

0/a 12-3-87

IN THE SUPREME COURT OF FLORIDA

FILED

SID J. WHITE

NOV 23 1987

CLERK, SUPREME COURT

By Case No. 71,312
Deputy Clerk

IN RE:

Proposed Rules for Implementation
of Florida Statutes Sections
44.301-.306

Comments on the Proposed Rules

COMES NOW, Alice M. Reiter, an attorney duly admitted to practice law in the State of Florida, and files these Comments on the Proposed Rules for Implementation of Florida Statutes Sections 44.301-.306 and states as follows:

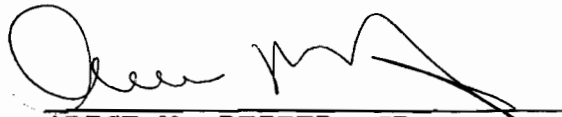
1. 1.720 (d) I do not believe that the attorneys for the parties should participate in actual mediation sessions. This would cause the mediation process itself to become an adversarial process and the atmosphere of cooperation and control over the process would be destroyed. Mediation must be allowed must be allowed to progress uninhibited by outside influences so the parties are free to make their own decisions based on the needs and problems of the family. Independent counsel in always available after sessions and after the process itself (and is necessary) to protect the respective rights of the parties.

Additionally, the attorney's presence at the sessions not only undermines mediation and the cooperative atmosphere but increases fees to a point where one of the benefits of mediation is severely eroded; namely, reduction of the overall costs of the divorce to the parties.

2. 1.760 (a)(3) A five year practice requirement is not necessary and excessive. Mediation is a skill and profession unto itself. There is no area of law that requires a minimum experience to participate; and no other profession of which I am aware, requires so much prior practice in order to participate. This is highly restrictive.

3. This is the only comment that directly affects my immediate ability to participate. The examination requirement of 1.770 would preclude the participation of every family mediator I know. While I participated in a forty (40) hour course that was fully approved for continuing legal education credit, I would not be available to participate as a court appointed mediator until I go back and take an exam. This would only serve to generate additional fees for the instructors of courses but would not ensure skillful mediation. This comes from hard work and experience.

Respectfully submitted,



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