

**ADMINISTRATIVE ORDER PROVIDING FOR REFERRAL
OF ALL CONTESTED SMALL CLAIMS CASES TO MEDIATION**

WHEREAS, certain small claims disputes can be amicably and expeditiously resolved through mediation prior to hearing by the Court; and

WHEREAS, mediation is a process whereby a neutral third party acts to encourage the resolution of disputes through a non-adversarial process and assists the parties in reaching a mutually acceptable agreement; and

WHEREAS, the mediation process can result in cost efficiencies to the parties; and

WHEREAS, mandatory mediation for certain matters increases the availability of judicial resources; and

WHEREAS, it is necessary for the prompt and efficient administration of justice of this Court;

NOW, THEREFORE, I, Belvin Perry, Jr., pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.050 order the following:

1. **MEDIATION PROGRAM:** Dispute Resolution Services serves as an adjunct to the County Civil Division of the County Court for the purposes of mediating issues on disputed matters appearing on the court docket. This program is conducted under the direction of the Office of the Court Administrator and the Chief Judge of the Ninth Judicial Circuit.

2. **LIST OF MEDIATORS:** Pursuant to section 44.102(5), Florida Statutes, a list of certified county mediators shall be maintained by Dispute Resolution Services, telephone

number 407-836-2004, located at 425 N. Orange Avenue, Room 120, Orlando, Florida 32801.

3. **CERTIFIED MEDIATORS:** Dispute Resolution Services shall appoint any mediators certified in the area of County Civil Mediation by the Florida Supreme Court. Pursuant to section 44.102(5)(a), Florida Statutes, mediators serve as volunteers in Orange County for all County Civil Cases. These mediators shall have judicial immunity in the same manner and to the same extent as a judge as provided in section 44.107, Florida Statutes.

4. **AUTHORITY TO REFER TO MEDIATION:** Pursuant to sections 44.102(2)(a) and 44.102(2)(b), Florida Statutes, the Court on its own motion may refer all or any part of a civil case to mediation.

5. **REFERRAL OF SMALL CLAIMS MATTERS:** Any case where both parties appear for pre-trial, and are unable to resolve their dispute, shall first participate in a mediation conference through Dispute Resolution Services or through a private mediator, if a private mediator is agreed to by the parties or ordered by the Court.

6. **WAIVER:** Pursuant to Florida Rule of Civil Procedure 1.700(b), any party may apply to the Court by written motion for good cause, to waive the mandatory mediation required by this Order prior to filing a notice for trial. The Court may waive such a requirement if it appears that mediation of the issues would not be appropriate under the circumstances of that case or that due to exigent circumstances a hearing before the Court should be expedited. If the mediation has already been scheduled, the parties shall notify the mediator and Dispute Resolution Services of the waiver at least two business days prior to the scheduled mediation.

7. **PROCEDURE:** If an agreement is not reached through mediation, the mediator shall report the lack of agreement to both the Court and Dispute Resolution Services. The

parties shall then proceed to the judicial chambers to be set for trial.

8. **CONTINUANCES BY THE PARTIES:** A mediation session may be continued if both parties agree in writing to said continuance and notify Dispute Resolution Services by copy of the signed Stipulation of Continuance prior to the mediation. If the parties cannot agree to a continuance, then the party who is requesting the continuance may apply to the Court for a continuance.

9. **ATTENDANCE:** The parties shall attend and participate in the mediation. A party is deemed to appear at a convened small claims mediation conference if the named party, the attorney of record, or representative of the corporation (if the party is a corporation) is physically present at the commencement of the mediation conference. Any attorney of record or representative of a corporation must appear at the pretrial conference and/or mediation with full authority without further consultation.

10. **RECORD KEEPING:** Dispute Resolution Services shall keep only a record of the case name, number, assigning judge, mediator, the attorneys and the outcome of the mediation in all cases referred to Dispute Resolution Services.

11. **IF AGREEMENT IS REACHED PRIOR TO MEDIATION:** If the parties resolve their case prior to the mediation conference, the parties shall notify Dispute Resolution Services by either a copy of the dismissal or the agreement.

12. **COMMUNICATIONS DURING MEDIATION:** All communications, verbal or written, between the parties, and from the parties to mediation staff, attorneys, or those involved in the mediation process, made during the mediation, shall be confidential and inadmissible as evidence in any subsequent legal proceeding, unless both parties agree otherwise.

13. **EFFECTIVE DATE:** This Administrative Order shall become effective immediately for cases as described herein which are ordered to mediation on or after the date of this Administrative Order.

DONE AND ORDERED at Orlando, Florida, this 19th day of December, 2001.

/s/ Belvin Perry, Jr.
Belvin Perry, Jr.
Chief Judge

Copies to:

All Circuit & County Judges, Ninth Judicial Circuit
State Attorney's Office, Ninth Judicial Circuit
Public Defender's Office, Ninth Judicial Circuit
General Counsel, Orange County Sheriff's Office
Orange County Attorney's Office
Osceola County Attorney
Orange County Corrections
Orange County Bar Association
Bar Briefs, Orange County Bar Association
Paul C. Perkins Bar Association
Hispanic Bar of Central Florida
Central Florida Association for Women Lawyers
Clerk of Courts, Orange County
Orange County Law Library
Clerk of Courts, Osceola County
The Osceola County Bar Association
The Osceola County Law Library
The Osceola County Sheriff's Office
Director, The Osceola County Dept. of Corrections
Office of the Statewide Prosecutor
Central Florida Criminal Defense Attorneys Association
Executive Director of The Florida Bar
Official Records, Orange County Comptroller

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