

County Mediation Matters

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One learns by doing a thing; for though you think you know it, you have no certainty until you try.

- Sophocles
(496-406 B.C.)

Advance Planning

It's not too early to start thinking about the County Mediation Summit on August 26th from 8:00 a.m. to 5:00 p.m. at the Rosen Centre Hotel in Orlando. Note that this is NOT the same as the Rosen Plaza Hotel where the summit has been held in years past. The theme of this year's conference is "Framing Our Future." For a registration fee of \$60, the Summit will provide participants with up to 8.4 hours of CME, including 3.6 hours of ethics.

The DRC has secured a special lodging rate of \$95 per night. For reservations, call 1-800-204-7234 and request the DRC group rate. As in years past, active volunteers will be provided a stipend to offset CME expenses. We have not yet determined the amount of the 2004 stipend.

Recorded Courtroom

Please be cognizant that all of the microphones in Courtroom 2C, including those hanging above the jury box, are active and recording at all times, even between dockets and after court. These recordings are public record, so please use discretion.

Also, please refrain from eating, drinking, smoking, or the use of flash photography while seated in the jury box. Oh, wait. That should have been please refrain from reading the newspaper or dozing in the jury box while court is in session. The break room is available to anyone who prefers to be a bit more relaxed while waiting for a case assignment.

Party's Failure To Appear

A party is deemed to have attended the mediation if they are present for the mediator's orientation session, i.e., opening statement. When a party leaves before hearing the mediator's opening remarks, the mediator reports the failure to attend the mediation by writing on the Results of Mediation Form something like "Defendant [or plaintiff] failed to appear for mediation." This is NOT a violation of confidentiality, because there was no mediation to begin with. It is then up to the judge to decide how to proceed with the case. After the opening statement, parties are free to leave at any time, and the mediator must report an impasse without further comment.

It's All In The Details

Don't forget to read over carefully the agreements that you and/or mediation trainees write to make sure the language and the terms are clear. Put yourself in the position of someone who wasn't present at the mediation who now has to interpret the agreement (i.e., the judge). Dates should be complete and include the year. Blanks that are not applicable to the agreement should be lined through. Note, please, that the default amount is *always* applicable and should be filled in, even if you include nothing more than a notation that the parties agree to return to court if the terms are not followed. Remember, the mediation agreement is a contract, and it should not contain any blank spaces.

Stats

Volunteers mediated 49 cases in Alachua County in March and settled 57 percent. The outcome is pending in two cases. Eleven cases were mediated in the neighboring counties, with agreements reached in eight cases or 73 percent. Year-to-date, 182 cases have been mediated in the circuit with an overall settlement rate of 60 percent.

CME Luncheon Schedule

The next CME Luncheon is scheduled for April 30th. The featured speaker will be our very own Susan Lindgard. The last CME Luncheon before the summer break will be on May 28th.

Calendar

April 30, 2004	April CME Luncheon
May 28, 2004 -	May CME Luncheon
May 31, 2004 -	Memorial Day observed - Courthouse closed
June 4, 2004 -	No small claims pre-trials
July 5, 2004 -	Independence Day observed - Courthouse closed
August 26, 2004 -	County Mediation Summit, Orlando

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If you are a person with a disability who needs any accommodation in order to participate in county mediation proceedings you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Court Administrator's Office by phone at (352) 337-6237 or in person or in writing at 201 E. University Ave, Gainesville FL 32601 within 2 working days of your receipt of this newsletter; if you are hearing impaired, call (800) 955-8771; if you are voice impaired, call (800) 955-8770.

Eighth Judicial Circuit County Mediation Program Results

March 2004

County	Cases Mediated	Written Agreements Reached	Percent Written Agreements	Pending Continued Cases	Continued Cases Defaulted
Alachua	49	27	57%	2	0
Baker	1	1	100%	0	0
Bradford	1	1	100%	0	0
Gilchrist	1	0	0%	0	0
Levy	6	4	67%	0	0
Union	2	2	100%	0	0
Total	60	35	60%	2	0

2004 Year-To-Date

January through March

County	Cases Mediated	Written Agreements Reached	Percent Written Agreements	Pending Continued Cases	Continued Cases Defaulted
Alachua	149	86	60%	5	3
Baker	6	2	33%	0	0
Bradford	9	8	89%	0	0
Gilchrist	3	2	67%	0	0
Levy	10	4	40%	0	0
Union	5	5	100%	0	0
Total	182	107	60%	5	3

Note: The percentage of written agreements does not include pending continued cases.