



**LOCAL RULES OF COURT
FROM THE US DISTRICT COURT, FLORIDA, MIDDLE DISTRICT
[CHAPTER FOUR]**

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TABLE OF CONTENTS | CHAPTER FOUR | SPECIAL RULES

#	Rule No	Title	Page
1	4.01	Mediation	4
2	4.02	Mediator	5
3	4.03	Mediation Order	6
-	n/a	Appendix	7



CHAPTER FOUR | LOCAL RULES OF COURT | USFLMD

RULES: 4.01 through 4.03

TITLE: ALTERNATIVE DISPUTE RESOLUTION



Rule 4.01 | MEDIATION

Mediation is a settlement conference conducted by a qualified and neutral lawyer without testimony or a determination by the mediator of a question of fact or law.



Rule 4.02 | MEDIATOR

(a) CERTIFICATION. The chief judge may certify, and withdraw the certification of, a lawyer's qualification as a mediator.

(b) QUALIFICATIONS. To qualify for certification as a mediator, a lawyer must establish:

(1) membership for at least the last ten years in the bar of any state or the District of Columbia,

(2) membership in good standing in The Florida Bar and the Middle District bar, and

(3) completion of the Florida Supreme Court's certified-mediator training and certification by the Florida Supreme Court of good standing as a circuit court mediator.

(c) DISQUALIFICATION. A party can disqualify a mediator under the same standard that governs disqualifying a federal judge.

(d) COMPENSATION. Unless the parties and the mediator agree otherwise, the parties must pay the mediator a reasonable fee, and must bear equally the cost of mediation. No mediator can charge a fee to, or accept anything of value from, a source other than the parties.

(e) PRO BONO REQUIREMENT. If asked by a judge, a mediator must conduct at least one mediation a year in which the judge determines that a party lacks the ability to pay the mediator.



Rule 4.03 | MEDIATION ORDER

To refer an action or claim to mediation, the judge must enter an order that:

- (a) designates the mediator or directs the parties to select a mediator and to notify the judge of the selection;
- (b) establishes a mediation deadline;
- (c) requires a lawyer to confirm a mediation date agreeable to the mediator and the parties and to notify the judge of the date;
- (d) requires the attendance of lead counsel, the parties or a party's surrogate satisfactory to the mediator, and any necessary insurance carrier representative;
- (e) notifies the parties that unexcused absence or departure from mediation is sanctionable;
- (f) requires the mediator to report within seven days after mediation the result of the mediation and whether all required persons attended; and
- (g) directs that the substance of the mediation is confidential and that no party, lawyer, or other participant is bound by, may record, or without the judge's approval may disclose any event, including any statement confirming or denying a fact – except settlement – that occurs during the mediation.



APPENDIX



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