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In re Amendments to Rule of Judicial Administration 2.430

SC06-2040

> ALL RISE.

HEAR YE HEAR YE HEAR YE.

THE SUPREME COURT OF NA IS NOW
IN SESSION, ALL THOSE HAVING
BUSINESS BEFORE THE COURT, DRAW
NIGH, GIVE ATTENTION AND YOU
SHALL BE HEARD.

GOD SAVE THE UNITED STATES,
GREAT STATE OF FLORIDA AND THIS
HONORABLE COURT.

>> LADIES AND GENTLEMEN,
FLORIDA SUPREME COURT, PLEASE
BE SEATED.

>> GOOD MORNING, FRIENDS AND
WELCOME TO THE FLORIDA SUPREME
COURT.

ON THE ORAL ARGUMENT CALENDAR
FOR TUESDAY, MAY 8th.

2007.

JUDGE -- I'M ROBERT ROUSE JRSES
AND I'M APPEARING HERE IN -- AS
THE CHAIR OF THE WORK GROUP
WHICH WAS ESTABLISHED BY THIS
COURT, THE JUDICIAL BRANCH
RECORDS, THE MANAGEMENT WORK
GROUP.

THIS COURT CLARIFIED BY ITS
DECISION AND ADOPTION OF
AMENDMENTS IN 1234ING 2002 TO
RULE 2.4020, THE PUBLIC ACCESS
TO JUDICIAL BRANCH RECORDS AND
ALSO, ITS CHANGES TO RULE
2.440.

THE RETENTION OF ADMINISTRATIVE
RECORDS.

THIS COURT CLARIFIED THAT THE
JUDICIAL BRANCH WILL BE IN
CONTROL OF AND RESPONSIBLE FOR
ALL OF ITS RECORDS.

AND THERE ARE TWO TYPES AND TWO
TYPES ONLY OF JUDICIAL BRANCH
RECORDS AND THOSE ARE COURT
RECORDS WHICH RELATE TO ONES IN
THE COURT FILE KEPT BY THE

CLERK AND ADMINISTRATIVE RECORDS WHICH WERE ALL OTHER RECORDS OF THE JUDICIARY WHICH WERE MADE IN CONNECTION WITH JUDICIAL BUSINESS.

SO THERE ARE TWO TYPES OF RECORDS AND SINCE 2000 AND CERTAINLY 2002 THE EXECUTIVE BRANCH NO LONGER OVERSEES THE JUDICIAL BRANCH RECORDS. IT USED TO DO THAT.

THROUGH THE DIVISION OF LIBRARY AND INFORMATION SERVICE AND PEOPLE COULD CALL THEM WITH QUESTIONS ABOUT RETENTION OF RECORDS AND THOSE KINDS OF THINGS BECAUSE THEY DID THAT FOR THE EXECUTIVE BRANCH. BUT, THIS COURT MADE IT PLAIN THAT WE WEREN'T GOING TO DO THAT ANYMORE AND STATUTORY CHANGES ALSO OCCURRED AND SO THEY DON'T S FULFILL THAT FUNCTION FOR US.

QUESTIONS HOWEVER APPARENTLY CONTINUE TO BE ASKED AND ISSUES RAISE AND THIS COURT FELT THAT IT WAS ADVISABLE TO ESTABLISH A WORK GROUP TO LOOK INTO THESE ISSUES.

>> ONLY ADDS -- AS TO ADMINISTRATIVE OR ADMINISTRATIVE AND COURT RECORDS.

>> THAT -- THIS, OUR CHARGE, RAL, WAS TO -- TO GO BACK TO THE CHARGE, TO ADDRESS AND RESOLVE QUESTIONS FROM TRIAL AND APPELLATE CLERKS AND OTHER PERSONNEL CONCERNING RETENTION AND DESTRUCTION OF JUDICIAL BRANCH RECORDS --

>> SO THIS IS BROADER --

>> WE TOOK IT TO BE BROADER THAN JUST COURT RECORDS ALTHOUGH I THINK IT WAS COURT RECORDS THAT CAUSED MOST OF THE CONCERNS AT THAT TIME.

>> -- DIVISION OF --

[INAUDIBLE] NO LONGER HAS -- IS THIS APPLICABLE TO -- [INAUDIBLE].

>> A GOOD QUESTION BUT THE CLERKS HANDLE THEM OBVIOUSLY

BUT AS FAR AS JUDICIAL BRANCH RECORDS, OUR WORK GROUP AND I BELIEVE THERE IS REALLY NO QUESTION ABOUT IT THAT THE COURT IS RESPONSIBLE AND MUST CONTROL ITS OWN RECORDS --

>> AND.

>> THIS REALLY ISN'T TALKING ABOUT PHYSICAL LOCATION OF THEM.

BUT, WHO WILL CONTROL HOW LONG THEY ARE KEPT AND WHICH RECORDS GO INTO WHICH RETENTION SCHEDULE.

BACK BEFORE 2002, MAYBE 2000, ALL OF THIS -- THE -- MOST SCHEDULES WERE IN THE RULES OF JUDICIAL ADMINISTRATION.

THAT IS, THE -- ACTUALLY ONLY THE COURT RECORDS WERE.

THE ADMINISTRATIVE RECORDS OF RETENTION SCHEDULE, THERE WASN'T ONE FOR COURT RECORDS AND WE USED THE EXECUTIVE BRANCH.

BUT, BACK IN THE EARLIER WORK GROUP, THE SUPREME COURT WORK GROUP ON PUBLIC RECORDS AND I WAS A MEMBER OF THE WORK GROUP, WE RECOMMENDED AND YOU CHOSE TO ADOPT MOST OF THOSE RECOMMENDATIONS, THAT WE'D BE RESPONSIBLE FOR OUR OWN RECORDS AND AT THAT TIME YOU STRIPPED -- CREATED A SEPARATE RETENTION SCHEDULE FOR ADMINISTRATIVE RECORDS AND DID NOT PUT IT INTO THE RULES OF JUDICIAL ADMINISTRATION.

AND AS FAR AS I CAN RECALL THERE WAS NO OBJECTION FROM THE RULES OF ADD -- JUDICIAL ADMINISTRATION COMMITTEE SAYING, NO, IT OUGHT TO BE PART OF THE RULES.

>> WHAT IS THIS BIG ISSUE TODAY?

BECAUSE I GEESE YOU CAN SEE WE ARE REAL FOCUSED ON -- WHAT WE ARE SUPPOSED TO DECIDE.

WHAT THIS IS POLICY ISSUE THAT IS -- HAS BROUGHT EVERYBODY HERE TODAY?

>> WELL, OUR WORK GROUP HAS

RECOMMENDED BASICALLY A ONE-STOP SHOP FOR THE CONTROL OF THE RETENTION OF JUDICIAL RECORDS, BOTH COURT RECORDS AND ADMINISTRATIVE RECORDS.

AND IT IS A -- WE HAVE RECOMMENDED A COMMITTEE, MUCH AS I GENERALLY DISLIKE COMMITTEES -- BUT A COMMITTEE TO MODEL ALONG THE LINES -- MODELED ALONG THE LINES OF THE JUDICIAL ETHICS ADVISORY COMMITTEE WHICH THIS COURT CREATED FOR JUDGES TO INQUIRE ABOUT ETHICAL ISSUES.

AND WE FOUND THE RESPONSE FROM THAT COMMITTEE IS VERY QUICK TO JUDGES AND IS VERY HELPFUL TO JUDGES ON MATTERS OF ETHICS. WE THOUGHT THE SAME MODEL COULD BE USED GETTING A MIX OF PEOPLE ALL -- ALL THE PEOPLE AFFECTED BY RETENTION OF RECORD --

>> I DON'T UNDERSTAND WHAT THE COMMITTEE WOULD DO, ONCE YOU ESTABLISH A RETENTION SCHEDULE, CERTAIN RECORDS, LIKE THE RULE NOW, 60 DAYS, 2 YEARS, 5 YEARS, TEN YEARS, NEVER, ONCE YOU HAVE DONE THAT, WHY CAN'T THE RULES OF JUDICIAL ADMINISTRATION COMMITTEE AND -- HANDLE ANY ISSUES THAT MAY COME UP OVER THE YEARS.

>> WELL, THAT IS THEIR POSITION.

BEEF THIS COURT. AND THEY FILED COMMENTS MAKING THAT CASE.

>> IS THAT SOMETHING THAT WILL COME UP ON A FREQUENT BASIS WITH REFERENCE TO THE SCHEDULE.

>> THEY CLAIM IT HAS, JUSTICE CANTERO AND WELL MAY -- I'M NOT SAYING THEY ARE WRONG ABOUT THAT FROM THEIR POINT OF VIEW.

>> I THOUGHT YOU SAID WHEN WE HAD THE DIVISION OF LIBRARY PEOPLE HA QUESTIONS.

IS THIS --

>> THAT'S RIGHT.

>> THIS TYPE OF RECORD, DO I GET TO THROW IT OUT OR KEEP IT.

>> 2000 --

>> IS THAT -- BUT NOW, I GUESS THE QUESTION IS, IF THOSE QUESTIONS REALLY AREN'T BEING ASKED, THEN WE DON'T WANT TO CREATE A GROUP THAT IS NOT GOING TO -- WELL --

BASICALLY HAD NOTHING TO DO, BUT IF THERE IS A GAP AND DID YOU -- THAT IS WHAT I THINK I'D LIKE --

>> WE APPRECIATE THAT THERE WAS AND WE BELIEVE THAT JUSTICE ANSTEAD ACTED -- OR WHOEVER STWAS IT WAS, IN FORMULATING THIS WORK GROUP, APPARENTLY FELT THERE WERE ISSUES AND QUESTIONS AND DURING THE ONE YEAR THAT WE WERE ACTIVE AND CHARGED WITH ANSWERING QUESTIONS DURING THAT TIME, WE GOT QUESTIONS -- QUESTION AFTER QUESTION AND THEN THE QUESTION -- FOR INSTANCE HERE'S ONE, WHAT ABOUT FOREIGN DEPOSITIONS? NOT IN THE RETENTION SCHEDULE. WHAT DO WE DO ABOUT THOSE. WHAT ABOUT CITATIONS FOR JUVENILES UNDER 18?

NOT IN THE RETENTION SCHEDULES. AND MR. COLE, WHO HAS MADE A COMMENT AND IS -- AND IS HERE TODAY IS CONCERNED ABOUT PROBATE RECORDS AND APPARENTLY WASN'T SURE WHERE TO GO TO SUGGEST THAT MAYBE THERE NEED TO BE CHANGES FOR PROBATE RECORDS.

>> THIS IS REALLY A WORKING GROUP THAT WOULD HAVE AUTHORITY TO AT LEAST ANSWER SOME OF THESE QUESTIONS FOR THE -- WHO WOULD BE THE KIND OF INDIVIDUAL OR GROUP THAT -- WHETHER CLERKS OF COURT --

>> AT LEAST FOR THE CLERKS TO GO, THE TRIAL COURT ADMINISTRATORS, ANYONE IN THE BRANCH TO GO AND ASK QUESTIONS AND GET THOSE ANSWERED AND IF THEY ACTED IN COMPLIANCE WE'D FEEL THEY DID IT IN GOOD FAITH. ALSO, JUSTICE PARIENTE, THE QUESTION WAS RAISED BY THE COURT, WHAT ABOUT TRAINING?

DO WE WANT TO HAVE SOME UNIFORMITY STATEWIDE IN HOW RECORDS ARE KEPT MAINTAINED AND TRAINING FOR THAT AND IT WAS THOUGHT THIS MIGHT BE A GOOD GROUP TO DO THAT.

>> TO ME, THAT IS ONE OF THE CRITICAL ISSUES, IS THIS ISSUE OF PERMANENTLY RECORDED. IN THE RULES IT HAD SAID, AS THAT IS DEFINED BY THE DIVISION OF LIBRARY.

NOW WE HAVE NO -- WE'D HAVE NO DEFINITION.

HOW ARE WE GOING TO COME UP WITH A DEFINITION OF PERMANENTLY RECORDED AND HOW DOES THE CONSTANT CHANGE IN ELECTRONIC TECHNOLOGY AFFECT THE DEFINITION OF PERMANENTLY RECORDED.

>> THOSE ARE GOOD QUESTIONS AND I THINK THAT THIS IS A GROUP THAT COULD ANSWER THOSE KINDS OF QUESTIONS.

>> ISN'T THAT -- I MEAN, PERMANENTLY RECORDED SEEMS TO ME TO HAVE A -- A DEFINITION THAT THE COURT WOULD NEED TO APPROVE AS OPPOSED TO SOME FLOATING DEFINITION.

>> WELL, THAT IS CORRECT AND CERTAIN QUESTIONS MIGHT NOT BE ABLE TO BE ANSWERED BY THE COMMITTEE AND MAY HAVE TO SAY IT IS UNCLEAR.

SO IF WE ARE TALKING ABOUT THE COMMITTEE -- NOT TALK ABOUT THE COMMITTEE YOU IS YOUR OPINIONING THE POWER OF THIS COURT OR CHANGING THE RULES. BUT WHAT WE SUGGESTED IS JUST LIKE THE ADMINISTRATIVE RECORDS, RETENTION SCHEDULE, THEY -- TAKEN OUT OF THE RULE --

>> BUT [INAUDIBLE] S.

>> I'M SORRY.

>> YOU SAY THE COMMITTEE -- [INAUDIBLE] AS I UNDERSTAND YOUR PROPOSAL YOU WANT THE COMMITTEE TO BE ABLE TO RECOMMEND CHANGES TO THE RETENTION SCHEDULE AND IF THE COURT HASN'T ACTED --

[INAUDIBLE].

>> YES.

THAT WAS OUR MIDDLE GROUND.
THERE WERE THREE WAYS TO GO
WITH THAT.

EACH TIME YOU WANTED TO MAKE --

>> WHY THAT MIDDLE GROUND --
WHY THAT AUTOMATIC --

>> IN SPEAKING AGAIN WE HAD
CLERKS ON OUR COMMITTEE AND WE
HAD INPUT FROM MANY SOURCES AND
IT WAS JUST FELT THAT WE DIDN'T
WANT THE COMMITTEE TO BE ABLE
TO MAKE CHANGES, EVEN THOUGH
MOST OF THEM WILL BE SMALL AND
WOULDN'T BE OF ANY GREAT
CONSEQUENCE, PROBABLY.

>> I GUESS THE AUTOMATIC --
[INAUDIBLE].

>> WELL, THERE WAS ONE
ALTERNATIVE THEY COULD CHANGE
THEM AND WE SAID, NO, WE DIDN'T
WANT THAT AND THOUGHT THERE
SHOULD BE NOTICE AND IF THE
COURT HAD QUESTION ABOUT IT, WE
COULD IMMEDIATELY STOP IT NO IF
THAT IS AN ISSUE AND COULD HAVE
A LIAISON JUSTICE AND SEEMS TO
ME, THE RULE -- LIKE THE
JUDICIAL ETHICS ADVISORY
COMMISSION AND THE COURT
DOESN'T HAVE MUCH OF A ROLE IN
WHO IS APPOINTED TO THAT
COMMISSION AND DOESN'T OPERATE
AS I UNDERSTAND IT UNDER THE
DIRECT AUTHORITY OF THE COURT.
WE HAVE WORK GROUPS, SAY, FOR
FORMS AND FAMILY LAW FORMS AND
THAT WORKS QUITE WELL.
AND I DON'T KNOW IF THIS IS
ENVISIONED THAT THAT WOULD WORK
IN A SIMILAR MANNER TO THAT.

>> I SUPPOSE IT IS SIMILAR ONLY
IN THE ROY IT IS SET UP BUT IN
THE APPOINTMENT OF IT THE CHIEF
JUSTICE WOULD APPOINT THE HEAD
OF THE WORK GROUP, ALSO A
MEMBER AT LARGE, IF YOU WILL,
THE CHIEF JUSTICE COULD PICK
ANY PERSON ANYWHERE IN THE
STATE AND THEN WE HAVE DEFINED
CERTAIN OTHER PEOPLE WHO WOULD
BE MEMBERS.

THIS IS OUR SUGGESTIONS, A

CIRCUIT JUDGE, COUNTY JUDGE, A CLERK OF THE CIRCUIT AND COUNTY COURT, A CLERK OF THE DISTRICT COURT OF APPEALS, A REPRESENTATIVE OF THE FLORIDA BAR, A TRIAL COURT ADMINISTRATOR, A REPRESENTATIVE FROM THE DEPARTMENT OF STATE DIVISION OF LIBRARY AND INFORMATION SERVICES, BECAUSE THEY HAVE A LOT OF EXPERIENCE WITH THESE RETENTION SCHEDULES. AND WHENING WE ADOPTED THE ADMINISTRATIVE RETENTION SCHEDULES WE BASICALLY COPIED IN 2002 THEIR RETENTION SCHEDULES AND FROM THE EXECUTIVE BRANCH AND MADE CHANGES TO ACCOMMODATE JUDICIAL RECORDS AND SAID, OKAY HERE IS OUR RETENTION SCHEDULE AND AT LEAST THIS IS A GOOD START. IF IT NEEDS TO BE MODIFIED OR CHANGED LATER IT CAN BE. BUT THE QUESTION IS, WHO IS GOING TO LOOK AFTER THAT DAY-TO-DAY, WEEK-TO-WEEK, WHO WILL FIELD THE QUESTION AND WHO WILL ADVISE THE COURT AND JUSTICE QUINCE, IF THE COURT THINKS IT -- THINKS IT IS NOT ENOUGH OVERSIGHT TO GIVE THE COURT CHANGE FROM 3 TO 5 YEARS FOR RETENTION, FOR EXAMPLE THE COURT COULD REQUIRE NOTHING HAPPENS UNTIL THE COURT ACTUALLY TAKES AFFIRMATIVE STEPS TO APPROVE IT.
>> THIS IS GOING TO BE STAFF --
>> THAT IS ANOTHER QUESTION, JUSTICE WELLS BECAUSE WE DIDN'T WANT TO CREATE A BIG BUREAUCRACY THAT WOULD REQUIRE A LOT OF MONEY AND STAFFING, SO WE FELT THAT YES, IT WOULD REQUIRE PROBABLY ONE PERSON FROM OSCO WHO COULD ALSO SERVE AS THE RECORDS MANAGEMENT OFFICER FOR THE STATE AND ADVISE THE COURT AND THE COURT CLERK HERE AT THE SUPREME COURT AND ALSO SIT ON THIS COMMITTEE, NOT AS CHAIR OF IT BUT SIT ON IT AND BE A LIAISON.

>> YOUR GROUP HAS BEEN -- THE PRESENT FORMATIVE GROUP HAS BEEN STAFFED BY --

>> THAT'S CORRECT THOUGH WE HAVEN'T MET FOR OVER A YEAR.

>> WHO IS FIELDING QUESTIONS NOW?

>> GOOD QUESTION.

>> GOOD QUESTION?

>> I THINK PEOPLE DON'T REALLY KNOW WHERE TO GO.

WE DIDN'T REALLY PUBLICIZE THAT WE EXISTED.

WE DIDN'T GO OUT AND ASK FOR QUESTIONS AND WE STILL GOT IN ONE YEAR, 10 TO 15 QUESTIONS.

>> WE HAVE A REAL GAP HERE, IT SEEMS, AND TO SOLVE THE GAP --

>> WE THOUGHT SO AND, AGAIN THE RULES OF JUDICIAL

ADMINISTRATION COMMITTEE, ONE OF THEIR CONCERNS IS IF IT AND

IT BROKE, DON'T FIX IT BUT I'M NOT SAYING IT IS BYRON BUT I

THINK WE DO NEED -- THE

COMMITTEE, OUR WORK GROUP FELT I SHOULD SAY WE DO NEED SOMEONE THAT LOOKS AT RECORDS.

>> YOU NEED UNIFORMITY AS MUCH AS POSSIBLE AND THAT IS WHAT MY CONCERN IS, IS THAT, YOU KNOW, WE HAD STANDARDS, WHETHER THERE WERE EXECUTIVE BRANCH STANDARDS, THEY WERE AT LEAST ASCERTAINABLE STANDARDS.

SO...

>> THERE WAS SOMEPLACE TO GO TO GET AN ANSWER.

>> AND THIS COURT REMOVES THAT, IS THAT WHAT YOU ARE TELLING ME.

>> AND THIS COURT WAS CLEAR, THIS COURT WANTED -- DID NOT WANT THE EXECUTIVE BRANCH TO BE CONTROLLING AND RESPONSIBLE FOR OUR RECORDS.

>> I UNDERSTAND THAT.

BUT I GUESS IN TERMS OF STANDARDS, IT WOULD BE AT LEAST THAT IS THE -- BUT YOU ARE SAYING IT BECAME THE DEFAULT BECAUSE WE ADOPTED, POTENTIALLY, WHATEVER RETENTION SCHEDULE THEY RECOMMENDED.

>> AND FOR A TIME THAT WILL
CARRY US FORWARD BECAUSE MOST
OF THE RETENTION SCHEDULES ARE
THE SAME THAT WE HAVE BEEN
WORKING WITH FOR 20 YEARS, JUST

--

>> [INAUDIBLE] GOOD QUESTION MY
OWN TRIAL COURT ODD STRAERT HAD
QUESTIONS AND DIDN'T KNOW WHO
TO TAKE THEM TO IN THE LAST
YEAR OR TO AND I ASKED HIM
ABOUT IT BECAUSE I WAS
INTERESTED IN HIS PER SPECHLT
AND HE SAID, WE HAVE QUESTIONS
THAT COME UP ALL THE TIME.
COURT RECORDS OR ADMINISTRATIVE
RECORDS OF A DRUG LAB AND END
UP IN A COURT FILE, WHICH
SCHEDULE DO WE USE AND WHO DO
WE GO TO TO ASK ABOUT THAT AND
THESE ISSUES COME UP AND HE
DIDN'T KNOW WHERE TO GO TO --

>> DID YOU CATALOGUE THE
RECORDS WHICH ARE PRESENTLY
COVERED BY RULE OF COURT AS TO
RETENTION?

GO THROUGH -- FOR INSTANCE,
JUSTICE QUINCE BROUGHT UP THE
CAPITAL CASE RECORDS AND IN THE
CAPITAL CASE RULE, ON RECORDS,
THERE IS A PROVISION THAT SAYS
-- AS TO HOW LONG THOSE RECORDS
HAVE TO BE KEPT AND AFTER THE
EXPIRATION OF 60 DAYS,
SECRETARY OF STATE MAY THEN
DESTROY THEM.

COPIES OF THE RECORDS, HELD BY
THE RECORDS REPOSITORY.

AND --

>> WE DID NOT ADDRESS THAT
SPECIFIC PROVISION BUT PROBABLY
THAT NEEDS TO BE ADDRESSED AND
LOOKED AT AND CHANGED BECAUSE I
THINK WE SHOULD NOT LOOK TO THE
EXECUTIVE BRANCH TO DESTROY OR

--

>> THAT COMES DOWN TO THE
QUESTION OF WHERE THEY ARE
ACTUALLY LOCATED, CORRECT?
AS WE GO BACK TO OUR ARCHIVES,
THAT IS WHERE THE FILES ARE
LOCATED, NOT REALLY IN A,
QUOTED, CLERK'S OFFICE.

>> THAT IS A GOOD POINT,

JUSTICE LEWIS, IF IT IS A QUESTION OF WHO PHYSICALLY HAS THEM AND DESTROYS THEM I GUESS IT WOULD BE FINE FOR THE EXECUTIVE BRANCH --

>> ANY OTHERS LIKE THAT, THAT YOU ARE AWARE OF, THAT ARE OUTSIDE THE --

>> NOT THAT I AM AWARE OF BUT DOESN'T MEAN THEY DON'T EXIST.

>> AND WE HAVE A HYBRID THAT COMES TO MIND IN THESE RECORDS BECAUSE THESE RECORDS ARE ACTUALLY COLLECTED LARGELY FROM THE EXECUTIVE BRANCH FUNCTIONS. SHERIFFS OFFICES, LAW ENFORCEMENT.

AND COME UNDER THE -- IN THIS RULE BY REASON OF OUR POST CONVICTION, I WONDER IF ANYONE HAS GONE BACK AND LOOKED TO SEE IF THERE ARE OTHER RULES THAT WE HAVE THAT PERTAIN TO RECORDS.

>> I COULD BE WRONG BUT I DON'T RECALL --

>> I KNOW PROBATE DOES, HAS RAISED THE QUESTION ABOUT --

>> ARE WILLING TO YOUR REBUTTAL IF YOU WANT TO SAVE A FEW MINUTES FOR THAT.

>> THANK YOU SO MUCH, JUDGE.

>> THANK YOU, THANK YOU, I'M KATHERINE PECRO AND APPEARING ON BEHALF OF THE RULES OF THE JUDICIAL ADMINISTRATION COMMITTEE.

THE FIRST RESPONSE TO JUDGE PARIENTE'S QUESTIONS AND OTHER QUESTIONS BY JUSTICE CANTERO AND SO FORTH.

THE RULES OF JUDICIAL ADMINISTRATION COMMITTEE DOES NOT DISAGREE WITH THE RECORD THAT WAS ISSUED BY THE WORK GROUP.

EXCEPT IN ONE RESPECT AND THAT IS, KEEPING THE RETENTION SCHEDULE, THE COURT RECORDS, RETENTION SCHEDULE IN THE RULE.

WE AGREE THAT THERE NEEDS TO BE A COMMITTEE OR SOME BODY OF EXPERTS OR PEOPLE APPOINTED BY THE COURT TO DEAL WITH THE

DAY-TO-DAY ADMINISTRATION OF
COURT RECORDS.

BUT THE RULES OF JUDICIAL
COMMITTEE, JUDICIAL COMMITTEE
FIRMLY BELIEVES THE RETENTION
SCHEDULE OF COURT RECORDS WHICH
ARE INTEGRAL TO THE
ADMINISTRATION OF JUSTICE,
NEEDS TO REMAIN WITH IN THE
RULES OF JUDICIAL
ADMINISTRATION.

>> DOES THAT MEAN THAT YOU ARE
SAYING IS THAT THE WORK GROUP
TO ANSWER QUESTION AND DO THOSE
KINDS OF THINGS BUT IF IT CAME
TO A POINT WHERE THERE WILL BE
A CHANGE IN THE SCHEDULE IT
SHOULD COME THROUGH YOUR
COMMITTEE?

>> YES.

EXACTLY, JUSTICE LEWIS AND --

>> INSTEAD OF A SEPARATE WORK
GROUP, WHY COULDN'T IT BE A
SUBSET OF THE RULES OF JUDICIAL
ADMINISTRATION COMMITTEE?

>> AS THE RULES OF JUDICIAL
ADMINISTRATION COMMITTEE
CURRENTLY IS EMBODIED, I DON'T
KNOW THAT THERE IS A GROUP
WITHIN THAT COMMITTEE THAT
WOULD BE AVAILABLE ON A DAILY
BASIS TO HANDLE PHONE CALLS AND
QUESTIONS ABOUT WHETHER A
CERTAIN RECORD SHOULD BE AN
ADMINISTRATIVE RECORD OR SHOULD
BE CONSIDERED A COURT RECORD.

>> PEOPLE THAT ARE ON THE
COMMITTEE I ASSUME ARE THE SAME
KINDS OF PEOPLE THAT ARE ON THE
WORK GROUP OR MAYBE I'M WRONG.
ISN'T THAT -- JUDGES THAT ARE
ON THIS WORK GROUP AND THE SAME
-- I MEAN, ALSO JUDGES ON THE
RULES ADMINISTRATION COMMITTEE
AND THE WORK -- HOW WOULD THE
WORK GROUP HAVE ANY MORE TIME
THAN THE COMMITTEE DOES.

>> THAT IS A GOOD POINT, AND IF
IT IS THE COURT'S POSITION THAT
THAT IS WHAT STANDS IN THE --
THE WAY IT SHOULD GO UNDER THE
RULES OF JUDICIAL
ADMINISTRATION I BELIEVE THAT
COMMITTEE WOULD HAVE TO MAKE

EITHER -- EITHER FORM A NEW SUBCOMMITTEE OR DO SOMETHING TO ACCOMMODATE WHATEVER THE COURT'S OPINION IS ON THAT.

>> I WONDER -- I MEAN, THE ISSUE OF IT BEING IN THE RULES IS REALLY FOR NOTICE FOR EVERYBODY, SO THAT IT IS OUT THERE.

I WOULD ASSUME.

>> ABSOLUTELY, JUSTICE PARIENTE AND THE OTHER ASPECT OF IT IS, NOT ONLY IN THE RETENTION SCHEDULE, THE TIMEFRAME, IF SOMEBODY THINKS SOMETHING NEEDS TO BE MADE LONGER OR SHORTER, BUT AS THE WORK GROUP BROUGHT UP, JUDGE ROUSE, IF THERE IS A CATEGORY OR RECORD THAT IS NOT IN THERE, BRING IT TO THE RULES COMMITTEE, WE CAN STUDY IT, AND GO THROUGH THE PROCESSES THAT WE DO, AND THAT HAVE BEEN ESTABLISHED FOR A LONG TIME, AND WE CAN GADE AND MAKE THE RECOMMENDATIONS.

IF IT IS SOMETHING THAT COMES UP ON AN EMERGENCY BASIS AS YOU KNOW, THERE ARE RULES IN THE RULES OF JUDICIAL

ADMINISTRATION THAT THIS COURT CAN TAKE THESE ISSUES UP ON --

>> IS ALWAYS, IS INTERESTING, AS WE DECIDE WHAT IS THE BEST WAY TO GO, THIS COURT IS REALLY INUNDATED WITH RULES CHANGES AND, YOU KNOW, EMERGENCY PETITIONS AND I GUESS I WOULD THINK MAYBE THERE IS SOME HAPPY MEDIUM BECAUSE IT SEEMS IF YOU ARE A ADDING A CATEGORY OF RECORDS, MAYBE THAT NEEDS ONE TREATMENT BUT IF YOU SAY THIS IS A -- AN ISSUE OF CHANGING SOMETHING TO -- SOME SLIGHT ADJUSTMENT, IT MAY NOT NEED THE SAME AIRING AND WAS ANY CONSIDERATION GIVEN TO SEEING IF THERE COULD BE A COMPROMISE, OF THAT, WHICH THINGS WOULD GO THROUGH RULES CHANGES AND WHICH WOULD BE ABLE TO BE HANDLED BY THE WORK GROUP.

SORT OF WHAT WE DID WITH THE

FAMILY LAW FORMS, TRY TO TAKE THINGS THAT WERE REALLY NOT THAT CONTROVERSIAL, AND NEED QUICK RESPONSES, AND HAVE THOSE HAND ONE WAY AND STILL ALL GOT PUBLISHED AND EVERYBODY STILL KNOWS WHAT IS OUT THERE. BUT WAS THERE ANY CONSIDERATION GIVEN TO THAT TYPE OF COMPROMISE SO THAT IT IS NOT CONSTANTLY A RULE-CHANGE SITUATION.

>> RESPECTFULLY, NO, THERE WAS NOT.

ANY CONSIDERATION GIVEN TO THAT. I WOULD POINT OUT THAT THE RETENTION SCHEDULE IN THAT PART OF THE RULE HAS BEEN IN THE RULE SINCE 1981 AND OTHER THANNED THATTING A RETENTION SCHEDULE FOR THE DISTRICT COURTS OF APPEAL, DISTRICT COURT OF APPEAL, THERE HAS BEEN NO CHANGES TO THAT RULE, SO I THINK IN A WAY A LOT OF THE PROBLEMS THAT HAVE BEEN GENERATED THROUGH THE CONFUSION AND QUESTIONS AS TO WHETHER SOMETHING IS A COURT ORDER, ADMINISTRATIVE RECORD, WHETHER A CATEGORY OR NOT A CATEGORY, PERHAPS PEOPLE DIDN'T KNOW WHERE TO GO.

MY UNDERSTANDING -- AND THIS IS NOT PART OF A RECORD OR ANYTHING, IS, YOU KNOW, PEOPLE ARE CALLING CLERKS, CLERKS ARE CALLING THE COURT ADMINISTRATORXX""\$\$ ADMINISTRATOR'S OFFICE, AND PEOPLE ARE CALLING AROUND AND ASKING FOR OPINIONS.

SO, MAYBE PART OF THIS NEEDS TO BE A COMMUNICATION TO -- IF THE COURT DECIDES TO FORMULATE THE WORK GROUP, YOU KNOW, TO SAY CERTAIN ISSUES THE WORK GROUP DEALS WITH.

IF YOU NEED A RULE CHANGE YOU GO TO THE RJA.

PART OF IT MAY BE A NEED FOR COMMUNICATION.

SO PEOPLE KNOW WHERE TO GO.

>> HAS THE COMMITTEE CONSIDERED IN ORDER TO ANSWER MANY

QUESTIONS THE -- TO DEVELOP A
CATCH-ALL PROVISION IN THE RULE
TO SAY THAT ANY RECORD THAT IS
NOT INCLUDED IN THE ABOVE SHALL
BE RETAINED FOR X NUMBER OF
YEARS, TEN YEARS, 15 YEARS
RATHER THAN HAVING PEOPLE COME
UP WITH THESE VERY SPECIFIC
KINDS OF THINGS, HAVE A CATCH-ALL
PROVISION?

>> THE COMMITTEE HAS NOT
SPECIFICALLY ADDRESSED THAT
ISSUE.

BUT I THINK WE WILL.
BASED UPON YOUR CONSIDERATION.
YOUR QUESTION --

>> EVERY QUESTION YOU GET, BUT
MAYBE 75% OF THEM.

>> IT WOULD BE VERY HELPFUL TO
HAVE A CATCH-ALL PROVISION SUCH
AS THAT.

>> WHAT ABOUT THE -- DOES THE
COMMITTEE FEEL THAT THEY SHOULD
BE THE ONES TO DEVELOP THE
DEFINITION OF PERMANENTLY
RECORDED?

>> RIGHT NOW THERE -- I THINK
THERE IS NO DEFINITION IN THE
RULES.

OR WITH REFERENCE TO -- IT
REFERENCES PERMANENTLY RECORDED
AS SET FORTH IN THE DIVISION OF
LIBRARY.

YOU KNOW, THE STANDARDS.

>> RIGHT.

THE COMMITTEE AS FAR AS I KNOW
HAS NOT ADDRESSED THAT.

THEY DO PROVIDE IN THE RULE
WHAT IS CONSIDERED TO BE
PERMANENT RECORDS.

BUT NOT WHAT IS CONSIDERED TO
BE PERMANENTLY RECORDED.

AND OF COURSE THAT IS PROBABLY
IN THE -- IN A STATE OF FLUX
WITH ALL OF THE DIFFERENT
TECHNOLOGIES NOW THAT HAVE COME
ABOUT EVEN IN THE LAST TEN
YEARS AND WILL CONTINUE TO COME
ABOUT.

IF THAT IS SOMETHING THAT THE
COMMITTEE NEEDS TO CONSIDER, WE
CAN CERTAINLY DO THAT.

BASED ON THE COMMENT THAT WAS
FILED ON BEHALF OF THE RULES OF

JUDICIAL ADMINISTRATION
COMMITTEE, WOE JUST
RESPECTFULLY REQUEST THAT THE
RETENTION SCHEDULE REMAIN WITH
IN THE RULE OF 2.430 AND THEY
SAY FOR YOUR TIME TODAY.

>> THANK YOU, MR. BAGGETT
COMING UP NEXT.

>> MR. CHIEF JUSTICE, MEMBERS
OF THE COURT, MY NAME IS FRED
BAGGETT WITH GREENBERG, AND I
REPRESENT THE TALLAHASSEE
ASSOCIATION OF CORE CLERKS AND
WHEN WE FIRST RESPONDED WITH
COMMENTS FROM THE CLERKS, OUR
COMMENTS WERE DIRECTED TO
SPECIFIC SUGGESTED RULE CHANGES
AND I UNDERSTAND HERE TODAY
THAT THE FOCUS OF THE
CONSIDERATION IS UPON THE WORK
GROUPS PROPOSED AMENDMENT TO
CREATE A SEPARATE BODY.

THE CLERKS REALLY HAVE NO
CHOICE OR PREFERENCE AS TO
WHETHER THE STANDARDS ARE BY
RULE OR BY THE ENTITY THAT IS
BEING SUGGESTED HERE.

WHAT THE CLERKS NEED AND DESIRE
AND APPRECIATE FROM THE WORKING
WITH THE COURT, PARTICULARLY
THE LAST YEAR OR TWO WITH THE
RULES, IS CLARITY, CERTAINTY,
AND UNIFORMITY OF APPLICATION
THROUGHOUT THE STATE.

>> DOES THE PROPOSED COSTUME
SIGNIFICANCE OF THE WORK GROUP,
DO YOU HAVE ANY SUGGESTIONS
FURTHER ON THAT, IS ONE MEMBER
FROM THE CLERK'S GROUP
SUFFICIENT?

DO WE NEED MORE?

BECAUSE THE CLERKS ALSO
CERTAINLY ARE DESIGNATED TO
CARRY THE WEIGHT OF TAKING CARE
OF ALL OF THESE RECORDS AND
HAVE WE ACCOMMODATED THAT
SUFFICIENTLY?

GIVE US YOUR THOUGHTS WITH
REGARD TO THAT.

>> I WOULD SUGGEST AS WE HAVE
FOUND IN OTHER INSTANCES, THAT
THE WAY A CLERK'S OFFICE IN
BRADFORD COUNTY OPERATES IS
CONSIDERABLY DIFFERENT,

ALTHOUGH THE FUNCTIONS ARE THE SAME, THE OPERATIONS CAN BE CONSIDERABLY DIFFERENT THAN IN DADE COUNTY.

OUR SUGGESTION WOULD BE THAT THERE BE REPRESENTATION OF A CLERK FROM A SMALL COUNTY, POSSIBLY A MEDIUM AND A LARGE, AT LEAST TO GIVE YOU THE DIFFERENCE IN OPERATION OF A CLERK'S OFFICE THAT HAS SIX EMPLOYEES, VERSUS 600 EMPLOYEES AND HOW THOSE -- THE RECORDS MIGHT BE --

>> SOUNDS LIKE, THOUGH, YOU YOU SAY THERE IS NO PREFERENCE BECAUSE I DON'T THINK THAT IN A WORK GROUP WE CAN BE MORE FLEXIBLE AS TO WHO THE MEMBERS ARE AND REALLY GET MEMBERS THAT ARE REALLY KNOWLEDGEABLE.

>> YES.

>> IN THIS, NOT TO SAY JUDGES AREN'T KNOWLEDGEABLE BUT THEY ARE NOT, YOU KNOW, AND NOT TO SAY THAT THIS IS -- ISN'T AT THE TOP OF OUR RADAR SCREEN BUT IT'S NOT.

SO...

>> I'LL SPEAK FOR MYSELF. SO I CAN REFER TO HAVE THE PEOPLE IN THE DAY-TO-DAY TRENCHES, THAT IS ME CONCERN ABOUT LIKE -- THAT THIS SHOULD BE A SUBCOMMITTEE OF THE RULES OF JUDICIAL ADMINISTRATION SO FROM YOUR POINT OF VIEW, THE CLERK'S, WOULD THE WORK GROUP BE MORE FLEXIBLE, BETTER GROUP TO BE ABLE TO START TO DEVELOP THIS CLARITY OR CERTAINTY OR UNIFORMITY?

>> YES.

>> DO YOU THINK IT IS -- DON'T YOU THINK IT IS A GOOD IDEA, THOUGH, TO KEEP THE SCHEDULE PUBLIC IN THE RULES OF JUDICIAL ADMINISTRATION?

>> I'M SORRY.

>> RIGHT NOW I GUESS THERE IS A PROPOSAL TO MOVE THE SCHEDULE AND THE RULES OF JUDICIAL ADMINISTRATION, AND HE SAYS NO, THAT IS NOT A GOOD IDEA, WE

SHOULD HAVE IT OUT THERE, WHAT IS THIS POSITION OF THE CLERKS ON WHETHER IT BE PUBLISHED IN THE RULES OR NOT?

>> DO YOU HAVE A POSITION ON THAT?

>> WELL, WE DO THINK THAT THE COURT ITSELF SHOULD HAVE THE LAST SAY ON WHAT THE STANDARDS ARE, WHAT THEIR SCHEDULES ARE. AND WE WOULD SUGGEST THAT -- WHATEVER PROCESS IT BE, THE COURT'S DECISION AS TO WHAT THOSE STANDARDS ARE.

THE DEVELOPMENT OF THEM, THE DAY-TO-DAY WORK OF THEM, WE THINK THAT THE RETENTION WORK GROUP PROPOSAL WOULD BE MORE FLEXIBLE, AS YOU SAY, IT WOULD HAVE FAR MORE INPUT FROM DIFFERENT SOURCES THAN POSSIBLY A RULES COMMITTEE.

>> WHAT ABOUT THE -- THE REASON I KEEP COMING UP WITH THIS PERMANENTLY RECORDED. IT SEEMS AS TECHNOLOGY KEEPS CHANGING, WHAT IS -- YOU KNOW, USED TO BE A TIME WHEN -- CAN'T KEEP DEPOSITIONS BECAUSE THEY ARE BULKY AND NOW, YOU CAN PUT A LITTLE -- ON A LITTLE WHATEVER DISC OR CD-ROM OR DVD OR WHATEVER.

AND IT IS NOT AS, QUOTE, BIG A DEAL AND WHO IS GOING TO BE LOOKING AT THAT AS FAR AS WHETHER CHANGES IN TECHNOLOGY WILL ALLOW THINGS TO BE RETAINED LONGER BECAUSE YOU REALLY DON'T HAVE SPACE ISSUES, YOU KNOW, AND THEN THE ISSUE OF WHAT IS THIS PREFERABLE TECHNOLOGY TO KEEP IT. MICRO FILM VERSUS DVD_s VERSUS HARD DRIVES, YOU KNOW, AND WHERE DO YOU SEE THAT -- THOSE DECISIONS BEING MADE, IS THE WORK GROUP GOING TO DO THAT? IS THAT RULES OF JUDICIAL ADMINISTRATION ISSUE? IS THAT SOMETHING THE CLERKS SAY, NO, LEAVE US ALONE AND WE'LL FIGURE THAT OUT? HOW DO YOU --

>> WE DON'T WANT TO BE LIFTED ALONE TO FIGURE IT OUT BY OURSELVES.

ACTUALLY, THE E-FILING COMMITTEE WHICH THIS COURT ESTABLISHED AND THE CHIEF JUSTICE APPOINTED IS WORKING VERY HARD TOWARDS AN E-FILING STRUCTURE IN THE FUTURE. WE'RE GOING TO NEED GUIDANCE. THAT GROUP IS GOING TO NEED GUIDANCE AND IS GOING TO BE AN EVOLVING GUIDANCE AS TO HOW TO MAINTAIN ELECTRONIC RECORDS AND THE SECURITY OF THOSE RECORDS AND LONGEVITY OF THOSE RECORDS. THOSE ARE ALL GOING TO BE ISSUES THAT ARE EVOLVING AND DEVELOPING AS WE GO FORWARD.

>> I'M CONCERNED IN THE INTERIM, WHO IS -- LIKE SOMEONE NEEDS TO LOOK AT THIS, BECAUSE MY CLERK TELLS ME THAT TECHNOLOGY THAT USED TO BE GOOD FOR RETENTION IS NO LONGER RELIABLE FOR THOSE -- PURPOSES.

IT DEGRADES OR, YOU KNOW, AND SO ONCE YOU LEAVE PAPER, WHICH I GUESS YOU HAVE IF YOU HAVE THEM ON MICRO FILM OR SOMETHING AND, YOU KNOW, WHETHER THOSE ACTUALLY ARE PERMANENTLY RECORDED.

>> I THINK YOUR COMMENT AND QUESTION REALLY POINT OUT THE NEED FOR HAVING THIS KIND OF BODY -- A BODY AS BEING SUGGESTED BY THE WORK GROUP THAT IS FLEXIBLE ENOUGH TO TAKE THOSE ISSUES INTO CONSIDERATION AND COME BACK TO THE COURT AS A -- THEY FIND IT NEEDED.

IT IS NOT A STATIC, A STATIC PROCESS.

>> IF WE DON'T KEEP ON TOP OF IT, IT SEEMS THAT WE ARE REALLY GOING TO END UP IN A SITUATION, ONE DAY WE ARE REALLY NOT GOING TO HAVE THE COURT RECORDS, WHEN WE MOST NEED THEM AND THAT IS MY CONCERN.

>> AND I THINK WE FOUND THAT IN THE LAST FEW YEARS, THAT WE CLERKS HAD KEPT RECORDS THE

SAME WAY THEY'VE KEPT RECORDS
50 YEARS AGO, 75 YEARS AGO, AND
THAT WAS NO LONGER APPLICABLE
IN TODAY'S RECORDKEEPING
PROCESS OF THE CLERK'S OFFICE.
MOST OF RECORDS TODAY, WELL,
MOST COURT RECORDS AS THEY COME
IN TODAY ARE BEING DIGITIZED.
BEING ELECTRONICALLY MANAGED.
WE'RE TRYING TO PROVIDE TO THE
COURT THEIR REVIEW OF RECORDS
AND LECK -- IN ELECTRONIC
FASHION.

SO ALL OF THESE ARE GOING TO
HAVE RETENTION ISSUES, THAT WE
DON'T KNOW ABOUT YET THAT ARE
GOING TO BE CHANGING.

>> DO YOU HAVE ANY OTHER ITEMS
THE CLERKS NEED US TO BE
THINKING ABOUT OR CONSIDERING,
WITH REGARD TO RETENTION
POLICIES THAT ARE NOT
SPECIFICALLY -- MAY NOT BE
WITHIN THE SPECIFIC RULE WE ARE
TALKING ABOUT TODAY?

ARE THERE ANY OTHER CONCERNS
THAT MAY BE IMPACTING THIS SDIX
THAT ARE NOT -- MAY NOT BE
PRECISELY ON POINT?

>> YES, SIR, MR. CHIEF JUSTICE,
IN FACT, IN OUR COMMENTS, WE
SUBMITTED THREE POINTS OF
CONSIDERATION FOR YOU WITH
REGARD TO THIS PARTICULAR RULE.
RULE 2.430.

THE FIRST DEALT WITH RULE 3.420,
G-1 WHICH PROVIDES THAT
EXHIBITS IN CRIMINAL
PROCEEDINGS SHALL BE DISPOSED
OF AS PROVIDED BY LAW.

THE ONLY STATUTORY PROVISION WE
FIND FOR THE DISPOSITION OF
EXHIBITS AND CRIMINAL
PROCEEDINGS IS SECTION 28.213
WHICH SIMPLY SAYS THAT THREE
YEARS AFTER A CASE IS OVER THE
CLERK CAN DISPOSE OF EVIDENCE
WHICH HAS BEEN MAINTAINED AS AN
EXHIBIT.

IT DOESN'T PROVIDE ANY PROCESS
OR ANY NOTICE OR ANY OTHER
REQUIREMENT.

WHEREAS, IN YOUR CURRENT RULE
IN G-2, THERE IS SET OUT A

PROCESS FOR NOTICE TO PARTIES
BEFORE THE DISPOSITION OR
DISPOSAL OF EXHIBITS AND
NONCRIMINAL MATTERS.

IN CRIMINAL MATTERS YOU DON'T
HAVE THAT.

WE ARE SUGGESTING THAT YOU
CONSIDER PROVIDING IN THE RULE
A NOTICE PROVISION TO THE
PARTIES AND AN OPPORTUNITY FOR
THE PARTIES TO SEEK PROTECTION
OF THE COURT PRIOR TO THE
DISPOSAL BY THE CLERK.

>> AND THESE ARE THINGS THAT
SHOULD NOT WAIT AND SHOULD BE
DONE SOONER RATHER THAN LATER
IS WHAT YOUR VIEW IS.

>> YES, SIR.

SECONDLY, THE -- YOUR RULE
2.430K CURRENTLY PROVIDES NO
RECORD WHICH HAS BEEN SEALED
FROM PUBLIC EXAMINATION BY
ORDER OF THE COURT SHALL BE
DESTROYED WITHOUT HEARING AFTER
SUCH NOTICES AS REQUIRED BY THE
COURT.

RECORDS WHICH ARE OPEN TO THE
PUBLIC ARE DESTROYED ACCORDING
TO TO A RETENTION SCHEDULE
WITHOUT ANY NOTICE REQUIREMENT,
WITHOUT A HEARING -- A HEARING
REQUIREMENT, WE FEEL THERE IS A
DEFINITE NEED FOR A DISTINCT
AND SEPARATE PROCESS FOR
MAINTAINING A SEALED RECORD BUT
WE DON'T SEE THE BASIS FOR
DISCING IN THE DESTRUCTION
PROCESS IF IT IS -- IF IT
SERVED ITS TIME, IT SERVED ITS
TIME, WHETHER IN PURGATORY,
BEING SEALED OR WHETHER IT HA
BEEN OPEN TO THE PUBLIC.

WE WOULD SUGGEST THIS
ELIMINATION OF THAT --

>> AND THAT SEEMS TO -- ALL OF
A SUDDEN NOW WE'RE GETTING -- I
MEAN, THE PROBLEM WITH SAYING
WE SHOULD DO THIS IMMEDIATELY
THERE IS A RULES PROCESS, I
THINK PROBABLY THE REASON FOR
THAT IS THAT SOMETHING THAT WAS
IN PURGATORY, PEOPLE ARE DEAD
AND MAYBE IT IS NOW WITHIN THE
PUBLIC DOMAIN SO IT COULD BE

UNSEALED, DESTROYED, AND -- YOU KNOW, NEF KNOW WHAT WAS IN IT. AND I GUESS THERE COULD BE A DIFFERENT POLICY REASON BUT THAT IS NOT REALLY FOR US TODAY TO DECIDE.

>> NO, MANAGEMENT AND I THINK I WAS RESPONDING TO THE CHIEF JUSTICE, DIVIDE HAVE ANY OTHER

--

>> A WISH LIST.

>> WE HATED WISH LIST AND THE LAST ONE,.

>> THE THING ON THE CRIMINAL EXHIBITS IS A HUGE --

>> THAT WE THINK IT IS.

RULE 2.430J RELATES TO THE EXPUNGMENT PROCESS AND PROVIDES NOTHING IN THE RULE SHALL AFFECT THE POWER OF THE COURT TO ORDER RECORDS EXPUNGED. THAT IS THE CURRENT LANGUAGE OF THE RULE.

AND WHICH WE OF COURSE AGREE WITH.

WE DO BELIEVE THAT IT WOULD BE APPROPRIATE AND PROTECTIVE AND CONSISTENT WITH THE WORK YOU HAVE DONE IN THE LAST YEAR OF THE RULES TO FURTHER PROVIDE THAT SEALED RECORDS SHALL BE DESTROYED NOT LESS THAN 30 DAYS AFTER THE ORDER OF EXPUNGMENT. THAT WOULD BE TO PROVIDE AN OPPORTUNITY FOR SOMEONE TO HAVE AN APPROPRIATE CHALLENGE TO AN EXPUNGMENT ORDER AND RIGHT NOW, UNDER THE RULE, THE CLERK COULD EXPUNGE WHICH -- AS WE KNOW MEANS ELIMINATE, WIPE OUT THE RECORD IMMEDIATELY AND THEREFORE MAKING IT A POTENTIAL CHALLENGE TO THE EXPUNGMENT MOVE.

THOSE ARE THE ONLY THREE SUGGESTIONS, WE WOULD LIKE TO COULD CLOSE IN THANKING THE COURT FOR THE OPPORTUNITY OF THE CLERKS TO PARTICIPATE WITH YOU, PARTICULARLY IN THE LAST YEAR AS WE HAVE WORKED TOGETHER IN A NUMBER OF RULE CHANGES, DEALING WITH THE MAINTENANCE OF RECORDS.

THE CLERKS ARE LOOKING FOR THAT
FAIR AND CONSISTENT MANNER OF
RECORDS MANAGEMENT THROUGHOUT
THE STATE FOR YOUR LEADERSHIP.

>> THANK YOU VERY MUCH,
MR. BAGGET, APPRECIATE YOUR
COMMENT.

MR. COLE.

>>.

>> MAY IT PLEASE THE COURT.

I AMMAR VIN COLE FROM
GAINESVILLE.

I ORIGINALLY HAD RESPONDED TO
THE NOTICE IN THE FLORIDA NEWS
PROBABLY BECAUSE I HAVE A VERY
HIGH INTEREST, BOTH HISTORY AND
GENEALOGICAL STUFF AND LOOKING
THROUGH THE RETENTION RECORD
HAPPENED TO CATCH MY EYE.

I FIND IT SORT OF INTERESTING
IF THE FACT IS WORTH ANYTHING,
I DON'T KNOW OF ANY OTHER
ATTORNEY, PRACTICING ATTORNEY
IN THIS STATE WHO SUBMITTED A
COMMENT ON THIS RULE OR THE
RETENTION.

WHICH I FIND ABSOLUTELY
FASCINATING.

BUT IT ALSO SHOWS THAT
PRACTICING ATTORNEYS REALLY
AREN'T TOO INVOLVED WITH THE
JUDICIAL ADMINISTRATION RULES.

WE DEAL WITH THE RULES,
PROCEDURE, PROBATE, FAMILY,
WHATEVER IT IS.

SO MY INITIAL RESPONSE WAS TO
SUBMIT A BAEFK A BRIEF SIMILAR
TO WHAT I -- BASICALLY A BRIEF
SIMILAR TO WHAT I SUBMITTED TO
THIS COURT TO THE FLORIDA BAR
BOARD OF GOVERNORS AND THEY
ROLLED IT THROUGH THEIR
MEETINGS AND WHAT CAME OUT OF
THAT ALSO WAS, HEY, EVERYBODY
IS UNDER THE FALSE IMPRESSION
THAT THE COURT RECORDS OF THIS
STATE ARE NOT DESTROYED.

AND THAT IS NOT JUST PROBATE.

AND PERHAPS THAT IS A
HISTORICAL PERSPECTIVE.

PERSPECTIVE FROM VIRGINIA OR
WHEREVER IT IS AND CAME AS A
SHOCK WHEN I WENT DONE THE
RETENTION SCHEDULE.

MAKES SENSE, THE SCHEDULE WAS
ORIGINALLY AS I UNDERSTAND IT
IN WHAT THEY CALL THE GENERAL
SERVICES SCHEDULE OF THE
DEPARTMENT OF LIBRARIES, ACROSS
THE STREET.

GS-11 I BELIEVE THIS IS
SCHEDULE THAT COVERS MOST OF
THE COURT RECORDS AND SOME OF
THE DATES ARE A STILL
ASTOUNDING, TOO, AND I'M NOT
SURE HOW MUCH THE CLERKS OBEYED
IT OR NOT BUT IT ALSO APPEARED
THAT EACH CLERK DID HIS OR HER
THING THAT'S THEY SAW IT.
DEPUTY CLERKS MAY OR MAY NOT DO
THEIR THINGS AS THEY SITE AND
SOME DID A BETTER JOBS AND SOME
OTHER AND SOME TIME AGO I
NEEDED A COURT RECORD OUT OF
ESCAMBIA COUNTY, THEY DESTROYED
THE RECORDS BUT BLESS THEIR
SWEET HEARTS THEY SPENT THE
MONEY AND PUT THE ENTIRE COURT
FILE ON MICROFICHE.
EVERYTHING.

AND MY CONCERN WAS, WHEN I
WROTE THE LETTER, I'M NOT
WORRIED ABOUT THE DEED RECORDS
AND YOU HAVE A WILL ADMITTED TO
PROBATE AND THE ORDER PERHAPS
DOING THAT, AND ADMINISTRATION
AND MAYBE A PETITION FOR
DISCHARGE BUT THERE IS A NOT
THAT IS NOT RECORDED.

FOR EXAMPLE, IF SOMEBODY DIES
ARE STATUTES REQUIRED THAT A
WILL BE FILED?

WITH THE CLERK AND SUPPOSEDLY
WITH IN TEN DAYS AND THE CLERK
WOULD USUALLY LIKE SOME
EVIDENCE OF CAUSE OF DEATH.
USUALLY THE DEATH CERTIFICATE
AND COULD BE AN OBITUARY AND
DOESN'T MAKE MUCH DIFFERENCE
AND THE SCHEDULE FROM THE
DEPARTMENT OF LIBRARIES ACROSS
THE STREET SAYS WE KEEP THOSE
20 YEARS AND NOTHING HAPPENS
AND DESTROY 'EM.

AND I HAVE HAD TO DO PRO BATES
40 YEARS LATER.

SO WHAT WORRY DEALING ARE
RECORDS IN THE PROBATE

GUARDIANSHIP ARENA THAT ARE PROPERTY ONLY AND YOU HAVE TO KNOW THE FAMILY MEMBERS TO BE ABLE TO FIGURE OUT WHO OWNS WHAT, OUR INVENTORIES IN PROBATE ARE SEALED BUT DESTROYED UNDER THE CURRENT GUIDELINES AND THAT TELLS YOU WHAT PROPERTY IS INVOLVED AND WHAT PEOPLE BELIEVE THEIR PROPERTY IS AND PETITION FOR PROBATE IS UNDER OATH AND IDENTIFIES POTENTIAL HEIRS AND I PERCEIVE IT AS THE PROBLEM IS LARGER THAN PROBATE AND ALSO IS TRUEN MARITAL SITUATIONS WHERE I BELIEVE NOW THERE IS YOU A 75 YEAR RULE GIVE OR TAKE MAINTAINING DISSOLUTION ORDERS. I HAVE AN ELDERLY COUSIN WHO WAS TRYING TO APPLY FOR SOCIAL SECURITY AND NO BIRTH RECORD AND THE ONLY RECORD OF HER BIRTH WAS IN THE DIVORCE PROCEEDINGS IN THE 1920s. IF UNDER THE CURRENT GUIDELINES, THOSE RECORDS HAD BEEN DESTROYED, NO REAL PROOF AND WHAT DIFFERENCE DOES IT MAKE, SHE'D LIKE TO COLLECT BENEFITS ON A TIMELY FASHION. AND A PERCEIVE THE SAME THING GOES THROUGH WITH CIVIL FILES AND CRIMINAL FILES AND THE COURT WRESTLES WITH THESE ISSUES AND WHETHER OR NOT SOMEBODY WAS WRONGFULLY DWIKTED AND IF YOU START DESTROYING THIS STUFF AND THAT IS FOR THE -- [INAUDIBLE] IT APPEARS TO ME THERE IS GOING TO BE POTENTIALLY PROBLEMS. >> DON'T WE HAVE TO COME DOWN TO MAKE SOME POLICY DECISIONS, FOR EXAMPLE A FILE ON A DOMESTIC MATTER IS IN THE COURT FOR A DOMESTIC MATTER AND WHETHER THAT IS GOING TO BE USED SOME OTHER PLACE AT SOME OTHER TIME FOR SOME OTHER PURPOSE IS REALLY A DIFFICULT CALL WE HAVE TO -- THE CLERKS HAVE TO SOMEHOW MAINTAIN THINGS, IN AN ACTIVE FASHION BECAUSE

SOMEPLACE ELSE IN THE SCOPE OF GOVERNMENT OR HUMAN LIFE THERE MAY BE SOMETHING IMPORTANT IN THERE SO THAT IS A POLICY CALL AND HOW OR WHERE IS IT BEST DECIDED.

>> IT IS A POLICY CALL BUT I THINK THE PROBLEM THAT BOTHERED THE ATTORNEYS I WAS DEALING WITH ARE THE ACTUAL COURT FILES THEMSELVES AND NOT SO MUCH THE PIECES OF PAPER, THE -- BEST MEDIA KNOWN TO US IS MICRO FILM.

THE MORMONS HAVE PROVEN THAT AND THE FILM INDUSTRY HAS PROVEN THAT.

THIS HAS SUSTAINED THIS RAVAGES OF TIME AS LONG AS YOU KEEP IT AT LEAST IN A PROTECTED VAULT AND GOD KNOWS HOW MANY PIECES OF PAPER, ON THIS PARTICULAR PIECE OF FILM AND I'M NOT SAYING DON'T GET RID OF THEM WHICH WOULD GET BACK TOWER POLICY ISSUE.

BUT THERE HAS TO BE A REASONABLE WAY TO HOPEFULLY ALLOW THE PRACTICING BAR TO DO OUR JOB AND WE'RE THE ONES THAT UNFORTUNATELY BUILD THOSE FILES AND WE USE THEM AND WE DIE AND SOMEBODY BEHIND US COMES ALONG.

>> WHERE WOULD YOU PROPOSE THOSE DECISIONS BE CONSIDERED AND MADE AS TO --

>> I BELIEVE --

>> ON THE TAPE AND WHAT DOES NOT AND WHAT WE WRITE -- AND WHATEVER IT IS, BECAUSE, I MEAN, AS BROAD AS THE WORLD NOW, WE DON'T KNOW WHAT WILL HAPPEN IN THE FUTURE.

>> MY RIMDATION WOULD BE FOR FOOD OF THOUGHT AND YOU HAVE THE START WITH THE WORKING GROUP.

THERE NEEDS TO BE A GROUP, MANAGEMENT, SOMEBODY WITH IN THE JUDICIAL SYSTEM TO SET UP A SCHEDULE THAT IS MORE DETAILED THAN WHAT IS THERE.

AND I HAVE A PROBLEM WITH THE CURRENT SCHEDULE AND I KNOW

FROM WHAT I HAVE BEEN TOLD
TRIPLE HEARSAY THE LEON COUNTY
CLERK'S OFFICE IS DESTROYING
RECORDS ON THE TEN-YEAR NOTICE
AND IT IS ALREADY HAPPENING AND
THE FIRST THING I WOULD SUGGEST
IS YOU FREEZE AND TELL THE
CLERKS, STOP UNTIL YOU GET IT
FIGURED OUT.

>> AND WE HAVE A SPACE PROBLEM
FOR CLERKS, TOO, IS WHAT WE GET
INTO.

>> GETS BACK AND THIS SOLVES
THE SPACE.

BUT THE -- AND NEEDS TO BE
PROBABLY IN THE JUDICIAL RULES
ADMINISTRATION.

>> AND NEEDS TO BE A REAL --
WITH THE LAWYERS OF THE STATE,
WE DON'T KNOW BUT BELONGS IN
THE RULES OF JUDICIAL
ADMINISTRATION AND IS A POLICY
ISSUE AS LONG AS THE COURT
ACCEPTED THE RESPONSIBILITY FOR
WHEN THINGS CAN BE DETROIT.

BUT APPEARS TO ME THE GUIDANCE
NEEDS TO COME FROM THIS --

>> YOU HAVE HEARD THE
REPRESENTATIVE OF THE CLERK'S
ASSOCIATION SUGGEST THAT THE
COMPOSITION THAT WE HAVE RIGHT
-- OR WHAT IS BEING PROPOSED IS
A LITTLE INADEQUATE BECAUSE THE
DIFFERENCES WITH THE CLERK'S
OFFICES, WHAT PROPOSALS DO YOU
HAVE OR HAVE YOU ALREADY FILED
THOSE AS TO THE COMPOSITION OF
THE GROUP THAT WOULD BE
KNOWLEDGEABLE AND HAVE THE
INFORMATION TO MAKE THE RYE
DECISIONS AND THE RIGHT
RECOMMENDATIONS TO A COURT TO
MAKE THE FINAL DECISION.

>> WELL, THE PROPOSAL THAT CAME
FROM THE WORKING GROUP IS A
VEHICLE WHICH COULD DO THAT.
THE ONLY PROBLEM I HAD IN
LOOKING AT IT, IS FULL OF CLERK
AND JUDGES.

BLESS THEIR HEARTS.

THERE IS NO PRACTICING BAR
MEMBERS IN THERE FOR THE PEOPLE
THAT CREATE AND USE THESE
FILES.

>> OKAY.

>> AND HOW MANY SHOULD BE ON THE IT AND WHERE SHOULD THEY COME FROM.

>> I WOULD SUGGEST THEY COME FROM THE PRACTICING BAR AND THE REPTILE SECTION, PROBATE REAL ESTATE SECTION, THE CIVIL TRIAL SECTION, THE CRIMINAL SECTION AND THE FAMILY LAW SECTION. THAT, TO ME -- AT LEAST ONE FROM -- ALREADY HAVE THE SECTIONS.

AND THESE FOLKS DEAL WITH THEM DAY-TO-DAY AND I THINK IT PROBABLY HELPED DEVELOP THE SCHEDULE AND CERTAINLY USED WITH THE DEPARTMENT OF LIBRARIES ORIGINALLY HAD AND FILL IT IN BECAUSE I THINK NOW, I THINK WE ARE REALLY HURTING OURSELVES.

>> OKAY.

IF YOU COULD BRING YOUR COMMENTS TO A CONCLUSION, YOU ARE OVER YOUR TIME AND I WANT YOU TO SAY WHAT YOU NEED TO SAY.

>> IN BASIC CONCLUSION, WE ARE DESTROYING OUR OWN HISTORY AND PRACTICING CAPABILITY AND IT IS PREMATURE AND SUGGEST THE COURT FREEZE ALL OF THE DESTRUCTION TILT IS SETTLED BECAUSE I THINK THE SCHEDULE IS TOO TIGHT ON SO MANY THINGS AND I DO BELIEVE SOME SORT OF MANAGEMENT COMMITTEE WAS BEING SUGGESTED IS PROBABLY A GOOD IDEA.

>> MR. COLE, THANK YOU VERY MUCH.

>> JUDGE, A COUPLE OF CONCLUDING REMARKS.

>> THANK YOU.

I'LL TRY TO -- I THINK I CAN DO IT WITHIN TWO MINUTES AND FOUND I THINK MUCH BETTER NOW SITTING DOWN APPARENTLY AS MY TRAINING AS A JUDGE I CAN'T THINK ON MY FEET ANYMORE.

>> I WOULD LIKE YOU TO -- FOR YOUR CONCLUDING REMARKS, I WOULD LIKE YOU TO ADDRESS REALLY THIS BROADER ISSUE THAT I, FOR ONE, AM THANKFUL

SOMEBODY HAS BROUGHT OUR ATTENTION TO, AND THAT IS THAT TO A GREAT EXTENT WE HAVE REALLY ALMOST -- INAUDIBLE NAB WHEN I WAS THE CHIEF JUDGE OF THE COURT OF APPEALS HEADQUARTERED IN WEST PALM BEACH MY CLERK WOULD COME TO ME AND SAY -- WE HAVE SPACE PROBLEMS.

OF COURSE I WOULD SAY, WELL, THERE IS A SCHEDULE FOR RECORDS RETENTION.

AND ACTUALLY, BAR INTEREST AT THE TIME WAS HOPEFULLY THAT THAT SCHEDULE ALLOWED US TO GET RID OF RECORDS AS QUICKLY AS POSSIBLE AND RETAIN ONLY A MINIMUM OF THE RECORDS IN THE COURT FILES, SO, DINED, VIRTUALLY A FILE-STRIPPING PROCESS THAT WEB ON.

COUPLED WITH THE ISSUE OF, YOU KNOW, MORE EFFICIENT WAYS SUCH AS MICROFICHE AND MICRO FILM OF RETAINING, WHATEVER IT WAS WE DID.

DETECTION THAT I'M SPEAKING TO IS THAT SORT OF PRACTICAL ATTENTION THAT INHOUSE COURTS LIKE ANY OTHER INSTITUTION, YOU KNOW, SAYING, OUR SPACE IS RUNNING OUT, YOU KNOW, THAT IS ALL GONE NOW, ANYWAY. OR WHATEVER.

THEN I THINK WE HAVE BEEN DONE A SERVICE HERE THAT SORT OF DRIVING THE POINT THAT -- THE IDEA OF LAWYERS THAT WORK WITH THESE RECORDS, AND REALIZE THAT THEY HAVE GOT TO GO WAY BACK THAT THERE IS DANGER HERE AND TO SOME EXTENT TO WHAT WE ALL FALL INTO IS THAT WE JUST TAKE WHATEVER HAS BEEN DONE BEFORE AND WONDER, WHEN WAS IT THAT ANYBODY EVER CAME UP, YOU KNOW, WITH THESE, TWO YEARS FOR THIS AND FIVE YEARS FOR THIS AND TEN YEARS FOR THIS OR WHATEVER, IT IS ALMOST UNKNOWN NOW, YOU KNOW, WHAT THE THEORY OR THE PHILOSOPHY WAS BEHIND IT. BUT IF THERE IS A BROADER ISSUE

NOW, NOT JUST THE LAWYERS CONCERNED FOR THE NEED OF SOME OF THESE BUT IT DOES SEEM LIKE OUR CULTURE, WE HAVE RELIED ON POOR RECORDS TO RECORD OUR HISTORY.

OF OUR PEOPLE AND I -- THERE IS LOTS OF VALUABLE STUFF IN THERE, SO MY LONG LEAD INTO THIS IS REALLY SAYING, HAS THE PROPOSAL FOR THE WORK GROUP INCLUDED A CONSIDERATION THAT TO HAVE PEOPLE SERVE ON THAT WORK GROUP THAT HAVE THIS BROADER PERSPECTIVE?

CLEARLY, YOU KNOW, AT A MINIMUM THE LAWYERS, BUT ALSO REALLY REACHING OUT ALMOST TO HISTORICAL SOCIETIES, OR SECRETARY OF STATE, WHO MANAGES A LOT OF THAT FOR THE STATE OF FLORIDA WITH REFERENCE TO ARCHIVES.

SO MY QUESTION TO YOU IS, IS HE RIGHT?

SHOULD WE PUT A FREEZE, SHOULD WE BROADENED OUR FOCUS IN TERMS OF RETENTION OF COURT RECORDS SO WE DON'T LOSE OUR HISTORY WITHOUT EVEN REALIZING WE ARE DOING IT.

>> I'M NOT SURE I'M QUALIFIED TO ANSWER THAT QUESTION, JUSTICE AM STEAD.

I -- ANSTEAD, I WOULD SUGGEST WE NEED TO PAY CLOSE ATTENTION TO THIS AND PERHAPS A COMMITTEE SUCH AS THIS THAT IS CHARGED REALLY WITH RECORDS COULD EXPAND ITS CHARGE A LITTLE BIT AND THE -- IN THE COURSE OF DOING WHAT IT IS SUPPOSED TO DO ANYWAY AS WE SUGGESTED COULD DO ALL OF THAT I WOULD HOPE AND CERTAINLY THE CONTENT, WHO IS ON THE COMMITTEE, COULD BE MODIFIED.

IF I COULD JUST -- I KNOW, JUSTICE, JUST WANTED TO ADDRESS TWO OR THREE ISSUES THAT THE COURT RAISED.

AS TO THE PERMANENTLY RECORDED RECORDS, JUSTICE PARIENTE I MISANSWERED AND APOLOGIZE AND

PART OF THE RULE OF JUDICIAL ADMINISTRATION AND WOULD REMAN YOU A PART OF IT, THAT DEFINITION AND IF THERE ARE GOING TO BE ANY CHANGES IT WOULD BE TO THE RULES OF JUDICIAL ADMINISTRATION COMMITTEE.

ALL WE HAVE SUGGESTED TAKING OUT OF THAT RULE IS THE RETENTION SCHEDULE, DO YOU HOLD THESE CITATION, 60 OR 90 DAYS AND DO THIS RECORD FIVE OR SEVEN YEARS AND THOSE RETENTION SCHEDULES.

SO --

>> THE PROBLEM MIGHT BE AS THEY COME OUT, LAWYERS WHO DIDN'T KNOW THEY WERE IN BEFORE AND NOW THINK EVERYTHING GETS RETAINED FOREVER, SO...

>> THAT IS -- BECAUSE WHEN YOU RETAIN THINGS AND SOMEONE COMES IN AND ASKS FOR THEM NOW YOU HAVE 3,000 PAGES OF DOCUMENTS INSTEAD OF 10 PAGES, PERHAPS, SO THERE IS A -- MANY REASONS TO NOT KEEP DOCUMENTS, EVEN IF YOU HAVE A PHYSICAL SPACE, AS TO JUSTICE CANTERO'S COMMENTS AND I THINK THE CHIEF JUSTICE TO MY KNOWLEDGE THERE AREN'T ANY CLERKS RIGHT NOW ON THE RULES OF JUDICIAL ADMINISTRATION COMMITTEE. NONE.

WE SUGGESTED, TOO, ONE FROM THE APPELLATE AND WOULDN'T FROM THE TRIAL COURT CLERKS AND COULD THEY -- COULD BE EXPANDED IF YOU WANT TO, WE KEPT IT AT NINE.

>> AND THIS ARE ALL LAWYERS UNDER RULES OF JUDICIAL ADMINISTRATION COMMITTEE, AREN'T THEY.

>> THAT'S TRUE AND WE HAD PROPOSED AT LEAST ONE LAWYER AND OF COURSE SOME PERSON TO BE APPOINT BY THE CHIEF JUSTICE FOR THIS STANDING COMMITTEE ON RECORDS.

RETENTION.

SO THE OTHER POINT IS WE HAVE

ALREADY NOT PUT THE RULES --
I'M SORRY.

THE RETENTION SCHEDULES FOR
ADMINISTRATIVE RECORDS ARE NOT
IN THE RULES.

THEY ARE NOT PART OF THE RULES
IN THAT RULES OF JUDICIAL
ADMINISTRATION, ON
ADMINISTRATIVE -- WE HAVE DOB,
IN OTHER WORDS, WITH
ADMINISTRATIVE RECORDS WHAT OUR
WORK GROUP IS PROPOSING WE DO
WITH CORE RECORDS.

AND IF IT MAX SENSE TO DO IT
FOR ADMINISTRATIVE IT CERTAINLY
MAKES SENSE TO DO IT WITH COURT
RECORDS WHERE WE CAN HAVE SOME
CLERKS ON THIS GROUP THAT WE
ARE PROPOSING THAT YOU
ESTABLISH.

SO I JUST THINK THAT GROUP
WOULD BE MUCH MORE FOCUSED ON
THE ISSUES WE ARE TALKING
ABOUT.

AND FINALLY, JUSTICE QUINCE, IF
IT IS THOUGHT THAT THE COURT
NEEDS MORE CONTROL CERTAINLY IT
COULD EXERT IT AND YOU COULD
CHANGE IT TO WHERE -- TO A
REQUIREMENT THAT THE RULES OF
JUDICIAL ADMINISTRATION
COMMITTEE COULD OBJECT AND,
THEREFORE, NOT PERMIT AN
AUTOMATIC CHANGE TO THE RULES,
BUT FOR INSTANCE, IF THE
COMMITTEE WANTED TO CHANGE FROM
60 TO 90 DAYS, HOW LONG DO YOU
HOLD CITATIONS?

>> THANK YOU.

[INAUDIBLE].

>> ABSOLUTELY.

>> [INAUDIBLE].

>> ABSOLUTELY.

THAT IS A PRIMARY DRIVING FORCE
ALTHOUGH THEY RIGHTLY SAY WE
HAVEN'T CHANGED THESE RULES AND

--

>> WHERE WOULD YOU SUGGEST --
[INAUDIBLE].

>> I'M SORRY.

WELL, IT WOULD BE DONE JUST
LIKE THE ADMINISTRATIVE RECORDS
ARE DONE NOW.

IT IS PUBLISHED AS A SEPARATE

APPENDIX AND ANYONE CAN GO
RIGHT TO THE BOOK AND LOOK IT
UP.

THE SAME BOOK, JUST AN APPENDIX,
NOT PART OF THE RULE ITSELF.
AND WE'RE SUGGESTING MORE
FLEXIBILITY.

THAT IS EXACTLY RIGHT.

>> SO, AGAIN IN THE RULES BOOK,
JUST THAT IT DOESN'T HAVE TO GO
THROUGH THE PETITION BEING
FILED AND --

>> THAT'S CORRECT.

>> IF SOMETHING SIGNIFICANT WAS
PROPOSED, DISCRETION COULD BE
STILL TO PUBLISH THAT FOR
COMMENT.

>> THEY'LL COURT WOULD HAVE TO
DO IS SAY, DON'T ENACT THAT AND
PUBLISH IT FOR COMMENT AND YOU
CAN EVEN ADD THAT THE RULES OF
JUDICIAL ADMINISTRATION
COMMITTEE HAVE THE SAME BILLY
TO VETO A CHANGE IF YOU WANT IT
TO.

NOT A TURF WAR WE ARE TRYING TO
CREATE.

IT IS FLEXIBILITY AND
RESPONSIVENESS AND UNIFORMITY.

>> WITH OUR ASSISTANCE WE FAR
EXCEEDED YOUR TIME, THANK YOU
VERY MUCH FOR YOUR WORK ON
THIS.

THANK THE OTHERS WHO APPEARED
TO GIVE US YOUR THOUGHTS TODAY.
THANK YOU VERY MUCH.

WE'RE TRYING TO REACH THE RIGHT
ANSWER AND I THINK WE'RE ALL
DOING IT TOGETHER.

THANK YOU VERY MUCHAL