

IN THE CIRCUIT COURT OF
THE EIGHTEENTH JUDICIAL
CIRCUIT IN AND FOR
BREVARD COUNTY, FLORIDA

ADMINISTRATIVE ORDER
NO.:

94-29-B
(Supersedes 89-90-Ci-B)

IN RE: MEDIATION CIRCUIT COURT CIVIL

WHEREAS, it is advisable and beneficial to establish an orderly procedure for scheduling mediation facilities, to provide an orderly rotation list for utilization of Mediators, and to maintain records as to results in cases mediated by each Mediator;

IT IS ORDERED that:

1. The General Civil Mediation Coordinator (henceforth referred to as Mediation Coordinator) shall serve at the pleasure of the Chief Judge and under the Director of Mediation for Brevard County, Florida.
2. The Mediation Coordinator shall keep a current list of the name and address of each person certified as a Mediator in the Eighteenth Judicial Circuit, together with the name of any mediation group or service in which such person is a member.
3. The site of the mediation shall be scheduled either by the parties to the mediation in accordance with their Mediation Stipulation with the Mediation Coordinator being informed as to same, or the site shall be scheduled by the Mediation Coordinator in the event the parties are unable to agree upon a site in the Mediation Stipulation.
4. The general procedure for each Circuit Judge ordering mediation shall be as follows:
 - a. The Circuit Judge shall send out an Order of Referral to Mediation to all counsel, with a copy to the Mediation Coordinator, directing the mediation occur within a certain time period. This Order shall further direct the parties to either enter into a

Mediation Stipulation designating the Mediator, site of mediation and the date and time for the mediation; or in the event no such Stipulation can be achieved, then the attorney for the Plaintiff/Petitioner shall sign a Statement of No Agreement. In either event, the attorney for the Plaintiff/Petitioner shall send the Mediation Stipulation/Statement of No Agreement to the Mediation Coordinator no later than twenty (20) days from the entry of the Order of Referral to Mediation.

- b. The Mediation Coordinator shall forthwith prepare an Order for Mediation based on either the Mediation Stipulation or Statement of No Agreement; and in the latter circumstance, the Mediation Coordinator shall select a certified Mediator from the rotation list and confirm such selection with the Mediator. The Mediation Coordinator shall set forth in the Order for Mediation the details of the mediation site, date and time, together with the name and address of the Mediator. If the parties have stipulated to a Mediator, they shall be responsible for confirming with that Mediator his/her ability to act, and such confirmation shall be made prior to the Mediation Stipulation being furnished to the Mediation Coordinator.
- c. The Mediation Coordinator shall forward to the Judicial Assistant of the ordering Judge the proposed Order for Mediation for entering and sending conformed copies to the Mediator and all parties. The Mediation Coordinator shall present to the Clerk of Court the Mediation Stipulation/Statement of No Agreement for filing in the Court file.
- d. The Mediation Coordinator shall maintain a rotation list of all Mediators alphabetized by surname, and selected on that basis, unless otherwise directed by the ordering Judge. The Mediation Coordinator, in utilizing the "rotation list", may group a number of cases with a selected Mediator for a given period of time to accomplish economic feasibility in having the Mediator more fully and reasonably utilized during a

given mediation period to the extent practicable. If the selected Mediator is a member of a mediation group or service, then the latter may substitute Mediators within the group or service, unless the ordering Judge restricts the Mediator to the appointed person.

- e. In the case of a Mediator selected by the Mediation Stipulation of the parties, the grouping of cases by the Mediation Coordinator shall not apply; however, the aforesaid success rate for that Mediator shall continue to be determined as herein provided.
- f. The report of the Mediator following the Mediation Conference shall be filed with the Clerk of the Circuit Court with copies going to all parties, the ordering Judge and the Mediation Coordinator.
- g. The Mediation Coordinator shall periodically advise all of the Circuit Judges in the Civil Division of the past settlement success rate of each Mediator, being the number of cases settled, in whole or in part, from the time mediation was ordered and to the trial as the numerator, with the denominator being the total number of all cases assigned by Order for Mediation to such Mediator.

DONE AND ORDERED this 21st day of September, 1994.

Jere E. Lober
JERE E. LOBER
CHIEF JUDGE

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BREVARD DTD 9-23-94 OR BOOK 3423 PAGE 4141 TO 4144