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## **Amendment to Rules Regulating The Florida Bar: Unbundled Legal Services**

MARCH PLEASE BE SEATED.

CHIEF JUSTICE: CHIEF MY GOODNESS, THIS DOESN'T HAPPEN VERY OFTEN. I AM GETTING A LITTLE WORRIED HERE. WE HAVE THE AMENDMENTS TO THE RULES REGULATING THE FLORIDA BAR AND THE FLORIDA FAMILY LAW RULES OF PROCEDURE. YOU MAY PROCEED.

MAY IT PLEASE THE COURT. MY NAME IS JEFFREY WASSERMAN. I AM HERE ON BEHALF THE FLORIDA BAR AND THE UNBUNDLED LEGAL SERVICES SPECIAL COMMITTEE, WHICH WAS FORMED AS A RESULT OF A LETTER WRITTEN IN MARCH OF 2002, BY THEN CHIEF JUSTICE WELLS, TO TERRY RUSSELL OF THE FLORIDA BAR, WHO THEN APPOINTED THE COMMITTEE, ADELL STONE BEING THE CHAIR. WITH ME HERE TODAY IS JUDGE RAY McNEIL, WHO IS GOING TO SPEAK ON BEHALF OF THE PROPOSITION, AS WELL AS LORI HOLCOMB, ON BEHALF OF THE FLORIDA BAR COUNSEL, WHO I GIVE CREDIT TO GETTING THIS DONE IN A TIMELY FASHION FOR THE COURT. THE COURT HAD SUBMITTED FOUR QUESTIONS, TO THE COMMITTEE FOR RESPONSIBILITIES, AND I THINK THAT WOULD PROBABLY BE THE MOST APPROPRIATE PLACE TO START, IF IT PLEASE THE COURT. THE FIRST QUESTION WAS WHETHER THE RULE ENVISIONS THAT BOTH THE ATTORNEY AND THE PRO SE LITIGANT MAY APPEAR BEFORE THE COURT AT A SINGLE HEARING WHERE MULTIPLE ISSUES ARE BEING ADDRESSED, AND I WOULD SUGGEST THAT THE RULE CERTAINLY DOES CONTEMPLATE THAT OCCURRING. THE RULE PROVIDES FOR BOTH VERTICAL AND HORIZONTAL REPUTATION OF PRO SE LITIGANTS, AND WHAT I MEAN BY THAT IS THAT THE ATTORNEY MAY REPRESENT THE PRO SE LITIGANT FOR EITHER ONE ISSUE THROUGHOUT THE PROCEEDINGS OR FOR A SOLE HEARING OR FOR ONE ISSUE AT A PARTICULAR HEARING, SO IT CAN EITHER GO ACROSS THE ENTIRE CASE OR JUST FOR A PARTICULAR HEARING.

MAY I ASK YOU A QUESTION ON THAT. IS YOUR IMPRESSION OF THAT, LIKE WE DO WITH STANDBY COUNSEL IN CRIMINAL CASES, THAT YOU WOULD HAVE AN ATTORNEY DOING ONE ISSUE, AND WHILE THE PRO SE LITIGANT IS ADDRESSING ANOTHER ISSUE, THAT THAT ATTORNEY IS GIVING ADVICE AND COACHING THE PRO SE LITIGANT, OR DO THEY HAVE TO REMAIN SILENT?

NO. ACTUALLY THE PURPOSE OF THE -- TO REMAIN SILENT?

NO. THE PURPOSE OF THE UNBUNDLED RULE IS SO THAT THE PRO SE LITIGANT CAN, THEMSELVES, HANDLE SPECIFIC ISSUES AND ONLY TURN ONE ISSUE OVER TO THE ATTORNEY. ATTORNEY WOULD NOT NECESSARILY BE ADVISING THE LITIGANT ON OTHER ISSUES.

WOULDN'T NECESSARILY BE, BUT IN ALL FAIRNESS, ATTORNEYS, AS JUDGES HAVE, SOMETIMES TROUBLE STAYING OUT OF THINGS THEY SHOULD BE STAYING OUT OF, BUT WHAT IS YOUR IMPRESSION OR UNDERSTANDING, THAT THE ATTORNEY SHOULD, SHALL, MUST OR, WHAT AS TO ISSUES THAT THEY ARE NOT RETAINED FOR WHEN THEY ARE SITTING SIDE-BY-SIDE WITH THE PRO SE LITIGANT?

I THINK THE ATTORNEY WOULD HAVE POTENTIAL MALPRACTICE CLAIMS, IF, IN FACT, THEY WERE HIRED TO DO ONE SPECIFIC TASK AND WERE GIVING ADVICE ON OTHER THINGS THAT THEY WERE NOT HIRED TO DO. OBVIOUSLY, AS YOU POINTED OUT VERY CORRECTLY AS AN ATTORNEY, WE HAVE A VERY DIFFICULT TIME KEEPING OUR MOUTHS SHUT AND JUST WATCHING THINGS HAPPEN, SO I WOULD SUGGEST THAT THE ATTORNEY MIGHT BE THERE TO PROPERLY CONSULT AND ADVISE THE PRO SE LITIGANT, IF THEY FELT THAT THE PRO SE WAS GOING ADRIFT

SOMEPLACE.

ONE CONCERN, AND I RECOGNIZE THE, THAT THE FLORIDA BAR HAS COME, HAS NOT EXACTLY BEEN VOLUNTEER IN THIS PROCESSION, IN RESPECT TO THIS RULE, AND I CAN UNDERSTAND SOME CONCERNS ABOUT HOW THIS IS GOING TO ACTUALLY PLAY OUT IN THE FIELD, AND ONE CONCERN IS THAT, IF, THE OTHER PARTY, HOW IS THE OTHER PARTY GOING TO DEAL WITH THIS SITUATION OF WHICH, YOU HAVE GOT BOTH THE PARTY AND COUNSEL THAT ARE ABLE TO ADDRESS THE COURT, AND THAT IS AN UNUSUAL, IN MY EXPERIENCE, WAY TO CONDUCT A PROCEEDING, THAT THEN YOU TURN TO SOMEBODY THAT IS A PARTY THAT IS ONLY REPRESENTED BY COUNSEL, SO THEY ONLY GET TO SPEAK, DO THEY GET AN OPPORTUNITY AT THAT POINT, TO, THEN, RESPOND PERSONALLY, WITHOUT GOING UNDER OATH TO THE COURT, OR HOW IS THIS GOING TO WORK?

I THINK, CONTRARY TO THE WAY THE SUPREME COURT OPERATES, THE TRIAL COURTS ARE NOT NECESSARILY AS STRICT AS FAR AS THEIR TIME CONSTRAINTS ARE CONCERNED, AND CERTAINLY BOTH LIMITED APPEARANCE COUNSEL AND THE PRO SE LITIGANT WOULD BE GIVEN THE OPPORTUNITY TO SPEAK ON THE DIFFERENT ISSUES BY THE TRIAL COURT.

MY EXPERIENCE IS, AS A TRIAL LAWYER, KIND OF THE REVERSE OF THAT. I RAN INTO A LOT OF JUDGES IN TRIAL COURTS THAT SAID YOU HAVE GOT 15 MINUTES, AND WE ARE GOING TO DO, THIS AND THEN NEXT CASE, BUT MY CONCERN IS WHAT RIGHT DOES THE OTHER PARTY HAVE TO ADDRESS THE COURT PERSONALLY, WHEN A LAWYER AND THE OTHER PARTY HAVE ALREADY ADDRESSED THE COURT?

THAT IS DISCRETIONARY WITH THE COURT ITSELF. NORM A, IF THERE IS -- NORMALLY, IF THERE IS A GENERAL APPEARANCE BY COUNSEL, THE REPRESENTED PARTY WOULD NOT HAVE THE OPPORTUNITY. I KNOW IN CRIMINAL CASES, AS JUDGE McNEAL POINTED OUT IN HIS RESPONSE TO THE COURT, THERE ARE CASES WHERE THE LITIGANT WAS ABLE TO ADDRESS THE COURT, AND IT HAS BEEN APPLIED TO CIVIL CASES, WHERE, WITHIN THE DISCRETION OF THE COURT, THE JUDGE HAS PERMITTED THE REPRESENTED PARTY TO SPEAK, AS WELL AS THE ATTORNEY REPRESENTING THAT PARTY. BUT THAT WOULD BE DISCRETIONARY WITH THE COURT ITSELF, AND I TRUST THAT THE TRIAL COURT WOULD BE VERY, VERY HAPPY WITH THE FACT THAT THE PRO SE LITIGANT HAS AT LEAST A PARTIAL REPRESENTATION, IF NOT A FULL REPRESENTATION, TO MAKE THEIR LIFE EASIER IN CONNECTION WITH THAT.

MR. WASSERMAN, YOU SAID YOU REPRESENT THE FLORIDA BAR AND ALSO THE COMMITTEE.

SPECIAL COMMITTEE.

I KNOW, THOUGH, YOU WILL ALSO HAVE BEEN INVOLVED IN THE FAMILY LAW SECTION. COULD YOU JUST, FOR THE BENEFIT OF THE COURT, ADVISE IF YOU CAN, OF THE FAMILY LAWYERS IN FLORIDA, WHAT THEIR VIEW IS ABOUT THE REASON FOR HAVING THIS RULE?

WELL, THE FACT OF THE MATTER IS I WAS CHAIR OF THE FAMILY LAW SECTION, 2000 AND 2001, AND AS A RESULT OF THE INITIATIVES OF JUSTICE HARDING, THE FAMILY LAW SECTION BECAME A PARTICIPANT IN THE PRO SE ISSUE THAT THE COURT ADDRESSED AT THE END OF THE 1990s. WHAT HAPPENED WAS THAT THE FIRST TIME THAT THIS CAME ABOUT, THE FAMILY LAW SECTION ACTUALLY OPPOSED RULE 12.040, AND THE FLORIDA BAR UNFORTUNATE NATALIE REJECTED IT AT -- UNFORTUNATELY REJECTED IT AT THAT PARTICULAR TIME AND THEN THE COMMITTEE WAS REINSTATED, BUT THE SECTION SHEN, ITSELF, IS VERY -- THE SECTION ITSELF, IS VERY MUCH IN FAVOR OF A RULE OF THIS NATURE, AND HAVING OPPOSED THE RULE ITSELF, SEPARATE AND APART FROM THE COMMITTEE, SO WE ARE HOPEFUL THAT THE COURT WILL, IN FACT, GO AHEAD GO AHEAD AND PASS ON A -- GO AHEAD AND PASS ON A RULE OF THIS NATURE.

HOW DO YOU SEE, PRACTICALLY, HAPPENING THE IDEA OF WHO IS GOING TO BE SERVED IN THESE FAMILY LAW MATTERS? NOW, IF AN ATTORNEY COMES IN, SAY, ON JUST ISSUE OF WHO IS GOING

TO GET CUSTODY, SAY, AND THERE ARE ALL, OTHER KINDS OF ISSUES, DISTRIBUTION OF PROPERTY AND THOSE KINDS OF THINGS GOING ON IN THE CASE, ALSO. WHAT DO YOU SERVE THE ATTORNEY WITH? DO YOU SERVE THE ATTORNEY ONLY ON THOSE ISSUES THAT ACTUALLY INVOLVE THE CUSTODY OF THE CHILD OR WHAT? HOW DO YOU SEE THAT PLAYING OUT IN REALITY?

UNDER 12.040 SUBPARAGRAPH F, IT INDICATES DURING THE ATTORNEYS LIMITED APPEARANCE, SERVICE OF PLEADINGS OR OTHER DOCUMENTS, RELATED TO THAT MATTER SHALL BE SERVED UPON BOTH THE ATTORNEY AND THE PARTY. I AM SURE WHAT WILL HAPPEN IS OPPOSING COUNSEL WILL WIND UP SERVING THE ATTORNEY WHO HAS FILED A NOTICE OF LIMITED APPEARANCE ON ALL ISSUES, JUST TO MAKE CERTAIN THAT SERVICE HAS BEEN COMPLIED WITH, AND THERE AREN'T ANY GLITCHES IN THE SERVICE PROVISIONS OF THE RULE, BUT WE VERY SPECIFICALLY POINTED OUT THAT BOTH PRO SE LITIGANT AND THE ATTORNEY WOULD IS A TO BE SERVED AT THE VERY LEAST, ON THE ISSUES DEALT WITH, AS FAR AS LIMITED APPEARANCE IS CONCERNED, AND THEN I WOULD SUGGEST THAT IT WOULD GO FURTHER.

DOES THE ATTORNEY HAVE ANY OBLIGATION TO LET THE PARTIES KNOW THAT, SINCE THIS HEARING DOESN'T INVOLVE XYZ, I WON'T BE THERE?

YES. THE RULES OF FLAT BAR, RULES REGULATING THE FLORIDA -- THE FLORIDA BAR, RULES REGULATING THE FLORIDA BAR, REQUIRE THE ATTORNEY TO MAKE CERTAIN THAT THEY ADHERE TO THE ETHICAL STANDARDS OF THE PRACTICE, WHICH I BELIEVE, WOULD BE TO MAKE CERTAIN THAT THE LITIGANT IS ALWAYS AWARE OF WHAT IS GOING ON BEFORE THE COURT, SO THE FACT THAT YOU HAVE NOTICED A LIMITED APPEARANCE, DOES NOT RELIEVE YOU OF THE OBLIGATION OF MAKING CERTAIN THAT THE PRO SE LITIGANT IS FULLY AWARE OF WHAT IS GOING ON IN THE PROCEEDINGS.

YOU SAID YOU CONTEMPLATED VERTICAL AND HORIZONTAL REPRESENTATION, SO THAT YOU WOULD HAVE A SITUATION EITHER WHERE THE ATTORNEY WOULD COME IN FOR A PARTICULAR ISSUE OR FOR A PARTICULAR HEARING. ONE THING THAT I WANT TO MAKE SURE ABOUT, YOU DON'T ANTICIPATE, AND MAYBE THIS IS REALLY WHAT JUSTICE WELLS, ALSO, IS TALKING ABOUT, THIS IDEA THAT SOMEHOW THE ATTORNEYS COMING IN TO MAKE EVIDENTIARY OBJECTIONS OR SOMETHING THAT IS REALLY NOT A SUBSTANTIVE ISSUE OR THE WHOLE HEARING, BUT KIND OF DOING SOMETHING THAT COULD BE, IN FACT, AN ABUSE OF THE SITUATION?

THAT IS A VERY GOOD QUESTION, AND I AM NOT SURE THAT I HAVE A FULL ANSWER FOR THAT QUESTION, QUITE FRANKLY. THE FACT OF THE MATTER IS, IS BEING THERE AND SEEING THAT RULES OF EVIDENCE ARE BEING TAKEN ADVANTAGE OF AGAINST THE PRO SE LITIGANT, I THINK THE ATTORNEY WOULD HAVE TO SPEAK UP AND SAY SOMETHING, EVEN THOUGH NOT EMPLOYED FOR THAT PARTICULAR PURPOSE OR THAT PARTICULAR SECTION OF THE HEARING. SO THAT IS A VERY DIFFICULT SITUATION.

SO WOULDN'T IT BE BETTER, THEN, TO SAY THAT, IF THERE IS A LIMITED APPEARANCE, THAT, AS FOR, THAT THE ATTORNEY, IF THEY APPEAR AT THE HEARING, THEY ARE REPRESENTING THE LITIGANT FOR EVERYTHING AT THAT PARTICULAR HEARING, AND THEN YOU HAVE A REQUIREMENT, THEN, IF THERE IS GOING TO BE OTHER ISSUES, THOSE GET DECIDED AT ANOTHER HEARING?

CERTAINLY.

I MEAN, OTHERWISE, I THINK MAYBE JUDGE McNEAL COULD ADDRESS THIS. IT SEEMS THAT THIS COULD BE PARTICULARLY OR POTENTIALLY DISRUPTIVE, RATHER THAN HELPFUL TO THE COURT AND TO THE PROCESS.

I DON'T THINK IT WOULD BE DISRUPTIVE AS MUCH AS IT WOULD BE HELPFUL. IF IT WERE A

HORIZONTAL, FOR INSTANCE, THE CUSTODY ISSUE GOING THROUGHOUT THE PROCEEDINGS, AND THE OTHER ISSUES IN THE PROCEEDINGS EQUITABLE DISTRIBUTION, SUPPORT, THINGS OF THAT NATURE, WERE NOT WITHIN THE PURVIEW OF THE LIMITED APPEARANCE, I STILL THINK THAT THE ATTORNEY WOULD OWE THE PRO SE LITIGANT SOME OBLIGATION TO ASSIST, TO SOME EXTENT, AT THE HEARING, AND IF RAISING EVIDENTIARY OBJECTIONS WERE A PORTION OF THAT ASSISTANCE, I CERTAINLY THINK THAT WOULD BE A PART OF THE RESPONSIBILITY OF THE ATTORNEY.

ISN'T THAT DRAWING THE ATTORNEY, THEN, INTO MATTERS THAT HE HAS NOT, HAS LIMITED REPRESENTATION, THAT DIDN'T ACTUALLY CONTEMPLATE?

I DON'T KNOW THAT THAT WOULD DO THAT, YOUR HONOR, BECAUSE PROCEDURAL ISSUES SUCH AS AN EVIDENTIARY OBJECTION WOULD NOT NECESSARILY DRAW THE ATTORNEY INTO THE SUBSTANTIVE PORTION OF THAT PARTICULAR PORTION OF THE CASE. THAT WOULD BE MY FEELING. INCIDENTALLY, THE THIRD QUESTION OF THE FOUR QUESTIONS THAT YOU HAD DEALT WITH THE ISSUE OF WHAT OTHER STATES HAVE FOUND AND WHAT REPORTS THERE ARE. UNFORTUNATELY,, THERE IS NO STATISTICAL INFORMATION THAT WE CAN OBTAIN AT THIS POINT IN TIME. MOST OF THE STATES HAVE PASSED THIS SO RECENTLY THAT THEY HAVE NOT KEPT THE STATISTICAL INFORMATION AT THIS POINT. I WILL SAY, HOWEVER, THAT THE POSTURE OF MOST STATES IS THAT IT HAS BEEN WELL RECEIVED, AND IT IS PERCEIVED AS BEING A POSITIVE STEP TOWARDS ASSISTING PRO SE LITIGANTS WITHIN THE STATE. WITH THE EXCEPTION OF ONE STATE, THAT BEING COLORADO, WHO HAD THE UNBUNDLED LEGAL SERVICE STATUTE PASSED IN 1999. THEY DO NOT FEEL THAT IT IS SERVING THE INDIGENT OR NEAR INDIGENT PRO SE LITIGANTS AS WELL AS, PERHAPS, IT WAS INTENDED TO HAVE SERVED THEM WHEN IT WAS FIRST STARTED. MAINE, ON THE OTHER HAND, INDICATES THAT IT HAS GIVEN THE JUDGES AN OPPORTUNITY TO APPOINT COUNSEL IN MORE SITUATIONS THAN THEY WOULD HAVE OTHERWISE HAD THE OPPORTUNITY TO APPOINT COUNSEL. IN POSING IT TO JUDGE McNEAL BEFORE, EVEN THOUGH THERE WOULDN'T AND APPOINTMENT OF COUNSEL, CERTAINLY THERE COULD BE A STRONG SUGGESTION THAT COUNSEL MIGHT BE AVAILABLE ON A LIMITED BASIS, TO ASSIST THE PRO SE LITIGANT WHO IS HAVING A PARTICULAR DIFFICULTY WITH AN ISSUE OR A PARTICULAR HEARING ON A PARTICULAR MATTER, SO IT STILL ALLOWS THE PRO SE LITIGANT TO MAINTAIN CONTROL OR, IN THE ALTERNATIVE, TO PAY A FINITE FEE FOR THE REPRESENTATION, AS OPPOSED TO SIGNING UP FOR A FEE THAT THEY ARE NOT SURE HOW HIGH IT IS GOING TO GET.

WHEN YOU SAY THE COLORADO, WHEN HAD THE RULE IN EFFECT FOR SOME TIME, HOW CAN WE GET INFORMATION AS TO, WHEN YOU SAY THEY DON'T FEEL LIKE IT IS SERVING THE POOR LITIGANTS AS IT WAS MEANT TO DO, WHAT ARE THEY, ARE THEY CONSIDERING REPEALING THE RULE? WHAT?

THERE IS NO CONSIDERATION THAT THEY ARE GOING TO REPEAL THE RULE. THEY JUST INDICATED THE RULES HAVE NOT REALLY ADDRESSED THE ISSUE OF UNREPRESENTED LITIGANTS GETTING REPRESENTATION, AND THAT IS ESSENTIALLY WHAT THEY HAVE COME UP WITH. THEY HAD SOME PROBLEM INITIALLY IN CONNECTION WITH THE DEPARTMENT OF THE SCOPE OF REPRESENTATION, AND THAT WAS A MAJOR HURDLE THAT THEY HAD TO GET OVER AND I THINK WE HAVE EXCEEDED WITH THE REFERENCE, ITSELF.

MAY IT PLEASE THE COURT. I AM RAY McNEAL A CIRCUIT JUDGE APPEARING THIS MORNING ON BEHALF THE 2000-2002 FAMILY COURT STEERING COMMITTEE AND THE CURRENT STEERING COMMITTEE ON FAMILIES AND THE COURT. WE ARE HERE TODAY TO SUPPORT THE PROPOSED RULE. I THINK AT THIS POINT, THIS QUESTION IS NOT WHETHER WE ARE GOING TO HAVE UNBUNDLED OR DISCREET TASK LEGAL SERVICES. THE QUESTION IS WHETHER OR NOT WE ARE GOING TO ENACT A RULE, ADOPT A RULE TOGIE ENCOURAGEMENT TO THIS -- TO GIVEN COURAGEMENT TO THIS PRACTICE AND TO GIVE GUIDANCE TO THE PEOPLE THAT ARE DOING IT, AND I WOULD SUGGEST THAT, INITIALLY, IN ACTUALLY THIS MOVEMENT BEGAN IN PROBABLY

1998 AND 1999 IN FLORIDA, IN THAT FAMILY COURT STEERING COMMITTEE, SO THIS IS, THE PROPOSAL FOR DOING THIS AT THAT TIME WAS TO ENCOURAGE ATTORNEYS TO MARKET SERVICES TO ASSIST PRO SE LITIGANTS.

YOU KNOW, I HAVE NO PROBLEM AT ALL, WITH THE LIMITED APPEARANCE FOR ONE HEARING, THE TEMPORARY SUPPORT HEARING, THE EMERGENCY, YOU KNOW, THE DOMESTIC VIOLENCE HEARINGS OR IN-OFFICE COUNSEL, THOSE SORTS OF LIMITED SERVICES OFFERED, BUT AS A FORMER CIRCUIT JUDGE, MY CONCERN IS THE BIFURCATION OF ISSUES AND A HEARING IN, LET'S SAY YOU HAVE A 30-MINUTE TEMPORARY HEARING, AND THE ATTORNEY COMES IN AND SAYS, WELL, I AM JUST REPRESENTING ON THE CHILD SUPPORT ISSUE, AND THEY ARE GOING TO DEAL WITH THE CUSTODY. HOW, AS A CIRCUIT JUDGE, DO YOU ANTICIPATE THAT HAPSOMETHING.

WELL, IT IS ALREADY HAPPENING. WE JUST DON'T HAVE GUIDANCE AS TO WHAT TO DO ABOUT IT, AND THE RULE WILL HELP GIVE US GUIDANCE. THE BEST EXAMPLE OF HOW THIS PLAYING OUT IS IN A DIVORCE CASE WHERE THE DEPARTMENT OF REVENUE REPRESENTS A PARENT IN CHILD SUPPORT, AND THEY COME IN AND THEY SAY, JUDGE, I AM JUST HERE ON THE CHILD SUPPORT ISSUE. WE ARE NOT INVOLVED IN CUSTODY AND ALL OF THAT. AND WHEN YOU SAY, WELL, WAIT A MINUTE. I HAVE GOT TO DECIDE CUSTODY BEFORE I CAN DECIDE WHO GETS THE RESIDENCE, AND WE NEED ALL OF THIS BEFORE YOU CAN DO THE CHILD SUPPORT, AND YOU HAVE A CHOICE. YOU CAN EITHER STAY OR YOU CAN COME BACK. IT IS NOT, IT IS MESSY. LET'S JUST USE THAT WORD. IT IS MESSY, BUT IT IS DO-ABLE, AND WE WORK WITH IT ALL THE TIME. IT IS HAPPENING IN OUR COURTS. WE ARE WORKING THROUGH IT.

HOW WOULD YOU DO IT, LIKE FOR EXAMPLE YOUR JA, SOMEBODY CALLS UP AND THEY NEED TO SET A HEARING, AND THE JA DOESN'T HAVE A FILE IN FRONT OF THEM AND ARE TRYING TO SET A 15 OR 30-MINUTE TEMPORARY HEARING. HOW ARE THEY GOING TO KNOW WHO TO NOTIFY, IN THE CASE OF A PRO SE LITIGANT CALLING IT UP.

WE WOULD GET THE COURT FILE FIRST. WE WOULD LOOK AT THE COURT FILE BEFORE WE SET THE HEARING, BECAUSE WE DON'T EVEN KNOW IF THEY FILED THEIR MOTION OR SOMETIMES YOU HAVE THAT SAME PROBLEM WITH ATTORNEYS. WE LIKE, IF AN ATTORNEY CALLS, WE GIVE THEM A HEARING TIME, BUT IF A PRO SE CALLS, THEN WE WANT TO SEE THE FILE AND SEE WHAT IS BEHIND PENDING AND WHAT THE STATUS OF THE CASE IS.

-- AND SAY WHAT IS PENDING AND WHAT THE STATUS OF THE CASE IS.

PART OF WHAT I AM HEARING IS THAT YOU ALL ARE RECOGNIZING THAT ON THE GROUND YOU, WANT TO HAVE SOME CONSIDERATION OF THIS PRACTICE THAN HAVE IT GO ON THE GROUND AS IT IS NOW, WITHOUT ANY DEFINITE RULING.

DEFINITELY. I CAN GIVE YOU A SPECIFIC EXAMPLE OF AN ATTORNEY WHO FILED A MOTION OF APPEARANCE AND THEN A NEW HEARING ON BEHALF OF THE CLIENT AND A CLIENT ENTERED PREPRO SAY MOTIONS AND I STRUCK ALL THE MOTIONS BECAUSE THEY WERE REPRESENTED BY THE ATTORNEY. THE ATTORNEY CAME IN AND SAID, JUDGE, I DON'T REPRESENT HER ON ALL OF THE MOTIONS ON CONTEMPT. THAT DOESN'T HAVE ANYTHING TO DO WITH A MOTION FOR NEW TRIAL. IN THE STATE OF FLORIDA, I SAID, YOU DIDN'T FILE A LIMITED APPEARANCE, SO YOU ARE IN FOR EVERYTHING. YOU REPRESENT HER ON EVERYTHING. HE SAID I DIDN'T KNOW I COULD FILE A LIMITED APPEARANCE. I DIDN'T KNOW I COULD DO IT. THIS WILL TELL ATTORNEYS THAT IF YOU ARE JUST COMING IN ON A MOTION FOR NEW TRIAL AND NOT A MOTION FOR CONTEMPT, YOU CAN FILE A LIMITED APPEARANCE AND THE JUDGE WILL KNOW AND THE OTHER SIDE WILL KNOW IT.

JUDGE, WITH REGARD TO THE AREA WHERE IT IS CLEARLY DEFINED, MAYBE IT IS MORE WORKABLE, WHAT ABOUT THE AREAS WHERE IT SEEMS TO BLEED ACROSS THE LINES? THAT IS THE ONE THAT SEEMS TO BE DIFFICULT TO ADDRESS AND PUT A HANDLE ON. DO WE NOT NEED SOME TYPE OF PROCEDURAL RULES, SOMETHING TO HELP TRIAL JUDGES TO DEAL WITH THE

SITUATION WHERE, FOR EXAMPLE, BOTH APPEAR AT TRIAL AND THERE HAS BEEN A LIMITED APPEARANCE FILED BUT THE LIMITED APPEARANCE IS SO BROAD THAT IT MORE ON A CONSULTING POSITION, AND THERE IS NOTHING AS I READ THAT PRECLUDES THAT, SO YOU ARE GOING TO HAVE JUST EXACTLY WHAT WE HAVE BEEN TALKING ABOUT THIS MORNING WITH BOTH PARTIES, AND IN FACT IT IS ANECDOTAL BUT IT IS HAPPENING IN OTHER STATES.

NO, SIR, YOU ARE GOING TO HAVE THAT, BECAUSE COACHING IS DEFINITELY AN UNBUNDLED LEGAL SERVICE THAT A PERSON MAY WANT TO EMPLOY AN ATTORNEY JUST TO SIT AT THE TABLE WITH THEM AND TO HELP THEM THROUGH THE PROCEEDINGS.

HOW ABOUT TO SPEAK TO THE COURT? BOTH WOULD BE SPEAKING TO THE COURT.

I THINK THAT WE ARE GOING TO HAVE TO USE OUR COMMON SENSE ON. THAT IF, I DON'T BELIEVE THAT YOU CAN HIRE AN ATTORNEY TO SPEAK TO THE COURT ON A DISCREET LEGALISH UNION SPEAK TO THE COURT YOURSELF ON THAT SAME ISSUE. YOU PICK ONE OR THE OTHER, JUST LIKE WHEN WE HAVE THREE ATTORNEYS FOR ONE SIDE IN THE CASE. WE DON'T LET ALL THREE ATTORNEYS TALK ON EVERY ISSUE. WE MAKE THEM DIVIDE --

DOES THIS RULE SAY THAT YOU HAVE TO FILE AN APPEARANCE ON A DISCREET LEGAL ISSUE? IT DOESN'T SAY THAT, DOES IT? YOU SEE HOW THE INTERPRETATION COULD BE THAT THE SCOPE COULD BE WORD SOD BROADLY.

IT DOESN'T SAY THAT, BUT I THINK WE ALL ENVISION THAT, IF YOU ARE APPEARING, THESE ARE APPEARANCES FOR LIMITED REPRESENTATION OR DISCREET LEGAL TASKS, SO IF YOU WERE APPEARING IN A COACHING ROLE, YOU WOULD BE THERE ONE -- YOU WOULD BE THERE ONLY AS A COACH AND YOUR APPEARANCE WOULD SAY THAT, SO YOU WOULD NOT BE ABLE TO LEAVE THAT ROLE WITHOUT LEAVE OF COURT, I GUESS.

CHIEF JUSTICE: THANK YOU ALL VERY MUCH.