IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT IN AND FOR BREVARD COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO.:
06-12-B

IN RE: ARBITRATION – QUALIFICATIONS FOR APPOINTMENT OF ARBITRATORS IN CIVIL CASES

WHEREAS, Chapter 44, Florida Statutes, permits a presiding circuit or county judge to refer civil cases to arbitration without the consent of the parties; and

WHEREAS, Rule 1.810(a), Florida Rules of Civil Procedure requires the Chief Judge or his designee to maintain a list of qualified persons who have agreed to serve within the circuit as arbitrators under Section 44.103, Florida Statutes; and

WHEREAS, Rule 11.130, Florida Rules of Court requires that arbitrators shall serve at the pleasure of the Chief Judge; and

WHEREAS, the Court finds that it is necessary to establish a set for specific qualifications for arbitrators in order for their names to appear on the circuit list of qualified arbitrators maintained in accordance with Administrative Order 05-23-B of this Court.

NOW, THEREFORE pursuant to the authority vested in the Chief Judge by Rule 2.050 of the Florida Rules of Judicial Administration, it is ORDERED that:

1. A person named on the list of persons who are qualified to serve as arbitrators as required by Paragraph 1 of Administrative Order 05-23-B shall have the following qualifications:
   (a) A member in good standing of the Florida Bar who has been a member of the Florida Bar for at least five (5) years; and
   (b) Has attended four hours of training in an arbitrator training program approved by the Supreme Court of Florida; and
   (c) Meets the requirements of one of the following paragraphs:

(1) Has participated as counsel in a minimum of (3) three civil cases in which a jury trial was commenced by the selection of a jury and presentation of testimony; and has served as lead counsel in at least one of those cases; or

(2) Has participated as lead counsel in a minimum of six (6) civil cases in which a jury trial was demanded and were settled prior to trial as the result of formal mediation or arbitration proceedings; or

(3) Is certified as a mediator by the Florida Supreme Court and has mediated or arbitrated to complete settlement at least six (6) civil cases in which a jury trial was demanded by the parties; or

(4) Is a retired justice or retired appellate or circuit judge within the meaning of "retired" as defined in Section 25.073(1), Florida Statutes.

2. The Administrative Judge of Civil Division shall prepare an application form for persons who wish to apply to serve as arbitrators under Chapter 44, Florida Statutes and Administrative Order 05-23-B. The said application form shall require that the applicant demonstrate compliance with the requirements of this order, and shall additionally include a requirement that applicant provide a brief description of the applicant's legal experience.

3. Each trial judge shall have the discretion to appoint an arbitrator to a given type of case (e.g., personal injury, medical malpractice, commercial litigation, or other civil case) which is consistent with the arbitrator's prior experience.

DONE AND ORDERED this 15TH day of MARCH, 2006.

KERRY I. EVANDER
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CHIEF JUDGE

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