

December 21, 2007

The Question:

I recently read in a local newspaper an article discussing a legal opinion handed down on July 1, 1987 by The Florida Bar Judicial Ethics Committee (at least that is what the article says). The purpose of this letter is to ask two questions:

1. I am a retired Appellate Court judge and also serve on the trial court bench, and am now a practicing lawyer. I am also a Supreme Court certified mediator. I am attaching hereto a copy of my business card used incident to mediation.

Query: May I, ethically, state beneath my name “former Trial Court Judge and Appellate Judge”?

2. My firm runs a small (1/4 page) ad in the yellow pages of the local telephone directory.

Query: May I place under my name in the ad “former Trial Court Judge and Appellate Court Judge” or “retired Judge”?

Your response would be greatly appreciated.

Certified County, Family & Circuit Mediator
Northern Division

Authority Referenced

Rule 10.610, Rules for Certified and Court-Appointed Mediators
MEAC Opinions 1999-013, 2002-003, and 2004-001

Summary

A mediator who was a former judge may include the referenced information in marketing material if the information is accurate and honest and is not false or misleading.

Answer

A mediator who was a former judge may include this information on a business card, yellow page ad, or other marketing material, if the information meets the ethical requirement that a mediator be accurate and honest and not provide false or misleading information. Rule 10.610. In this regard, the Committee notes that even accurate information may be misleading, and suggests that the former judge review MEAC 2004-001, in which the Committee opined that use of the term “judge” alone by a Judge Pro Tempore from another state may be misleading and require clarifying information. Further, the Committee has stated that use of the generic term “Certified Mediator,” without a designation of the particular area(s) of certification, was inherently misleading (MEAC 2002-003) and that listing “Circuit Court Mediation” on the letterhead of a two member firm when only one member of the firm was a certified mediator was also misleading and ethically inappropriate (MEAC 99-013).

Date

Fran Tetunic, Committee Chair