

Supreme Court of Florida

No. AOSC16-40

IN RE: COMMITTEE ON ALTERNATIVE DISPUTE RESOLUTION
RULES AND POLICY

ADMINISTRATIVE ORDER

Chapter 44, Florida Statutes, requires the Supreme Court of Florida to establish rules of practice and procedure for court-ordered mediation and court-ordered arbitration. To assist the supreme court in exercising its powers and performing its duties under the statute, the Committee on Alternative Dispute Resolution Rules and Policy was established in 2003 by merging two committees¹ in In re: Committee on Alternative Dispute Resolution Rules and Policy, No. AOSC03-32 (Fla. July 8, 2003).

This administrative order affirms the committee structure and term limits contained in In Re: Committee on Alternative Dispute Resolution Rules and Policy, No. AOSC13-40 (Fla. Sept. 4, 2013) and reappoints members to perform the committee's duties as specifies herein.

1. The two previously-established court committees were the Committee on Alternative Dispute Resolution Rules and the Committee on Dispute Resolution Policy.

Throughout the period governed by this administrative order, the committee is charged with examining The Long-Range Strategic Plan for the Florida Judicial Branch 2016-2021 (hereinafter referred to as “The Plan”) and identifying ways in which the committee may assist in accomplishing plan goals and develop implementation steps to perform that function. The committee is hereby directed to:

1. Monitor court rules governing alternative dispute resolution procedures and recommend to the court necessary amendments. The committee will ensure proposed procedural rules are consistent with The Plan, including Goal 1.1 (Perform judicial duties and administer justice without bias or prejudice).
2. Monitor legislation and trends in the field and, when necessary and appropriate, recommend rules regarding the implementation of alternative dispute resolution procedures. In particular, the committee shall recommend rules that coincide with The Plan, particularly, Goal 1.2 (Ensure the fair and timely resolution of all cases through effective case management).
3. Recommend for the Court’s consideration changes in administrative policies, statutes, and training standards that would enhance the goals of alternative dispute resolution among which is Goal 5.1 of The Plan

(Promote public trust and confidence by maintaining high standards of professionalism and ethical behavior).

4. Assess and develop, if appropriate, recommendations for rules, procedures, and model practices to govern the appropriate use of mediation in criminal and juvenile delinquency cases. When carrying out this charge, the committee will act in accordance with The Plan, Goal 2.4 (Collaborate with justice system partners and community organizations to deliver appropriate services).
5. Assess how courts are handling mediation cases, including where domestic violence is present, and develop recommendations for model practices for handling cases, as appropriate. The committee shall perform this charge consistent with the following goals of The Plan:
 - a. 1.5 (Encourage the use of consistent practices, procedures, and forms statewide);
 - b. 2.4 (Collaborate with justice system partners and community organizations to deliver appropriate services); and
 - c. 4.1 (Protect all judges, court personnel, court-users, and facilities through effective security, emergency preparedness, and continuity of operations plans).

6. Review requests from individuals seeking waivers of the qualifications required for arbitrators and mediators or reviews of denial of certification and make recommendations for or against certification to the Supreme Court, particularly within the framework of The Plan's Goal 5.1 (Promote public trust and confidence by maintaining high standards of professionalism and ethical behavior).
7. Monitor the continuing education, mentorship, and basic mediation and arbitration training requirements and recommend revisions as appropriate. The committee will accomplish this charge in accordance with the following goals of The Plan:
 - a. 1.5 (Encourage the use of consistent practices, procedures, and forms statewide);
 - b. 3.1 (Enhance understanding of the purposes, roles, and responsibilities of the judicial branch through education and outreach);
 - c. 3.2 (Promote public trust and confidence in the judicial branch by delivering timely, consistent, and useful information through traditional and innovative communication methods); and
 - d. 5.1 (Promote public trust and confidence by maintaining high standards of professionalism and ethical behavior).

8. Coordinate with other court committees to further the alternative dispute resolution goals of the Supreme Court. Specifically, coordinate with the Steering Committee on Families and Children in the Court in an effort to achieve Goal 1.6 of The Plan (Increase the use of constructive, non-adversarial resolutions in family law cases).
9. Make such other recommendations that would improve the use of mediation, arbitration, and other alternatives to supplement the judicial process. In particular, the committee is directed to make recommendations related to Goal 2.6 of The Plan (Promote the use of innovative and effective problem-solving courts and alternative dispute resolution processes).
10. Perform such other assignments related to alternative dispute resolution as may be directed by the Chief Justice or the Supreme Court.

Members on the committee are appointed to staggered, three-year terms and no member may serve more than nine years. Some members' terms expire on June 30, 2016. Accordingly, the following persons are appointed or reappointed to serve a three-year term that begins on July 1, 2016, and expires on June 30, 2019:

Ms. Amy Heather Blanton
Mediation Service Coordinator
Twelfth Judicial Circuit
Sarasota, Florida

Mr. Guillermo Moreno
ADR Director
Fifteenth Judicial Circuit
West Palm Beach, Florida

The Honorable Rodney Smith
Circuit Judge
Eleventh Judicial Circuit
Miami, Florida

The Honorable William Stone
Circuit Judge
First Judicial Circuit
Fort Walton Beach, Florida

Mr. W. Jay Hunston, Jr.
Attorney
Circuit and Appellate Mediator
Stuart, Florida

The Honorable Rodney Smith shall serve as chair until June 30, 2017. Staff support and expenses for the committee will be provided by the Office of the State Courts Administrator.

Should the committee make recommendations that require additional funding or resources to implement, the committee is directed to establish the necessary liaison relationship with the District Court of Appeal Budget Commission or the Trial Court Budget Commission, as appropriate. At a minimum, the committee shall provide the chair of the respective budget commission with copies of committee reports and recommendations that reference

the need for additional court funding or resources, prior to the finalization of those reports.

Should the committee make recommendations that impact court technology, the committee is directed to establish the necessary liaison relationship with the Florida Courts Technology Commission. At a minimum, the committee shall provide the Chair of the Florida Courts Technology Commission with copies of committee reports and recommendations that reference court technology, prior to the finalization of those reports.

Should the committee make recommendations about the education and training needs of judges and court staff, the commission is directed to establish the necessary liaison relationships with the Florida Court Education Council. At a minimum, the committee shall provide the Chair of the Florida Court Education Council with copies of committee reports and recommendations that reference court education, prior to the finalization of those reports.

DONE AND ORDERED at Tallahassee, Florida, on June 28, 2016.


Chief Justice Jorge Labarga

ATTEST:



John A. Tomasino, Clerk of Court

