



ADR AND TRIAL LAWYERS SECTIONS COLLABORATE TO IMPROVE MEDIATION AND POSSIBLY EASE COURT BACKLOGS



Harold Oehler

The Trial Lawyers and Alternative Dispute Resolution sections recently co-hosted the Litigator-Mediator Forum, a first-of-its-kind meeting of trial lawyers and mediators from across the state.

The sections partnered on the unique event—a President’s Showcase CLE at the Bar’s Annual Convention—to improve the mediation process in Florida. Participant suggestions will be included in the second edition of the “Florida Mediation Best Practices Handbook,” which will be published this fall.

According to organizer Harold Oehler of Oehler Mediation in Tampa, the partnership between the sections came at a critical time, as Florida judges face a COVID-related, 1.5-million case backlog that threatens the administration of justice.

“The purpose of the forum was not only to provide continuing legal education on ethical rules and mediation advocacy skills,” said Oehler. “It also provided trial lawyers and mediators a long-needed platform to discuss how to partner better together to make mediation more effective and efficient.”

The forum started with a debate among trial lawyer and mediator panelists on 11 mediation-related topics such as, “Should opening statements be waived?,” “How much pressure is too much pressure?,” and “Is virtual mediation preferable to live mediation?.” The trial lawyer panel consisted of Mark McLaughlin, Geddis Anderson, and Shirin Vesely; the mediator panel included Oehler, former Ninth Circuit Chief Judge Fred Lauten, and Mediator Ethics Advisory Committee Chair Christy Foley.



In addition to the panel of trial lawyers and mediators, Tad David, chief of Alternative Dispute Resolution for the Office of the State Courts Administrator, reviewed ethical rules that impacted the debate topics.

The second session incorporated an interactive “World Café” format in which live and online audience members shared their ideas for improving mediation. Graphic artist Viola Clark took key words from the participants’ input and combined them into a memorable image. Audience suggestions also were sent to the editors of the second edition of the “Florida Mediation Best Practices Handbook.” It will be released this fall.



In 2021, the Mediation and Trial sections of the Hillsborough County Bar Association collaborated to create the Florida Mediation Best Practices Handbook. Oehler chaired the Mediation Section of the HCBA at that time and conceived the handbook as a “living document” to provide trial lawyers and mediators an ongoing platform to share their views for improving mediation.

“The guide incorporates best practices proposed by more than 400 trial lawyers and mediators from across Florida,” Oehler said. “By using the handbook to connect mediation stakeholders across the state, the Trial Lawyers and ADR sections of The Florida Bar are bringing mediation thought leaders together to improve mediation for all Florida litigants.”

Local bars, trial lawyer groups, Inns of Court and other organizations interested in hosting their own Litigator-Mediator Forums may contact Oehler, outreach coordinator for the ADR Section, at 813-758-6284 or Harold@OehlerMediation.com.
