



# Federal Bar Association

PALM BEACH COUNTY CHAPTER

## Mediation and Settlement Conferences in the Southern District of Florida

*Panel Discussion with United States Magistrate Judges:*

Hon. William Matthewman

Hon. Bruce E. Reinhart

Hon. Ryon M. McCabe

Moderated by Jim Baldinger

Sponsored by:

**BALDINGER MEDIATION LLC**  
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# Today's Program

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Legal basis for mediation and settlement conferences

WPB District Judges' mediation procedures

Procedures and perspectives of each Magistrate Judge

Q & A



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# Legal Basis for Mediation - Federal

Alternative Dispute Resolution Act of 1998 (28 USC § 651, *et seq.*)

- Requires each District Court to enact Local Rules that:
  - Force litigants to “consider” ADR
  - May require mediation
  - Provide confidentiality of ADR process and communications
  - Establish ADR program, training, panel, reporting

No mention of mediation or ADR in FED.R.CIV.P. or FED.R.EVID.

Wide variety between Districts, and among Judges



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# FL Districts Local Rules on Mediation

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Northern District (Local Rule 16.3):

- One paragraph: refers to Florida State Court rules, confidentiality

Middle District (Local Rules 4.01 – 4.03):

- Two pages: mediation definition, mediator and mediation order requirements

Southern District (Local Rule 16.2):

- Five pages (single spaced): detailed requirements for mediation, mediator certification, mediation procedures, references to Florida laws & State Court Rules



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# SDFL Local Rules on Mediation

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## General Provisions (LR 16.2(a)):

- “Mediation is a supervised settlement conference presided over by a qualified, certified, and neutral mediator, or anyone else whom the parties agree upon to serve as a mediator . . . .”
- No witness testimony; no rulings by mediator; limited reporting
- Parties decide in-person or video; default to video if no agreement

## Mediator Certification, Conduct, Compensation (LR 16.2(b)):

- Refers to Florida State Court laws and rules for standards



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# SDFL Local Rules on Mediation (Cont'd)

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## Mediation Procedures (LR 16.2(c) - (g)):

- Mediation required, except certain enumerated types of cases
- Parties can stipulate to mediation, judge can withdraw case from mediation
- Participation in mediation required
- Mediator must file limited mediation report
- Parties must file notice of settlement
- Trial as originally scheduled if no settlement
- Mediation confidentiality based on Florida Statutes § 44.405



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# WPB Judges' Mediation Deadlines

	<u>Select Mediator and Schedule Mediation</u>	<u>Conduct Mediation</u>
Judge Marra	Select mediator 90 days after scheduling order	90 days before calendar call
Judge Middlebrooks	Select mediator 14 days after scheduling order	60 days before scheduled trial date
Judge Rosenberg	Both 14 days after scheduling order	1 month after dispositive motions

FLSA cases (and others) may have expedited settlement discussion requirements



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# SDFL Local Magistrate Rules

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Magistrate Judges are authorized to conduct settlement conferences without parties' consent (SDFL Mag. J. Rule 1(i)(1))



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# Discussion with Magistrate Judges

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Southern District of Florida, West Palm Beach Division  
Magistrate Judges:

Hon. William Matthewman

Hon. Bruce E. Reinhart

Hon. Ryon M. McCabe



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# Questions?

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Florida Bar CLE credit info:

Course #2313141N

Reach out anytime:

[Jim@BaldingerMediation.com](mailto:Jim@BaldingerMediation.com)

(561) 805-1545

[www.BaldingerMediation.com](http://www.BaldingerMediation.com)

*Thank you!*



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