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ARTICLE: THE MEDIATION EXPERIENCE OF FAMILY LAW ATTORNEYS

NAME: Susan W. Harrell *

BIO:

* Assistant Professor and Director of the Legal Administration Program, University of West Florida, Pensacola, Florida, 1990-present; B.F.A., 1978, University of Georgia, Athens, Georgia; J.D., 1984, Samford University, Cumberland School of Law, Birmingham, Alabama. Professor Harrell is a member of the Academy of Family Mediators, and the Association of Family and Conciliation Courts.

TEXT:

[*479] Family mediation can be used most effectively as a method of dispute resolution if family law attorneys actively support its use. This article reports the results of a study of the experiences and uses of mediation among Florida family law attorneys. Questionnaires were sent to 500 members of the Family Law Section of the Florida Bar. The results indicate that a majority of attorneys who were originally forced into using mediation perceive a great number of benefits in the process.

I. THE MEDIATION EXPERIENCE OF FAMILY LAW ATTORNEYS -- MEDIATION IN GENERAL

Although mediation has been in use throughout the world for centuries, it did not begin to gain support as a viable alternative to our adversarial judicial system until the last fifteen or twenty years. Mediation is a type of Alternative Dispute Resolution ("ADR"), which has long been touted as the answer to many problems in our judicial system. This claim has been supported by research reflecting positive effects of ADR upon the judicial system and upon the parties who have used mediation. The original claims and subsequent supporting literature have combined to produce steady growth in all types of ADR over the last fifteen years. ⁿ¹

In the family law arena, mediation appeared to be a perfectly logical solution to the inappropriateness of asking the legal system to become involved in and attempt to solve the private problems of families. More so than any other area, family law disputes seemed most in need of the mediation process. Family law disputes involve the most private personal of issues. The courts are ill-equipped to truly resolve such problems, and in the past there were very few viable options until the advent of mediation. Mediation allows the parties to take control of their own issues and process, allows for flexibility which the courts do not have, provides an avenue for addressing issues not specifically covered in the statutes, and removes the court from the emotional issues that attend such disputes.

[*481] II. MEDIATION IN FLORIDA

In Florida, there are three types of mediation recognized by statute or procedural rule: county, circuit, and family. The Supreme Court of Florida provides a method by which a person can become "certified" in each area of mediation

based on education, training, and completion of a mentorship. ⁿ² Florida allows certification of attorney-mediators and mental-health-mediators, as well as being one of the few states in the union which certifies accountant-mediators. ⁿ³

Although all three types are used extensively throughout the state, there are a greater number of persons certified by the Supreme Court of Florida as Circuit Court Mediators (1214) and County Court Mediators (1110) than as Family Court Mediators (968). ⁿ⁴ An interesting note, however, is that of the 5166 persons who have completed mediation training, approximately 50% are not certified by the Supreme Court of Florida. ⁿ⁵

Notwithstanding the fact that the use of all three types of mediation has grown in the recent past, it appears that attorneys have more readily embraced the use of circuit and county court mediation, while the use of family court mediation seems to have stalled. More complaints seem to be voiced by attorneys concerning Family Court Mediation than the other types of mediation. There are concerns that mediation cannot be effective if it is mandatory because of the nature of the relationship issues involved. Additionally, there are concerns that mediation is not appropriate for domestic violence cases, that the mediation process creates disadvantages based on gender, and that non-lawyer mediators are trained insufficiently in legal issues. ⁿ⁶ These complaints are heard from numerous individuals involved in the family law arena: judges, mental health professionals, teachers, guardians ad litem, and most importantly, attorneys.

The growth of mediation in the family law area could be facilitated by cultivating more support for its use among family law practitioners. By defining the problems perceived by family law attorneys, we may be able to correct any misperceptions of the mediation process. This article explores some of the perceptions family law attorneys have concerning their experience with, and use of, mediation.

[*482] III. THE SURVEY

In examining the use of family law mediation, a written survey was sent to 500 members of the Family Law Section of the Florida Bar. ⁿ⁷ A random sample of membership across the state was performed by the Family Law Section and surveys were sent to these members in the Spring of 1994. ⁿ⁸ A total of 150 attorneys responded to the survey.

A. *Demographics*

Geographically, most of the respondents (43.6%) practiced primarily in South Florida, in the 11th, 15th, 16th, 17th, and 20th Judicial Circuits. ⁿ⁹ The next largest group of respondents (32.3%) practiced primarily in Central Florida, in the 6th, 9th, 10th, 12th, 13th, 18th, and 19th Judicial Circuits. ⁿ¹⁰ The smallest group of respondents (22.2%) practiced in the Florida Panhandle, in the 1st, 2nd, 3rd, 4th, 5th, 7th, 8th, and 14th Judicial Circuits. ⁿ¹¹

Almost one-half of the respondents (46.4%) have practiced family law for ten years or less. ⁿ¹² A little less than one-third of the respondents (29.6%) began practicing law between 1974 and 1983. ⁿ¹³ While 16% of the respondents began practicing family law between 1964 and 1973, only 6.7% of the respondents began before 1964. ⁿ¹⁴

Most of the respondents devote a substantial percentage of their practices to family law matters. Well over half of the respondents (60.4%) indicated that over 50% of their practice is devoted to marital and family law cases, and another 26.8% indicated that they spend between 50% and 75% of their practice in family law matters. ⁿ¹⁵ One-third of the respondents (33.6%) devote over 75% of their practice to family law cases. ⁿ¹⁶

[*483] Only 6% of the respondents indicated that they were Florida Bar Board Certified in Family Law, ⁿ¹⁷ and less than one-fourth of the respondents (18.1%) had taken a Supreme Court of Florida-Certified forty-hour Family Law Mediation Training course. ⁿ¹⁸ Of the respondents who did complete a certified family law mediation training course, the majority did so between 1990 and 1994 (85.1%), and the remainder (14.9%) between 1983 and 1988. ⁿ¹⁹

B. *The Experience of Florida Family Law Attorneys -- The First Attempt*

While some Florida family law practitioners first had clients attempt mediation in the late 1980s, it was not until the early 1990s that a large number of attorneys began to see their cases go through the mediation process. Most of the respondents (46.3%) had their first experience with family law mediation between 1990 and 1992. ⁿ²⁰ Not quite one-third of the respondents (28.2%) had their first experience with family law mediation between 1986 and 1989. ⁿ²¹ Only 7.5% of the attorneys who responded first attempted family law mediation between 1982 and 1985, while 2.1% first attempted family law mediation between 1976 and 1979. ⁿ²² A surprising 10% of the respondents did not have a case employ family law mediation until 1993 or 1994. ⁿ²³

When attorneys first took their cases to mediation, it was, for the most part, involuntary. Well over half of the respondents (55.7%) indicated that their first experience with mediation was initiated by a court order. ⁿ²⁴ However, just over 30% indicated that their first attempt in mediation was initiated by their own suggestion. ⁿ²⁵ This can be interpreted to show that these attorneys had the inclination to attempt mediation. However, the opposing attorney was credited with initiating the use of family law mediation by only 6% of the respondents. ⁿ²⁶

[*484] The respondents were also asked to rate their first experience with family law mediation. ⁿ²⁷ Almost two-thirds (63.1%) felt the experience was "excellent" (23.5%) or "good" (39.6%), while 30.9% classified their first attempt at family law mediation as either "fair" (24.2%) or "poor" (6.7%). ⁿ²⁸ Such ratings of their first experience could be attributed to many different factors, which fell beyond the scope of the survey instrument. However, there may be some relationship between the ratings and the discipline of the professional who acted as the mediator.

About two-thirds (62.4%) of the respondents indicated that their first case involving family law mediation was mediated by an attorney-mediator and 10.7% utilized a judge-mediator. ⁿ²⁹ Mental-health-mediators were the second largest type of mediator used, with 10.7% using a masters degree mental health professional and 2.7% using a doctorate degree mental-health-professional. A certified public accountant ("CPA") was used as a mediator in only 2% of the first cases. ⁿ³⁰ In addition, there were a few respondents who could not remember, or did not know the background of, their first family law mediator.

C. Recent Experience of Florida Family Law Attorneys

The respondents were asked a series of questions relating to family law cases, which they had worked on over the twelve months immediately preceding receipt of the survey. ⁿ³¹ These questions explored the number of such cases in which mediation was attempted and completed, and who made the initial suggestion that mediation be considered. ⁿ³²

D. Mediation Was Attempted

Most of the respondents used mediation on a frequent basis. Over the twelve-month period, 44.9% of the respondents attempted mediation in over 50% of their family law cases, while 53.7% of the respondents attempted mediation in less than 50% of their family law cases during that same period. ⁿ³³

[*485] *E. Mediation Was Successfully Completed*

Successful completion was defined to include total and partial success, that is, an agreement was reached on one or more issues to the satisfaction of the client. Based on this definition, 44.3% of the respondents indicated that a successful mediation was experienced in over 50% of their cases during this twelve-month period. ⁿ³⁴ However, 53% of the respondents indicated that a successful mediation was experienced in less than 50% of their cases during this period of time. ⁿ³⁵

F. The Respondent-Attorney Made the Initial Suggestion to Use Mediation

When the respondents were asked what percentage of cases they had made the initial suggestion that mediation be considered, 39.5% said they were responsible in over 50% of their cases. ⁿ³⁶ Just over one-half (55.1%) said they were

responsible for making the initial suggestion to consider mediation in less than 50% of their cases during the same period of time. One contributing factor to this response could be the number of courts which automatically issue mandatory mediation orders.

G. The Opposing Attorney Made the Initial Suggestion to Use Mediation

Interestingly, while a greater number of the respondents credit themselves with initiating mediation, most of them did not provide any credit to their opposing counsel for making the initial suggestion. Over 86% of the respondents estimated that their opposing attorney made the initial suggestion that mediation be considered in less than 50% of their family law cases during the twelve-month period.ⁿ³⁷ Only 6% indicated that the opposing attorney had made the initial suggestion in 50% to 75% of their cases during this same period of time.ⁿ³⁸

[*486] *H. The Client Made the Initial Suggestion to Use Mediation*

It is clear that mediation is infrequently proffered by clients. Over 92% of the respondents indicated that their clients suggested mediation as a consideration in less than 50% of their cases during the twelve-month period in question.ⁿ³⁹ Additionally, most of the respondents only credited the client for suggesting this first step in less than 5% of their cases during that same period of time.ⁿ⁴⁰

I. The Judge Made the Initial Suggestion to Use Mediation

In their recent experience, 61.11% of the respondents indicated that the judge did not initiate mediation in most of their cases.ⁿ⁴¹ Only one-third (32.9%) of the respondents experienced judges making this initial suggestion in over 50% of their cases during the period in question.ⁿ⁴² These results seem to suggest that attorneys are discussing and initiating mediation before court involvement, even though most of the respondents' first mediation experience was court ordered.

J. Why Do Attorneys Avoid Mediation?

When asked to identify a reason or reasons that the respondents have used to justify not attempting mediation in their family law cases over the twelve-month period, the responses were very diverse. The reason most often used by the respondents (48.3%) was that there was "no possibility of settlement outside a courtroom."ⁿ⁴³

The remaining responses were spread among a number of possible choices. Just over 14% of the respondents felt that an allegation of spouse abuse was sufficient justification for not attempting mediation.ⁿ⁴⁴ The next most frequent response was that there is no reason not to use mediation and that it should always be attempted.ⁿ⁴⁵ Approximately the same number of respondents were concerned about the financial cost of mediation for some of their clients.ⁿ⁴⁶

[*487] Legal issues were perceived to be too complex for a non-attorney mediator in some cases and justified foregoing any attempt at mediation by 10.7% of the survey respondents.ⁿ⁴⁷ However, only 2% of the respondents avoided mediation because they felt that there were not enough attorney-mediators available.ⁿ⁴⁸ Of the respondents, 3.4% justified not attempting mediation because the financial issues in some of their cases were too complex for a non-CPA-mediator.ⁿ⁴⁹ Less than 1% did not attempt mediation because there were not enough CPA-mediators.ⁿ⁵⁰ These responses could be perceived as pure territorialism by attorneys. While attorneys continue to complain that non-lawyer mediators are inadequately trained in family law, they do not seem willing to recognize or admit that attorney-mediators are insufficiently trained in child development, family dynamics, stages of the divorce process, and how to deal with two parties simultaneously.

Fewer than 1% of the respondents (0.7%) did not engage in mediation in some of their cases because they represented the wife and apparently felt the client's gender made an attempt at mediation inappropriate.ⁿ⁵¹ This would counter the argument that mediation is biased against women.ⁿ⁵²

K. How Do Attorneys Use Mediation?

To get some idea as to the investment each of the respondents made into pursuing the process of mediation by educating their clients, the survey asked each respondent to estimate the amount of time spent preparing each client for his or her first family law mediation session. Over half of the respondents (54.4%) spent between thirty minutes and one hour with each client. ⁿ⁵³ A fairly equal number of respondents spent over one hour with each client (19.5%), and less than thirty minutes with each client (20.1%). ⁿ⁵⁴ There were 2.7% of the respondents who spent no time with their clients preparing them for their first mediation session. ⁿ⁵⁵ These [*488] results reflect that most of the attorneys understand the importance of preparing clients for mediation, and the possible relationship between such preparation and a successful outcome in the mediation process.

L. Why Do Attorneys Use Family Law Mediation?

The survey asked respondents to list the five most important benefits of using family law mediation. The most common response was "mediation increases settlement possibilities" (94%). ⁿ⁵⁶ This result clearly indicates the major selling point of mediation among family law attorneys.

The next most frequent response, "saves the client money" (79.2%), is a positive indication that a majority of attorneys are conscious of the economic burden which litigation places on their clients. ⁿ⁵⁷ However, the respondents were less concerned (63.8%) with the time that can be saved by the clients, the attorneys, and the court in applying mediation. ⁿ⁵⁸

Another cited benefit (63.1%) is that mediation serves the best interests of the children by not litigating. ⁿ⁵⁹ Just under two-thirds of the respondents (62.4%) preferred family law mediation because it "tempers . . . [the] attitude[s] of unreasonable clients." ⁿ⁶⁰

Just over one-half of the respondents (55%) perceived mediation as benefiting the client by affording them with a certain "measure of control." ⁿ⁶¹ Beyond that, fewer respondents believed mediation provided the client with much satisfaction. Only 35.6% felt that the use of family law mediation left clients satisfied with the judicial process. ⁿ⁶² A mere 6.7% believed that the use of family law mediation made clients more satisfied with their attorney. ⁿ⁶³

A few attorneys have a distorted view of the potential benefits of family law mediation. Family law mediation is seen by some attorneys as a "good discovery tool" (8.1%), and as a "useful tactic to gain time [by] delay[ing] final hearing[s]" (0.7%). ⁿ⁶⁴

To determine whether most attorneys were motivated by altruism when they pursued mediation, the respondents were asked to estimate the [*489] percentage of their family law cases over the twelve-month period in which they pursued mediation with the sole or primary objective being to obtain more information from the opponent. In other words, whether they used mediation as a discovery tool. It is comforting to note that the largest number of respondents (80.5%) used mediation with this sole or primary objective in less than 5% of their cases during the twelve-month period. ⁿ⁶⁵ However, 10.7% used mediation to accomplish this objective in 5% to 25% of their cases, and 2% of the respondents did so in 25% to 50% of their cases. ⁿ⁶⁶ Another 0.7% pursued mediation as a discovery tool in 50% to 75% of their cases over the twelve-month period. ⁿ⁶⁷

M. Respondent's Comments

A large number of attorneys who responded to the survey also spent time providing detailed comments to many of the questions. Overall, the remarks expressed a consensus on four major issues: the benefits of family law mediation far outweigh the disadvantages; although there are some attorneys who abuse the family law mediation process, it is infrequent and may be partially prevented through education of the family law mediation process; attorneys would be

1948 - 1969 = 11.4%

1970 - 1979 = 26.7%

1980 - 1989 = 43.8%

1990 - 1993 = 16.8%

Other = 1.3%

4. The approximate percentage of your practice over the last 12 months which was devoted to marital and family law cases:

0% - 25% = 14.1%

25% - 50% = 24.8%

50% - 75% = 26.8%

75% - 100% = 33.6%

Other = 0.7%

5.A. Have you taken a Florida Supreme Court Certified 40-hour family law mediation training course?

No = 81.2%

Yes = 18.1%

Other = 0.7%

5.B. If yes, what year? [*492]

1983 - 1988 = 2.7%

1990 - 1994 = 15.4%

Other = 81.9%

6. The approximate year in which you first had one of your family law clients *attempt* mediation:

1976 - 1979 = 2.1%

1982 - 1985 = 7.5%

1986 - 1989 = 28.2%

1993 - 1994 = 10%

Other = 52.2%

7. Your first experience with family law mediation (your first family law case in which mediation was *attempted*) was initiated by:

The opposing attorney = 6%

My suggestion = 30.2%

A court order = 55.7%

Other = 8.1%

8. Your first experience with family law mediation (your first family law case in which mediation was *attempted*) was:

Excellent = 23.5%

Good = 39.6%

Fair = 24.2%

Poor = 6.7%

Other = 6%

9. Your first experience with family law mediation (your first family law case in which mediation was *attempted*) was handled by:

CPA mediator = 2%

Ph.D. level mental health mediator = 2.7%

Master's level mental health mediator = 10.7%

A former/retired judge = 10.7%

Attorney mediator = 62.4%

Other = 11.5%

For Questions 10-15, please provide the approximate percentage of your marital and family law cases over the last 12 months . . .

[*493] 10. in which mediation was *attempted*:

11. in which mediation was *successfully completed*:

12. in which *you* made the initial suggestion to your client that he/she consider mediation:

13. in which *your client* made the initial suggestion that mediation be considered:

14. in which *the opposing attorney* made the initial suggestion that mediation be considered:

15. in which *the judge* made the initial suggestion that mediation be considered:

	Q10	Q11	Q12	Q13	Q14	Q15
0%-5%	14.1%	17.4%	20.8%	78.5%	42.3%	26.2%
5%-25%	24.8%	14.1%	14.8%	12.1%	32.9%	19.5%
25%-50%	14.8%	21.5%	19.5%	2%	11.4%	15.4%
50%-75%	22.1%	24.2%	17.4%	0%	6%	11.4%
75%-100%	22.8%	20.1%	22.1%	0%	0%	21.5%
Other	1.4%	2.7%	5.4%	7.4%	7.4%	6%

16. Which of the following reasons have you used during the last 12 months to justify *NOT* attempting family law mediation:

I represent the wife = 0.7%

Not enough CPA-mediators available = 0.7%

Not enough mental-health-mediators available = 0.7%

Not enough attorney-mediators available = 2%

Financial matters too complex for non-CPA mediator = 3.4%

Legal issues too complex for non-attorney mediator = 10.7%

Spousal abuse is being alleged = 14.8%

No possibility of settlement outside a courtroom = 48.3%

Other = 18.7%

17. Approximately how much time do you spend preparing each client for his/her first family law mediation session?

None	=	2.7%
Less than 30 minutes	=	20.1%
30 minutes to 1 hour	=	54.4%
More than one hour	=	19.5%
Other	=	3.3%

[*494] 18. The approximate percentage of your marital and family law cases over the last 12 months in which you pursued mediation with the *sole or primary objective* being to obtain more information (i.e., as a discovery tool):

Less than 5%	=	80.5%
5% - 25%	=	10.7%
25% - 50%	=	2%
50% - 75%	=	0.7%
75% - 100%	=	0%
Other	=	6.1%

19. Of the following possible *benefits* of family law mediation, please check the five which you feel are most important:

1. "Mediation increases settlement possibilities" = 94%
2. "Saves the client money" = 79.2%
3. "Saves time for the clients, attorneys, and court" = 63.8%
4. "In best interest of minor children not to litigate" = 63.1%
5. "Tempers attitude of unreasonable clients" = 62.4%
6. "Gives the client some measure of control" = 55%
7. "Clients are more satisfied with judicial process" = 35.6%
8. "Good discovery tool" = 8.1%
9. "Clients are more satisfied with their attorney" = 6.7%
10. "Other" = 4%
11. "Useful tactic to gain time (delay final hearing)" = 0.7%

Legal Topics:

For related research and practice materials, see the following legal topics:

Civil Procedure
Alternative Dispute Resolution
Mandatory ADR
Civil Procedure
Alternative Dispute Resolution
Mediations
Family Law
Alternative Dispute Resolution
Mediation

FOOTNOTES:

n1 See Craig McEwen, *State Justice Institute Conference Examines Research on Court-Connected ADR*, DISP. RESOL. MAG., Spring 1994, at 7, 7; NATIONAL INST. FOR DISP. RESOL., NATIONAL SURVEY FINDINGS ON: PUBLIC OPINION TOWARDS DISPUTE RESOLUTION 1992 (finding that 82% of those surveyed would engage in arbitration or mediation, as opposed to litigation); see also Frank E. A. Sander & Stephen B. Goldberg, *Making the Right Choice*, A.B.A. J., Nov. 1993, at 66, 66 (stating that ADR settles disputes at a more expedient rate and at a lower cost, which in turn, "satisf[ies] clients' dispute resolution goals better than litigation"). But see Robert D. Raven, *The Future of Court-Annexed ADR*, DISP. RESOL. MAG., Spring 1994, at 2, 2 (arguing that while ADR has expanded within the court system, the progress has been slow because the "court-annexed arbitration programs often take months to settle").

n2 FLA. R. CERTIFIED & COURT-APPOINTED MEDIATORS 10.010.

n3 *Id.* 10.010(b).

n4 Sharon Press, *Exploring Alternatives*, FLA. DISP. RESOL. CTR. NEWSL., Spring 1994, at 1, 7.

n5 *Id.*

n6 *Id.*

n7 The Florida Bar has approximately 48,000 members and the Family Law Section has 3047 members. Susan W. Harrell, Survey Responses, (Sept. 21, 1994) (on file with author) [hereinafter Survey]; see *infra* part IV.

n8 The survey instrument that was used solicited a wide range of information. A portion of the results of this survey was used to support another article. See Susan W. Harrell, *Why Attorneys Attend Mediation Sessions*, MEDIATION Q., Summer 1995, at 369.

n9 Survey, *supra* note 7, at 1.

n10 *Id.*

n11 *Id.*

n12 *Id.*

n13 *Id.*

n14 Survey, *supra* note 7, at 1.

n15 *Id.*

n16 *Id.*

n17 *Id.*

n18 *Id.*

n19 Survey, *supra* note 7, at 1-2.

n20 *Id.* at 2.

n21 *Id.*

n22 *Id.*

n23 *Id.*

n24 Survey, *supra* note 7, at 2.

n25 *Id.*

n26 *Id.*

n27 *Id.*

n28 *Id.*

n29 Survey, *supra* note 7, at 2.

n30 *Id.*

n31 *Id.*

n32 *Id.* at 3.

n33 *Id.*

n34 Survey, *supra* note 7, at 3.

n35 *Id.*

n36 *Id.*

n37 *Id.*

n38 *Id.*

n39 Survey, *supra* note 7, at 3.

n40 *Id.*

n41 *Id.*

n42 *Id.*

n43 *Id.*

n44 Survey, *supra* note 7, at 3.

n45 *Id.*

n46 *Id.*

n47 *Id.*

n48 *Id.*

n49 Survey, *supra* note 7, at 3.

n50 *Id.*

n51 *Id.*

n52 See Junda Woo, *Mediation Seen As Being Biased Against Women*, WALL ST. J., Aug. 4, 1992, at B1, B7 (claiming insignificant gender bias against women engaged in the mediation process).

n53 Survey, *supra* note 7, at 3.

n54 *Id.*

n55 *Id.*

n56 *Id.* at 4.

n57 *Id.*

n58 Survey, *supra* note 7, at 4.

n59 *Id.*

n60 *Id.*

n61 *Id.*

n62 *Id.*

n63 Survey, *supra* note 7, at 4.

n64 *Id.*

n65 *Id.*

n66 *Id.*

n67 *Id.*

n68 Jose C. Feliciano, *Lawyers, Advocates and Mediation: Three Perspectives*, DISP. RESOL. MAG., Spring 1994, at 4, 6.

n69 Nina R. Meierding, *Does Mediation Work? A Survey of Long-Term Satisfaction and Durability Rates for Privately Mediated Agreements*, *MEDIATION Q.*, Winter 1993, at 157.

n70 Nancy S. Palmer, *Family Law -- Letter to the Editor*, *FLA. B. NEWS*, June 1, 1994, at 2, 3.

n71 See Robert L. Haig & Robert S. Getman, *Does "Hardball" Litigation Produce the Best Result for Your Client?*, *FLA. B.J.*, Apr. 1993, at 30, 33-34 (discussing the court's reluctance in implementing "hardball litigation"); see also James E. Brill, *Long After the Price is Forgotten*, *FLA. B. NEWS*, Apr. 1, 1993, at 11, 11 (stating that quality lawyer-like skills include "prompt and appropriate action on the clients' behalf"); Philip H. Magner Jr., *One Lawyer's Guide to the Meaning of the Profession*, *FLA. B. NEWS*, Nov. 1, 1992, at 9, 9 (emphasizing that "hardball" should be played on the diamond, and not in the practice of law"); Benjamin Sells, *Give Peace, Alternative Dispute Resolution a Chance*, *FLA. B. NEWS*, June 15, 1994, at 23, 23 (advocating mediation and settlement in the quest for peace between adversarial parties).