

County Mediation Matters

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We are not what we know but what we are willing to learn.

*-Mary Catherine Bateson
Writer and Anthropologist*

From the Judges

Judge McDonald and Judge Kotey have advised us that they will not enter judgments in small claims cases for principal amounts that exceed \$5,000. Therefore, mediators may not write agreements where the default amount includes a *principal* balance that is greater than \$5,000 because the judges will not enforce them. Mediators are permitted to explain to litigants that this restriction is the specific instruction of the judge. Note that court costs, interest, and attorney's fees are not considered part of the principal, so the total default amount can exceed \$5,000 as long as the principal portion does not.

From the Director

I recently attended the Transformative Mediation CME at the UF Law School. In one sense, the basic transformation principles of "empowerment and recognition" were nothing new or revolutionary to me and, hopefully, not to you either. Empowerment of the parties is **the** guiding philosophy upon which the rules and laws of mediation in Florida were founded. On the other hand, I found the presentation to be quite thought provoking, because it seems that some (probably all of us) mediators sometimes lose sight of the goal of "empowerment of the parties" as our lodestar, and become too focused on "Settling the Case."

I want to emphasize to all of our Eighth Circuit volunteer mediators that I strongly believe that the measure of our success lies not with our settlement statistics, but rather with how we conduct the **process**. Rule 10.220 of the Florida Rules for Certified and Court-Appointed Mediators sets forth our role:

"The role of the mediator is to reduce obstacles to communication, assist in the identification of issues and exploration of alternatives, and otherwise facilitate voluntary agreements resolving the dispute. The ultimate decision-making authority, however, rests solely with the parties."

While we may be "guilty" of publishing our program statistics, that is just one way of quantitatively analyzing the results of our program. These results are not inconsequential to those interested in our program, including those who influence which court programs get funded and which do not. We also provide mediation participants with surveys after every mediation and review the responses to help us analyze our program's performance qualitatively and publish some of this information periodically. We try to give both quantitative and qualitative feedback to our mediators (of course we never publish individual mediator settlement rates), and we attempt to

provide our mediators meaningful CME's throughout the year. All of this is to help us become better in our roles. And there is no question, that if we capably fulfill our role of mediator, as defined above, the results will be good...including (but not limited to) a substantial number of settlements!!

January Stats

Volunteers mediated 68 cases in Alachua County in January and settled 66 percent. The outcome is pending in four cases. In the neighboring counties, three of seven mediations resulted in agreements.

Important Dates

February 14 - CME Luncheon
February 21-Domestic Violence Summit, Gainesville
February 28/March 1 - FAPM Advanced Mediation Seminar and Pre-Seminar Workshop, Orlando
March 21 - CME Luncheon

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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

January 2003

County	Cases Mediated	Written Agreements Reached	Percent Written Agreements	Continued Cases Pending	Continued Cases Defaulted
Alachua	68	42	66%	4	0
Baker	1	1	100%	0	0
Bradford	0	0	NA	0	0
Gilchrist	1	1	100%	0	0
Levy	5	1	20%	0	0
Union	0	0	NA	0	0
Total	75	45	63%	4	0

Note: Percent written agreements does not include continued cases that are pending.