

IN RE: ANTHONY RAOUL BOTT

NO. BD-2005-024

**S.J.C. Order Allowing Employment As A Mediator with Conditions entered by Justice
Botsford on September 7, 2012.¹**

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¹ The complete Order of the Court is available by contacting the Clerk of the Supreme Judicial Court for Suffolk County.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
No: BD-2005-024

IN RE: Anthony Raoul Bott

ORDER IN ACCORDANCE WITH RESCRIPT OPINION

This matter came before the Court, Botsford, J., and in accordance with the Rescript Opinion that was entered in the Full Court in SJC-10935 on June 5, 2012, and with the joint motion of the parties for entry of an order permitting the petitioner to serve as a mediator filed on August 28, 2012.

It is ORDERED that:

Anthony Raoul Bott may seek employment as a mediator subject to the following terms and conditions, which I find to be necessary to protect his mediation clients and to ensure the integrity of the legal profession:

1. The petitioner shall not provide mediation services to any former client or to the clients of any attorney with whom he previously was engaged in the practice of law.

2. The petitioner shall not operate his business or conduct mediation in the same offices from which he previously conducted

his law practice.

3. The petitioner shall not at any time or in any manner hold himself out to any member of the public, including any person seeking mediation services (hereinafter "disputants"), as an attorney or former attorney. The petitioner shall not use the term "esquire" or "esq." in connection with his name in any signage, advertising, solicitation, letterhead, card, website, or other written material.

4. Prior to collecting any fees for his services, the petitioner and disputants will sign an agreement in a form substantially similar to the Agreement to Mediate, attached hereto. The petitioner will provide copies of the executed agreement to the disputants. The petitioner may request from disputants a reasonable deposit prior to providing his services, but shall not require payment of more than half the agreed fee until the mediation services have been provided. The petitioner shall provide detailed billing statements to disputants at the end of the mediation and before requesting final payments of his fees.

5. Other than fees paid to the petitioner for his services, the petitioner will not at any time receive, maintain or disburse any funds belonging to a disputant or third party.

6. In providing mediation services, the petitioner shall only engage in facilitative mediation as described in *Matter of Bott*, 462 Mass. 430, 439 fn. 9 (2012). He shall not offer any

legal, evaluative or professional advice or opinion with regard to the strengths, weaknesses, merits, principles and/or legal substance of any case, contest, disagreement, dispute, issue, matter or point in contention. He shall not engage in any "evaluative mediation". He shall not draft legal documents for any disputants.

7. The petitioner shall not mediate disputes concerning claims for personal injuries.

8. In conducting mediations, the petitioner shall at all times abide by Rule 9 (Ethical Standards) of Supreme Judicial Court Rule 1.18, the Uniform Rules of Dispute Resolution.

9. The petitioner shall before he advertises or otherwise offers his services as a mediator, join the Association for Conflict Resolution (ACR), a nonprofit organization representing more than 7,000 mediators, arbitrators, educators and others. The petitioner shall thereafter participate in continuing education programs offered by ACR for at least five hours each year.

By the Court, (Botsford, J.) MB


Assistant Clerk

Entered: September 7, 2012