

October 22, 2013

Florida Supreme Court
Office of the Clerk

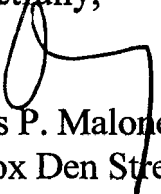
FILED
THOMAS D. HALL
2013 OCT 28 AM 10:34
CLERK, SUPREME COURT
BY _____

RE: PROPOSED RULES REGARDING SENIOR JUDGE/MEDIATORS

I am one of two senior judge/mediators in the 10th Circuit. I have held this dual position for approximately four years. To my knowledge, and to the knowledge of my colleague, neither of us has received any complaints from the judges, the bar, or the general public.

The Court is properly "...concerned about the potential that a senior judge who serves as a paid mediator could be seen as exploiting the judge's judicial position or lending the prestige of judicial office to advance the private interests of the judge or a mediation firm with which the judge may associate." Any senior judge/mediator engaging in that sort of conduct should be brought before the Judicial Qualifications Commission for appropriate discipline. Indeed, if the conduct that concerns the Court proves to be systemic throughout the state, the proposed rules should be adopted and senior judges should not be permitted to be mediators. But this change should not be based simply upon angst over the concept of senior judge/mediators. The cliché is applicable: if it ain't broke, don't fix it.

Respectfully,


Dennis P. Maloney, Senior Circuit Judge
104 Fox Den Street
Auburndale, Fl., 33823