



## Q&A WITH **Richard J. Suarez** Retired Judge, District Court of Appeal

### **Tell us about your legal career prior to joining JAMS.**

My first position out of law school was as an associate with the insurance defense firm of Corlett Killian in Miami. I was fortunate to have spent a year working with the senior partners learning how to be an attorney. I tried cases with them, prepared cases for them and generally sat at their knee learning.

After one year, I was given my own cases. The firm allowed me to litigate matters in state and federal courts as well as handle appeals. I became a partner after five years.

During my tenure with the firm, I represented a client in one of the largest federal multi-district litigations in the country. After 11 years, another partner and I formed our own law firm, Hardeman and Suarez, handling insurance defense work.

After 11 years at Hardeman and Suarez, I stepped down from my practice because I was appointed by the governor of Florida to fill a vacancy on the county court trial bench. I sat on the county court trial bench for a year and a half. I was then appointed to fill a vacancy at Florida's Third District Court of Appeal, where I remained for 16 years, including two as chief judge. I was the first of only two county court judges ever to be appointed directly from the county court to a District Court of Appeal. I retired from the court in 2019 and joined JAMS.

### **How did you become interested in alternative dispute resolution (ADR)?**

Mediation was starting to be used more often toward the end of my career as an attorney. I found mediation to be a helpful tool in preparing a case and getting a case into posture for trial. Mediations give everyone a chance to look at each other in person. The personal element is essential, as it provides not only the parties, but also the insurance adjuster an opportunity to see and evaluate the party's honesty and jury appeal. It often provides a wake-up call for

each side to hear and understand the other side's position. At that time, when mediators mostly just shuffled between rooms relaying offers, I found that even if a case did not settle at mediation, merely having one allowed for the possibility of settlement prior to trial.

### **How would you describe your arbitration/mediation style?**

I try to ensure that I am fully prepared from the beginning. Although I am usually direct and to the point, I remain soft-spoken and try to immediately put everyone at ease. Through my questioning and comments, I try to make sure that the parties and their attorneys are comfortable and that they understand that I am impartial. I want them to know that I am not there as a judge to decide who is right or wrong. My sole purpose is to guide the conversation down the path to resolution.

### **What do you enjoy the most about mediating?**

The people. I enjoy interacting with people and sharing ideas with both sides about their case.

### **Which traits have made you successful as a mediator?**

I think the most important trait any mediator can have is to be a good listener. It is crucial to listen not only to what is

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said, but also to what is not said. It is essential that whoever is talking to you feels that you, as the mediator, are listening to him or her and care about what he or she is saying. Often, the real issues in a mediation are the underlying issues. By listening to people and understanding all of the issues, the mediator is in a better position to guide the conversation toward resolution.

### **Are there any practice areas that you are particularly interested in developing at JAMS?**

As a mediator and an arbitrator, I particularly enjoy insurance coverage issues. I litigated personal injury cases for years, and I think I can bring knowledge of and empathy for these types of cases. I also wrote several opinions on property damage cases and business and employment disputes, and I would like to work more in those areas. Having been an appellate attorney and then an appellate judge for over 16 years, I think I can be of particular help to parties as a neutral evaluator. This encompasses not only brief evaluation, but also memos of law and arguments being prepared for presentation in trial courts.

With my experience, I think I can provide insight regarding which issues are more important and of greater concern to an appellate bench. I can also help, through mock oral arguments, attorneys make better presentations.

### **Why is diversity important in ADR?**

Diversity is vitally important in all aspects of mediation and arbitration. To fully understand the issues at hand and bring the parties together to resolve their differences, the mediator/arbitrator must understand each party's unique background and life experiences. Only then can the mediator

guide the parties toward resolution. Each neutral needs to understand that diversity includes not just diversity of color, but also gender, sexual orientation, religion and cultural background. Correspondingly, it is vitally important to have a panel of diverse neutrals. Each neutral's life experiences will help him or her to better understand the parties and their dispute.

### **What is the best piece of advice you have received?**

The best advice I was ever given may sound simple, but it is something I try to pass on to new attorneys: Be honest and direct. Treat everyone with dignity and respect. Be prepared. Be yourself.

### **What are some of the highlights of your career to date, whether in ADR or litigation?**

I have been very fortunate to have been involved in some very interesting cases. One of the highlights was representing a party in a very large multi-district case. Not only were the issues interesting, but I had the opportunity to interact with and learn from some of the best attorneys around the country. Another highlight was representing National Flood in a question of first impression concerning the interpretation of a discrete provision of the National Flood Insurance Program and having our interpretation upheld by the U.S. Court of Appeals for the Eleventh Circuit.

*Judge Suarez is available to conduct virtual or remote mediations and other ADR proceedings on a variety of online platforms, including Zoom. To schedule a case, visit [jamsadr.com/suarez](https://jamsadr.com/suarez) or call 202.942.9180.*

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