

MEAC: Year in Review

Presented by Christy Foley, Esq.

About Me

Florida County Court Certified Mediator

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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)?

Observers

- * 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?

Mediation Reports

- * 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!