

IN THE SUPREME COURT OF FLORIDA

IN RE:

**AMENDMENTS TO THE CODE OF
JUDICIAL CONDUCT; THE
FLORIDA RULES FOR
CERTIFIED AND COURT-
APPOINTED MEDIATORS;
THE FLORIDA RULES OF
CIVIL PROCEDURE; THE
FLORIDA RULES
OF JUDICIAL
ADMINISTRATION; THE
FLORIDA RULES OF
JUVENILE PROCEDURE; AND
THE FLORIDA FAMILY LAW
RULES OF PROCEDURE
– SENIOR JUDGES AS MEDIATORS.**

CASE NUMBER SC13-1732

**THE FLORIDA BAR CIVIL PROCEDURE RULES COMMITTEE’S
COMMENTS IN RESPONSE TO PROPOSED AMENDMENTS TO THE
FLORIDA RULES OF CIVIL PROCEDURE, THE CODE OF JUDICIAL
CONDUCT, THE RULES FOR CERTIFIED AND COURT-APPOINTED
MEDIATORS, THE FLORIDA RULES OF JUDICIAL
ADMINISTRATION, THE FLORIDA RULES OF JUVENILE
PROCEDURE, AND THE FLORIDA FAMILY LAW RULES OF
PROCEDURE**

Pursuant to the Court’s request, The Florida Bar’s Civil Procedure Rules Committee (“CPRC”) files this response to the Court’s proposed amendments to the Florida Rules of Civil Procedure, the Code of Judicial Conduct, the Rules for Certified and Court-Appointed Mediators, the Florida Rules of Judicial Administration, the Florida Rules of Juvenile Procedure, and the Florida Family Law Rules of Procedure being considered because of the Court’s “continued

concerns about the ethical implication of dual service” [by senior judges] and “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 mediation firm with which the judge may associate, or otherwise running afoul of the Code of Judicial Conduct.”

While CPRC members are mindful of the Court’s concerns about the propriety of such dual service and individual members may file a comment with the Court, the CPRC Committee, by an electronic mail vote of 15-3 directed the undersigned as the Committee chairperson to advise the Court the proposed amendments to the Code of Judicial Conduct and the Rules for Certified and Court-Appointed Mediators will have no affect the Florida Rules of Civil Procedure.

RESPECTFULLY SUBMITTED,

Date: November 13, 2013.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing

Comments in Response to Proposed Amendments was made by e-service on

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CERTIFICATE OF TYPEFACE COMPLIANCE

The undersigned further certifies this response complies with the font requirements of Florida Rule of Appellate Procedure 9.100 (l).

s/ THB III

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