, if contacted by a party after the mediation?
Lawyer Referrals

- Rule 10.620: Integrity and Impartiality
  - A mediator shall not provide any service or perform any act that would compromise the mediator’s integrity or impartiality
2017-002: Mediators as Translators
Can a mediator speak Spanish to one party and English to another, if the parties consent to that?
Mediator as Translator

- Rule 10.330(a): Impartiality
  - A mediator shall maintain impartiality throughout the mediation process. Impartiality means freedom from favoritism or bias in word, action, or appearance.
2017-015: Conflict of Interest
May an attorney-mediator mediate a case in which a party is involved in a lawsuit the attorney’s law firm is working on?
Conflict of Interest

- Rule 10.340(a): Conflicts of Interest
  - A conflict of interest arises when any relationship between the mediator and the mediation participants...compromises or appears to compromise the mediator’s impartiality.
2017-017: Observers
May an attorney-observer shadow a mediator in a case an attorney from his law firm is a party to (especially during caucus)?
Rule 10.340(a): Conflicts of Interest

- A mediator **shall not** mediate a matter that presents a clear...conflict of interest.

- Observers = extensions of mediators
Confidentiality
2017-006: Mediation Reports
At the conclusion of a mediation, what can a mediator report to the court?
Rule 10.360(a): Confidentiality

A mediator shall maintain confidentiality of all information revealed during mediation except where disclosure is required or permitted by law OR is agreed to by all parties.
2017-007: Confidentiality Agreements
Prior to the mediation, can a mediator require the parties to sign a confidentiality agreement?
Confidentiality

* Rule 10.310(b): Self-Determination

* A mediator **shall not** coerce or improperly influence any party to make a decision or unwillingly participate in a mediation.

* This applies to the parties’ notes, ability to subpoena the mediator, and refusal to sign a “hold harmless” agreement
Questions?

Email me at ChristyFoley@Gmail.com

Sources:
Florida Rules for Certified and Court-Appointed Mediators
and
Florida Mediator Ethics Advisory Committee
Thank you for attending!