

Some Good Mediation News for Palm Beach County!

Several years ago, Judge Peter Evans had an idea: to create a *pre-filing* mediation program in Palm Beach County. He envisioned a program that would serve the community by offering the skills of certified mediators to parties in conflict before a filing fee was paid and the number of cases before the Court increased. Ted Deckert represented the Palm Beach County Bar Association, ADR Committee, in conversations with Judge Evans, and they worked toward meeting those goals, but the timing was not yet right for the Program to stand on its own as it now does, wholly independent of but endorsed by the Fifteenth Circuit.

Enter John P. Cohen, who arrived in Palm Beach County in 2005, after serving as a Judge in Britain for 12 years. John became a Small Claims Mediator, came to understand Judge Evans' passion for a Pre-Filing Mediation Program, and envisioned a community organization that could meet those goals. John soon became the Court's delegate to the as-yet-unformed Program. By this time, Ted had become President-Elect of the FAPM, and no longer had the time available to work with John to develop the Program. I was fortunate enough to be invited to take Ted's "seat at the table", and have the pleasure of working with John as the Bar's delegate to the Program.

Our goal is to spread the word to residents of Palm Beach County that there is a way to resolve disputes through mediation, and for a nominal charge, without having to file a lawsuit; that is, to create a true "alternative" dispute resolution option to the Courts.

We are actively engaged in spreading the word about the Pre-Filing Mediation Program. For example, each month, the Small Claims Committee of the County Bar Association presents a seminar at various venues throughout the County. That Committee has kindly agreed to give us a few minutes during each month's presentation to speak about the Program, and to distribute Program brochures. Brochures have been placed in all County Courthouse Self-Help offices, and in the County Bar Association Office. Brochures are available online at www.communitymediation.us, a non-profit organization John has established, and we intend to make them available at all County libraries. Brochures describe the Program's goals and limitations, and contain instructions for requesting mediation assistance by phone, fax, and email.

All the forms necessary for mediation, and to provide basic information to the mediator are available at www.communitymediation.us, or can be efaxed or mailed, by calling the phone number or using the efax numbers that have been established. John is the clearinghouse and intake officer for all inquiries, and has single-handedly resolved dozens of disputes by phone, letter, or email without a formal mediation setting. In fact, he reports some amazing statistics: Through June 2009, he handled 124 efax and 29 email disputes, and only two were referred to me for placement with mediators for traditional mediation. I'm pleased to report that both cases resulted in settlements.

Once a case is to be referred to a certified mediator, John forwards the file to me for handling and distribution, and I maintain the list of volunteer mediators.

When a case is referred to a mediator, the mediator is free to schedule the mediation at his or her convenience with respect to location and timing. All that is required is a report (on a form we provide) to advise us of the outcome.

During the initial period of operation these past few months, the Program was entirely free of charge. Kudos to John who has borne all out-of-pocket expenses! But now that there's a website to be hosted, mail to be sent, a phone line to be maintained, an efax account to be managed, brochures to be printed, and office supplies to be purchased, an administrative charge of \$30.00 will become part of the application process as of August 1, 2009, and is the same fee charged by the County's Lawyer Referral Service.

We are anticipating a significant increase in mediation requests as the public learns about the Program. Members of the ADR Committee have volunteered to be on a rotating list, but the Committee isn't large enough to adequately cover the potential needs of the entire County. We invite and would be *delighted* to include members of the FAPM on the rotation list.

There is a potential reward for those who volunteer: It goes without saying that some mediations will have sufficient value, or will be complex enough, to be referred to a mediator who would be compensated at an hourly rate agreed upon with the parties. It is our intention to recommend paid mediations to the volunteer mediators on the Program list. Although we can't guarantee that there will be a market for paid mediations, as demand for mediation increases, and in appropriate cases, we hope to be able to provide the disputing parties with the names of mediators with backgrounds and experience relevant to their issues.

If you would like to know more about the Program, and/or would like to have your name added to the list of certified mediator volunteers, please email me at rshaw@moylelaw.com, or email John at mediatedisputes@bellsouth.net .

Robin Caral Shaw, Esq.

Certified Circuit Civil, Family, and County Mediator
Certified Circuit Civil and Family Trainer
Moyle, Flanigan, Katz, Breton & White, P.A.
625 N. Flagler Drive, 9th Floor
West Palm Beach, Florida 33401