

>> ALL RISE.

HEAR YE HEAR YE HEAR YE.

THE SUPREME COURT OF FLORIDA IS
NOW IN SESSION.

ALL WHO HAVE CAUSE TO PLEA, DRAW
NEAR, GIVE ATTENTION, YOU SHALL
BE HEARD.

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

>> LADIES AND GENTLEMEN, THE
SUPREME COURT OF FLORIDA.

PLEASE BE SEATED.

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

THE FIRST CASE ON OUR DOCKET
TODAY IS IN RE. AMENDMENTS TO
THE FLORIDA RULES OF JUDICIAL
ADMINISTRATION, ET CETERA.

>> PLEASE THE COURT, I COME TO
ADVANCE THE CAUSE OF E-MAIL
SERVICE TODAY, AND I WILL BE THE
ONLY ONE IN ALL LIKELIHOOD
PRESENTING AN ARGUMENT TO THE
COURT UNLESS THE COURT HAS A

QUESTION AND ONE OF THE OTHER
RULES COMMITTEES NEEDS ADDRESS.
AWFUL WE NEED TO REMEMBER IN
PRESENTING THIS AS ONE GUY
AGAINST THE ASSEMBLAGE OF TALENT
I SPEAK FOR HUNDREDS OF LAWYERS
WHO... BUT IT IS ONE VOICE AND
ONE VOICE THAT... AND
[INAUDIBLE] THIS IS AN EXCITING
DAY FOR THE PEOPLE OF FLORIDA
AND THE COURTS IN FLORIDA.
AND FOR THE LAWYERS IN FLORIDA.
I THINK THIS COURT HAS THE
OPPORTUNITY TODAY, TO CONSIDER
AND HOPEFULLY APPROVE A REALLY
SIGNIFICANT CHANGE IN ADVANCE --
ADVANCEMENT IN THE PRACTICE OF
LAW IN THE STATE OF FLORIDA AND
THE OTHER OPPORTUNITIES YOU'LL
HAVE WITHIN THE NEXT FEW MONTHS
IS WHEN E-FILING COMES BEFORE
THE COURT.
AND THOSE TWO ACTIONS, REALLY,
REALLY, ARE AN EXCITING CHANGE.
IT IS...

>> AND I APPRECIATE ALL OF THE
WORK THAT YOU HAVE DONE OR...
THE TECHNOLOGY AND ALSO, IN
THIS, YOU HAVE SET FORTH HOW
MANY RULES COMMITTEES CAME
TOGETHER.

BUT IS IT A SMART IDEA, TO ADOPT
THIS RULE BEFORE WE ADOPT THE
E-FILING... [INAUDIBLE].

>> ABSOLUTELY.

IN MY OPINION, THE ANSWER TO
THAT IS ABSOLUTELY YES.

FIRST OF ALL, E-MAIL SERVICE CAN
BE IMPLEMENTED WITH VERY LITTLE,
IF ANY, SUBSTANTIAL CHANGE IN
CAPITAL EXPENDITURES, IN
TRAINING, OR IN ANYTHING ELSE.
THE BENEFIT...

>> WITH REGARD TO THAT...

[INAUDIBLE] PUBLIC DEFENDER'S
OFFICE.

CERTAINLY THE SMALL...

[INAUDIBLE].

I UNDERSTAND YOUR VIEW, YOU HAVE
BEEN DOING IT AND ADVOCATING IT

AND ONE THING, THAT
CONSERVATIVES ME, YOU HAVE A
GROUP OF FOLKS, WITH A -- THE
SYSTEM DEPENDS ONTO MAKE SURE IT
WORKS, A LARGE SEGMENT OF THE
PUBLIC DEFENDERS, AND THEY DON'T
SEEM TO...

>> THEY DON'T, AT LEAST IN THEIR
INITIAL PRESENTATION TO THE
COURT.

THE ASSOCIATION DIDN'T.

IF YOU READ THAT PETITION AND I
KNOW YOU DID, THAT RESPONSE, YOU
WOULD THINK EVERY PUBLIC
DEFENDER IN THE STATE OF FLORIDA
HAS... THE CART THE POSTAL
SERVICE GIVES THEM AND PUT THE
PAPERS IN THERE AND SOMEONE IN A
BURLAP SUIT ROLLS IT IS DOWN THE
HAAS AND VICE-VERSA AND IT MAY
BE THE CASE.

BUT, THIS IS NOT A GOOD
FACT-FINDING OPPORTUNITY, THIS
IS WHERE WE LOOK INTO THIS, BUT
I'VE MADE EVERY EFFORT I KA TO

FIND OUT... [INAUDIBLE].

>> THE PUBLIC DEFENDERS, IN A
CRIMINAL AREA IS SO DIFFERENT
THAN THE PROCESS OF CIVIL LAW.
WOULDN'T THE BETTER IDEA BE TO
-- SINCE WE HAVE THIS BRIDGE
PERIOD, TO EXEMPT CRIMINALS FROM
CRIMINAL RULES AND EITHER ORDER
A... THE PUBLIC DEFENDERS
ASSOCIATION, THE STATE
ATTORNEYS... [INAUDIBLE].

AND, I THOUGHT THE BEST ARGUMENT
THEY HAVE IS, SAY THEY ARE IN --
QUOTE VOLUMES OF PAPER.
AND, THEY -- BUT THERE ARE NOT A
LOT OF THEM, VOLUMES IN A LOT OF
INDICATIONS.

>> LOT OF CASES.

>> AND WE REQUIRE THEM TO PAPER
FILE THE ORIGINALS.

SO FOR THEM, UNTIL WE HAVE...

[INAUDIBLE] AND THE JUDGES ARE
SENDING THEM ORDERS BY E-MAIL,
WE ARE REALLY MAKING... WHAT IS
WRONG WITH -- AND AGAIN, BECAUSE

THE CIVIL PRACTITIONERS, ARE

CERTAINLY, THE CIVIL RULES...

[INAUDIBLE] CHUNK OF WHAT GOES

ON, WHAT WOULD BE... DO YOU SEE

A DOWNSIDE?

AND THEN YOU CAN SEE, YOU DON'T,

YOU KNOW, SERIOUSLY GO TO THE

PUBLIC DEFENDERS OFFICE OF ALL

POPULATIONS AND LET'S SEE, WITH

-- WOULD THE FLORIDA BAR HELP TO

MAKE IT SIMPLE, AND, NOT A

BURDEN ON ANYBODY?

THAT IS -- AS YOU SAY, WE KNOW,

THOSE OF US WHO BELIEVE THE

ISSUES... [INAUDIBLE] THE WAY

THEY'VE DONE IT, BUT CHANGE IS

TOUGH.

AND SO WHAT IS THE BOTTOM LINE

-- DOWNSIDE.

>> RESPECTABLY, AND I'M NOT A

PUBLIC DEFENDER AND DON'T

PROFESS TO HAVE ANALYZED THAT

IN-DEPTH BUT READING THEIR

RESPONSE IS INTERESTING.

THEY EMPHASIZE HOW THEIR

PRACTICE IS SO COMPUTER DRIVEN
AND THEY USE SO MANY FORMS AND
SO MANY FILL IN THE BLANKS AND
DROP-DOWN MENUS AND THINGS AND I
READ THAT AND I SAID THEY CAN
SAY THEIR PRACTICE DOESN'T --
WORK INTO THE COMPUTER WORLD,
BUT, THEIR OWN RESPONSE
EMPHASIZES HOW HEAVILY THEY ARE
INVOLVED IN THE GENERATION OF
COMPUTER PAPER.

>> THE BOTTOM LINE IS STILL THEY
ARE UNDER THE CURRENT STRAIN
THAT WE DO NOT EVEN...

[INAUDIBLE].

AND IMPLEMENTING A NEW SYSTEM
TAKES TIME.

THERE IS A DOWNSIDE IN THE
CONGESTION, THAT WE EXEMPT THEM,
LET THEM HAVE... PICK THREE...

[INAUDIBLE] AND STARTS TO WORK

ON IT AND WHEN WE HAVE OUR ORAL
ARGUMENT IN OCTOBER, WHENEVER IT
IS SET FOR E-FILING, WE FIND, WE
HAVE THEM GIVE A STATUS REPORT.

BUT THEY ARE NOT SAYING, WE
NEVER WILL... THEY ARE SAYING,
RIGHT NOW, PLEASE DON'T PUT IT
ON US YET.

AND, ESPECIALLY IF WE HAVE TO
PAPER FILE.

>> LET ME ADD ONE POINT AND THAT
IS THE ARGUMENT.

IN TERMS OF THE -- YOU MENTIONED
THE NEW SYSTEM, RESPECTFULLY,
E-MAIL SERVICE AS IT IS
PRESENTLY PROPOSED IS NOT A NEW
SYSTEM.

I THINK THE VAST MAJORITY OF
EVEN SMALL PETITIONERS AND
PUBLIC DEFENDERS BASED ON MY
TALKING TO PUBLIC DEFENDERS
AROUND THE COUNTRY, STATE, HAVE
AND USE E-MAIL AND COMPUTERS
SUBSTANTIALLY IN THEIR PRACTICE.

IT IS -- IF NOT EXCLUSIVELY,
THEY ALMOST ALL HAVE THEM AND
USE THEM.

[INAUDIBLE] AND THE THING ABOUT
E-MAIL SERVICE IS THE BENEFITS

ARE SO GREAT AND I'M NOT
PREACHING TO THE CHOIR, I'M
PREACHING TO THE OPPOSITE...

[INAUDIBLE] BUT THE POINT IS,
PEOPLE WILL BE RELUCTANT TO
CHANGE.

EVERYONE IS.

THE VAST MAJORITY OF LAWYERS, I
WOULD BE RELUCTANT TO CHANGE IF
I WERE NOT UP HERE BEING AN
ADVOCATE.

I WANT TO RETIRE... [INAUDIBLE]
BUT IT'S NOT A NEW STATEMENT AND
TAKES E-MAILS THEY USE EVERY
DAY, AND, COMPUTERS THEY USE TO
GENERATE THE FORMS THEY SAY THEY
GENERATE, EVERY DAY, AND, SIMPLY
NOT -- DUMPING THEM ONTO EXTRA
PAPER TO SEND TO THE STATE
ATTORNEY.

>> [INAUDIBLE].

WHY ARE WE DOING THIS AT THIS
POINT BEFORE WE HAVE E-FILING?
WHY NOT MAKE THIS A PERMISSIVE
RULE... UNTIL SUCH TIME AS WE

HAVE E-FILING ACROSS THE STATE.

>> [INAUDIBLE] PERFORM IT TODAY,
ANY LAWYER CAN GET TOGETHER IN
ANY CASE AND AGREE TO SERVE BY
E-MAIL AND NOT BY PAPER AND THAT
DOESN'T CHANGE ANYTHING.

THE REASON OUR COMMITTEE AND ALL
OF THE COMMITTEES SAID LET'S DO
IT NOW AND, AGAIN BECAUSE THE
BENEFITS ARE GREAT AND CHANGES
SO SMALL, THAT WE DON'T NEED...

>> WELL, OBVIOUSLY, THE BENEFITS
ARE GREAT TO THOSE WHO ARE
PREPARED TO DO IT.

FOR THOSE WHO ARE NOT, IT IS
JUST -- ANOTHER REQUIREMENT THAT
THEY'RE GOING TO STILL -- IN
SOME INSTANCES, HAVE TO DO THE
PAPER ANYWAY AND IF THEY HAVE TO
DO THE PAPER AND ARE NOT
PREPARED TO DO THE E-FILING,
E-MAILS WHY ARE WE REQUIRING IT
AT THIS MOMENT?

>> OKAY.

THERE MAY BE SOME PAPER STILL

INVOLVED IN AN E-MAIL SERVICE.

I DON'T DOUBT THAT FOR A MOMENT.

THE OTHER PART OF IT IS THAT

BECAUSE IN MY OPINION THE

TECHNICAL CHANGE TO E-MAIL

SERVICE IS SO RELATIVELY SMALL,

INCREMENTAL CHANGE, USING THINGS

ALL LAWYERS VIRTUALLY, ALL

LAWYERS HAVE, THAT IT CAN BE

DONE QUICKLY.

E-FILING -- AND I DON'T PROFESS

TO HAVE MY FINGER ON THE

FINANCIAL PULSE OF THE STATE OF

FLORIDA BUT I'M RELATIVELY CLOSE

TO IT.

IF YOU ASKED ME, WHEN ARE WE

GOING TO HAVE E-FILING IN EVERY

COURT IN EVERY COUNTY IN EVERY

CIRCUIT?

IT WILL NOT BE THIS YEAR, NEXT

YEAR, THE YEAR AFTER THAT,

PROBABLY.

AND THERE ARE SOME REASONS FOR

DELAYED E-MAIL SERVICE AND THE

BENEFITS, RESPECTFULLY, GREATLY

OUTWEIGH THAT.

>> I HAVE CONCERNS.

I MEAN, IT MIGHT BE...

[INAUDIBLE] OFTEN YOU GET

E-MAILS THAT GO INTO YOUR JUNK

BOX, E-MAILS YOU NEVER SEE THEM

BECAUSE OF WHATEVER FILTERS YOU

HAVE ON YOUR COMPUTER.

HOW IN THE WORLD DO WE DEAL WITH

THAT, YOU COME AND TELL THE

COURT, I FILED THIS, I SERVED

THIS ON MY OPPONENT, ON XYZ

DATE, WHICH HAPPENS TO BE THE

LAST DAY YOU ARE SUPPOSED TO

SERVE IT AND YET, IT'S NOT

RECEIVED.

>> JUSTICE QUINCE, I'M NOT

SHOOTING THE BLIND WHEN I SAY IT

CAN HAPPEN EASILY.

THERE ARE MANY, MANY PROGRAMS IN

FLORIDA TODAY USING E-MAIL

SERVICE, FORMALLY AND INFORMALLY

AND I HAVE POLLED EACH OF THEM.

THIS IS NOT A FACT-FINDING

CONFERENCE.

WHEN THE RESPONSE COMES IN AND
SAYS WE CAN'T DO THAT,
TECHNOLOGICALLY IMPOSSIBLE,
HYPOTHETICALLY THERE COULD BE A
PROBLEM [INAUDIBLE] BUT I TALKED
TO THE FIRST DISTRICT COURT OF
APPEALS [INAUDIBLE] TO THE 11th
CIRCUIT COURT IN DADE COUNTY,
THAT HAS AN E-MAIL SERVICE
SYSTEM, THE 159 YOU.

>> -- THE 15th JUDICIAL CIRCUIT
AND THE MANATEE COUNTY PILOT
PROJECT.

TO --

>> [INAUDIBLE] THE ENTIRE
FEDERAL COURT SYSTEM.

HAS -- THAT IS... THAT SYSTEM
HAS BEEN IN EFFECT FOR YEARS.

>> YEARS.

>> IS THERE -- HAVE THERE BEEN
PROBLEMS WITH IT?

>> EXCUSE ME.

I WILL NOT SUGGEST TO THE COURT,
THERE HAS NOT BEEN A PLEADING
HERE AND THERE THAT WENT INTO A

SPAM FILTER AND HAD TO BE DUG

OUT.

IT COULD BE MISADDRESSED AND NOT

GET THERE.

THERE'S ALL KIND OF PROBLEMS

THAT COULD HAPPEN AS THERE ARE

WITH MAIL.

THE TRUCK CAN HAVE AN ACCIDENT.

IT COULD BURN DOWN, PEOPLE CAN

PUT THE WRONG ADDRESS ON AND

FORGET THE STAMP.

A THOUSAND THINGS HAPPEN TO MAIL

AND NONE ARE COVERED IN RULE

1.180, YET WE LIVE IN A PAPER

WORLD AND PUT UP WITH, WHERE IS

THE PLEADING, IT WAS SUPPOSED TO

COME, IT'S NOT HERE AND THEY

SENT IT TO THE WRONG PLACE AND

WE LIVE WITH THAT AND I WILL NOT

TELL YOU THAT THIS WILL BE A

PERFECT SYSTEM BUT A CLICHE I

HAVE TAKEN ON, A PHRASE I USE,

AS WITH MOST, TOO OFTEN, THAT

IS, WE SHOULDN'T LET THE PERFECT

BE THE ENEMY OF THE GOOD.

AN E-MAIL SYSTEM HAS THE BENEFIT
FOR VIRTUALLY EVERYONE, I
SUGGEST.

>> I WANT TO ASK YOU ABOUT
BENEFITS, THAT IS VERY
IMPORTANT... [INAUDIBLE] AND I
THINK THE COURT, THE NUMBER OF
ORDERS SENT OUT EVERY YEAR, AND,
YOU KNOW, REQUIREMENT OF THE
STAMPED, SELF-ADDRESSED
ENVELOPE.

OUR CLERK TELLS US THAT WE TRY
TO SEND OUT OR ORDERS BY E-MAIL
BECAUSE E-MAIL ADDRESSES ARE THE
NOT REQUIRED, PEOPLE SAY THEY
DON'T HAVE IT.

WILL THIS RULE THEN REQUIRE
EVERY MEMBER OF THE BAR TO HAVE
A PRIMARY AND SECONDARY E-MAIL
ADDRESS.

>> IF YOU APPEAR IN COURT, YES.

>> IT WOULD THEN ALLOW COURT
TRIAL JUDGES TO SEND, INSTEAD OF
THE... [INAUDIBLE] STAMPED,
SELF-ADDRESSED ENVELOPE, TO SEND

OUT ORDERS BY E-MAIL.

>> ABSOLUTELY.

>> WE WERE GOING TO LOOK AGAIN.

IS THAT -- OUR CLERK SAYS THERE

IS A RULE THAT SAYS IT IS...

[INAUDIBLE] BY MAIL, HAVE YOU

LOOKED AT THAT?

>> SUBDIVISION FOR CLERKS AND

SUBDIVISION FOR COURTS.

SPECIFICALLY, AUTHORIZING BOTH,

TO UTILIZE E-MAIL.

>> I WAS CURIOUS, IF THE CLERK

OF THE COURT, WHO COULD BENEFIT

FROM THIS, WERE THEY PART OF THE

PROCESS.

>> ABSOLUTELY.

THE CLERKS HAVE BEEN INVOLVED

AND THEY TOTALLY AGREE AND ARE

MOVING FORWARD AND TRYING TO

DRIVE THIS TRAIN...

>> [INAUDIBLE] COMMENTS FROM

THEM.

>> THEY SAY, WELL...

>> THE PROBLEM WE GET WITH THESE

KINDS OF COMMENTS, IS MAYBE THE

OVERWHELMING MAJORITY OF THE
LAWYERS IN THE STATE AND THE
JUDGES AND CLERKS WANT THIS AND
WE GET -- I'M NOT SAYING THERE
IS A PERSON HERE OR THERE BUT
THEY BECOME -- THEIR OBJECTIONS
ARE HEARD... [INAUDIBLE] AND YOU
CAN REPRESENT THE CLERKS OF
COURT HAVE WORKED WITH YOU ON
THIS?

>> I CAN.

LET ME SPLIT UP WHAT YOU SAID.
THE CLERKS WANT TO DO THIS IN
SPADES AND ARE THE ONES THAT
ASKED US TO PUT THAT INTO THE
RULE, FACC AND I CAN'T SPEAK FOR
ALL 67 CLERKS, THEY SAID
SOMETHING ELSE, I'LL TAKE
POSITION WITH.

I AM NOT REPRESENTING TO THE
COURT THAT THE VAST MAJORITY OR
NECESSARILY MAJORITY OF FLORIDA
LAWYERS WANT E-MAIL SERVICE OR
WANT E-FILING.

I CAN'T SAY THAT.

THIS ISN'T A DEMOCRACY.

WHAT IS BEST FOR THEM?

WE'VE HAD DISCUSSIONS AN YOU

HAVE BEEN THERE, JUSTICE

PARIENTE, WHEN YOU ARE READY TO

USE E-MAIL SERVICE AN E-FILLING

IT CANNOT BE PERMISSIVE, THE

ONLY THING WORSE THAN THE PAPER

SYSTEM IS CREATION OF A DUAL

SYSTEM AND REQUIRING BOTH.

AND WHEN YOU ARE READY TO DOIT

AND I HOPE YOU ARE READY THIS

AFTERNOON AND SIGN THE ORDER AT

4:00.

WHEN YOU ARE READY TO DO THIS IT

NEEDS TO BE DONE ON A MANDATORY

BASIS, DO I THINK A VOTE OF THE

FLORIDA BAR WILL SAY WE'RE IN

FAVOR OF THAT?

I DON'T KNOW.

>> LET ME ASK YOU ABOUT AN ISSUE

THE CRIMINAL PROCEDURE RULES

COMMITTEE BROUGHT UP AND THAT

WAS THAT A LOT OF TIMES IN

DISCOVERY, IT IS VOLUMINOUS AND

I DON'T RECALL THAT THE
COMMITTEE ACTUALLY ADDRESSED
THAT AS THE COMMENTS CAME IN.

>> WE ADDRESSED IT IN
SUBSTANTIAL DETAIL BUT NOT THE
RULE.

DISCOVERY IS NOT OFFICIALLY
SERVED.

THE RULES REGARDING DISCOVERY IS
THAT IT IS PRODUCED, MADE
AVAILABLE, INSPECTION IS
ALLOWED.

THEY MAY GO AHEAD AND...

>> OFTEN DOCUMENTS ARE ACTUALLY
SENT TO THE OTHER PARTY.

>> IN CIVIL CASES, I'M REQUIRED
TO MAKE THEM AVAILABLE FOR
INSPECTION AND COPY.

... [INAUDIBLE] SO, YES, MANY OF
THOSE ARE SERVED ELECTRONICALLY
AND I KNOW THE ORANGE COUNTY
PUBLIC DEFENDER AND CLERK --
PUBLIC DEFENDER AND STATE
ATTORNEY USE THAT ALL THE TIME
FOR VOLUMINOUS DOCUMENTS,

DISCOVERY OF ALL SORTS AND THERE

IS NO REASON...

>> THEY GIVE THEM DISCS.

>> YES.

OR SMALL AMOUNT... [INAUDIBLE]

EXCHANGE ELECTRONIC DATA.

>> AND THERE IS NO REQUIREMENT

NOW THAT YOU MAKE COPIES OF YOUR

DOCUMENTS PROVIDED TO THE OTHER

SIDE?

>> THERE IS NO REQUIREMENT THAT

YOU MAKE PAPER COPIES.

YOU MAKE THEM AVAILABLE FOR

INSPECTION AND COPY...

>> REALLY, THE... WE'RE NOT

CHANGING ANYTHING ABOUT HOW THE

DOCUMENTS COULD BE MADE

AVAILABLE EITHER BY PAPERS, OR

ELECTRONICALLY AT THE DISCRETION

OF THE PRODUCERS, OR WITH

AGREEMENTS AND THIS WILL BE

CHANGED --

>> THE RULE DOES NOT ADDRESS,

PRECLUDE OR REQUIRE THEM,

BECAUSE, THIS IS AN E-MAIL

SERVICE, NOT E-MAIL SHARING.

I MEAN...

>> THERE IS THE LAWYER WHO...

[INAUDIBLE] SITUATION WHERE THEY

TALKED ABOUT BEING IN...

[INAUDIBLE] GETTING THE DISC AND

TAKE HER THOUSANDS OF HOURS TO

FIGURE OUT WHAT IS ON THE DISC.

>> AND ACCORDING TO MS. ROSE IT

IS NOT ALLOWED UNDER THE RULES.

PERHAPS NOT.

THIS IS NOT A... [INAUDIBLE] WE

DON'T ADDRESS THE SHORTFALLS THE

PUBLIC RETAINED LAWYERS SAY IN

MAKING COPIES AND GETTING COPIES

BUT WITHOUT MUCH QUESTION, THE

SYSTEM WILL SAVE A TON OF MONEY

IF THIS IS IMPLEMENTED.

IN THE PARTICULAR CASE, I'M NOT

SURE BUT OVERALL, SYSTEM SIDE IT

IS NOT A DIFFICULT QUESTION FROM

A COST PERSPECTIVE.

I CANDIDLY THINK THE CLOSER IT

GETS TO... [INAUDIBLE] OR

E-FILING, MORE AND MORE PEOPLE

BEGIN TO... [INAUDIBLE].

>> HOW DOES IT DEAL WITH PRO SE
INDIVIDUALS.

>> THEY ARE NOT REQUIRED TO
PARTICIPATE.

THEY ARE ALLOWED TO WHEN THIS
GIVE THE COURT OR CLERK AN
E-MAIL ADDRESS THEY BECOME AN
E-MAIL PARTICIPANT.

WE FELT THAT THIS COURT WOULD
NOT REQUIRE E-MAIL SERVICE FOR
PRO SE.

WE SIMPLY ALLOWED THEM TO JOIN
THE SYSTEM.

>> TOO BAD WE CANNOT ACQUIRE PRO
SE PRISONERS... [INAUDIBLE].

>> WELL...

>> THAT WOULD HELP A LOT OF US,
WOULDN'T IT?

>> THAT WOULD SAVE THE COURT
TREMENDOUS.

>> THE CORRECTIONS...

[INAUDIBLE].

>> IT WILL HAPPEN SOMEDAY.

>> I DON'T KNOW, I DON'T MEAN --

I MEAN THIS SOMEWHAT, YOU KNOW,
MUCH AS IT SOUNDS FUNNY BUT THE
AMOUNT OF HAND-WRITTEN DOCUMENTS
THAT GET LOST IN THE MAIL,
[INAUDIBLE] IT REALLY IS AN
IMPORTANT PART --

>> A MASSIVE PROBLEM AND THIS
DOES NOT SOLVE THAT.

WE CAN'T FUND THE DOC AND IF WE
DID WE ARE NOT REQUIRING THE
STATE TO DO ANYTHING
ELECTRONICALLY.

I SEE MY TIME IS UP.

I'D LIKE TO RESERVE TIME FOR
REBUTTAL, DEPENDING ON WHAT IS
SAID, IF THAT IS ACCEPTABLE TO
THE COURT.

IF NOT, I'LL FINISH UP MY
TIME...

>> [INAUDIBLE].

>> OKAY.

THERE'S FOUR THINGS I WANTED TO
TOUCH ON ABOUT THE RULE ITSELF.
YOU KNOW, TECHNOLOGICALLY, I
THINK I'VE ADDRESSED THE FACT

THAT THERE IS POTENTIAL ISSUES,
THE REAL WORLD HAS NOT
DEMONSTRATED BUT THE FOUR THINGS
ARE, E-MAIL SERVICE, PEOPLE
DON'T REALIZE THAT IS ONE OF THE
STRONGEST FEATURES OF THE RULE.
SECONDLY, WE WANTED THE RULE
PLACED -- MEANING E-MAIL SERVICE
RULE, 2.516 COMPONENT, PLACED IN
ONE PLACE, AND, THIS COURT AND
THE RJA HAVE WORKED TOGETHER, I
THINK, IN KOL DATING SOME SYSTEM
WIDE -- YOU ARE SMILING.
I WASN'T ABOUT TO COMMENT...
>> I'M SMILING, IN REALIZE HOW
MUCH WORK WAS DONE...
>> ABSOLUTELY.
>> [INAUDIBLE].
>>.
[LAUGHTER].
>> I UNDERSTAND.
>> THE CONCEPT IS TO PLACE THESE
SYSTEM WIDE MOVES IN ONE PLACE,
THE RJA, WHAT 2.516 IS.
EVERYONE SIGNED ONTO THAT, AND

THE BASIC COURT CONCEPT AND
CONTINUES TO BE, I WOULD POINT
OUT THERE ARE THREE PLACES IN
JUVENILE... WHERE THEY THOUGHT
IT IMPORTANT ENOUGH TO PUT THE
E-MAIL SERVICE RULE BACK IN, AND
THEY COPIED IT THREE TIMES.
WHEN WE LOOK AT THE SERVICE
RULES, STARTING WITH...
[INAUDIBLE] AND COMPARED THEM
ACROSS... [INAUDIBLE] THEY GREW
FROM A SIMPLE RULE AND HAD
CHANGED AND... WORKED IN ALL
DIFFERENT DIRECTIONS.
WE THINK IT NEEDS TO BE IN ONE
PLACE AND WE IN WRITING THE RULE
TRIED TO CHANGE AS LITTLE AS
POSSIBLE AND ANTICIPATED
RESISTANCE FROM LAWYERS,
WHOMEVER, PERHAPS THE COURT, TO
A CHANGE AND SO, WE DIDN'T TRY
TO REEVALUATE EVERY ASPECT OF
SERVICE.
WE ONLY TRIED TO CHANGE THE...
[INAUDIBLE] THERE ARE COMMENTS

MADE THAT ADDRESS POINTS ABOUT
SERVICE THAT WERE ALSO THERE
UNDER RULE 1.080.

WE HAVE NOT TRIED TO ADDRESS
THOSE, THAT IS FOR ANOTHER DAY
AND WE CHANGED E-MAIL SERVICE
FOR THE SYSTEM.

AND A SMALL POINT, PROBATE
PEOPLE PARTICIPATED ACTIVELY IN
THE PROCESS.

WE'RE QUITE CONCERNED ABOUT
SERVICE... [INAUDIBLE] FORMAL
NOTICE OR THE MANNER OF FORMAL
NOTICE AND... THAT OUT, MORE IN
THE NATURE OF A COMPLAINT, AS A
RESULT IT IS KEPT OUT OF 2.516A.

IF THERE ARE NO OTHER QUESTIONS.

I'VE EXCEEDED MY TIME, THANK
YOU, CHIEF JUSTICE, I APOLOGIZE,

IF THERE ARE NO FURTHER
QUESTIONS I'D URGE ON BEHALF OF
A LOT OF PEOPLE THE RULE BE
IMPLEMENTED, NOW.

>> PLEASE THE COURT, I'M... I'M

HERE ON BEHALF OF THE FAMILY LAW

SECTION OF THE FLORIDA BAR.

... [INAUDIBLE] E-MAIL BUT,

SPECIFICALLY, WITH IN FAMILY LAW

WE ACTUALLY HAVE A MANDATORY

OBLIGATION TO BE... OPPOSING

COUNSEL, CERTAIN DOCUMENTS ON...

[INAUDIBLE] THE DOCUMENTS DEAL

WITH ALL PARTIES' FINANCIAL

ACCOUNTS, CREDIT CARDS.

>>... SUPPORT.

>> ON THE TOP FORM, FILED WITH

THE COURT.

MANDATORY... [INAUDIBLE] MY

INTERPRETATION OF THE RULE... IN

CONJUNCTION WITH... THIS WOULD

REQUIRE US TO TRANSFER THESE

DOCUMENTS INTO E-MAIL AND, TO DO

SO WITH EACH FAMILY LAW

PRACTITIONER WILL HAVE THE

OBLIGATION TO HAVE...

[INAUDIBLE] INTO ELECTRONIC

FORMAT AND... [INAUDIBLE].

I WANT TO TALK ABOUT... JUSTICE

QUINCE WITH THE DIFFERENCE

BETWEEN PERMISSIVE RATHER THAN

MANDATORY.

AND MAKE A MANDATORY STATEMENT.

THERE ARE TIMES WHICH...

[INAUDIBLE] A NOTICE OF HEARING

THAT IS MAILED TO OPPOSING

COUNSEL BUT WE DON'T HAVE THE

E-MAILS, IS THE NOTICE OF

HEARING MAILED... [INAUDIBLE]

SUFFICIENT FOR A HEARING?

AND YOU WILL SEE CERTAIN JUDGES

WILL GO WITH... [INAUDIBLE].

ALSO, SEGUE INTO THE ISSUE

THAT... WITH THE PROBATE RULE.

WHEN WE RECEIVED THE COMMENTS

BACK, DEALING WITH THE CONCERNS

THAT MANY HAVE WITH THE

PROBATE... THE GENTLEMAN THAT IS

THE CHAIR OF THE RULES COMMITTEE

WAS KIND ENOUGH TO E-MAIL ME

WITH THE INFORMATION THAT THESE

ARE CONCERNS AND THIS IS WHY WE

ARE CONCERNED AND THE FAMILY LAW

SECTION... REDRAFTING AREAS OF

THE RULE.

AND THEIR CONCERNS DEALT WITH

THEIR PARTICULAR ISSUES OF...

WITH OUR REDRAFTING, WE HAVE A

SIMPLE MANNER, TO CHANGE OUR

FIRST PARAGRAPH TO ADDRESS THE

PROBATE'S CONCERNS, SIMPLY ALL

WE'D HAVE TO DO IS CHANGE THE

PARAGRAPH FIRST THAT COMES UP

WITH THE... [INAUDIBLE] VERSION

OF THE RULE AND CHANGE IT TO

READ ALL DOCUMENTS INCLUDING...

[INAUDIBLE] SERVED UPON A PARTY

AND... [INAUDIBLE] PERMITTED TO

BE SERVED BY FORMAL NOTICE OR

MATTER TO BE PROVIDED BY...

[INAUDIBLE].

THE LAST PART, A MANNER BY

THE... [INAUDIBLE] ADDRESSES THE

CONCERN AND ADDRESS THEIR

CONCERN BUT WE HANDED'

LANGUAGE... FORMAL NOTICE, THOSE

CONVERSATIONS, IN PROBATE IN

WHICH YOU MAY SERVE OR YOU MAY

USE FORMAL SERVICE.

YOU HAVE A CHOICE AND UNDER THE

RULE, IT SAYS YOU MUST...

[INAUDIBLE] AND THE EXAMPLE I
GAVE WITH THE NOTICE OF HEARING.
AND THE EXAMPLE I GAVE OF NOTICE
OF THEORY, I DON'T WANT A
SITUATION WHERE SOMEONE CAN MAKE
AN ARGUMENT AND SAY, WELL, I
FORMALLY SERVED THEM AND, THE
OTHER SIDE, SAYS YOU DIDN'T SEND
THE E-MAIL, THE RULE HAS TO SAY,
YOU SENT THE E-MAIL.

>> DO YOU BELIEVE THAT YOUR
POSITION WOULD BE DIFFERENT IF
WE HAD E-FILING ACROSS THE STATE
INTO MY INITIAL EXPECTATION OF
THE COMMENT OF E-FILING AND WHAT
THE RULE WAS, ARE SOMEWHAT
DIFFERENT, AND I AM A PROPONENT
THAT IF WE ARE GOING TO GO IN
AND HAVE CHANGES TO AFFECT EVERY
PRACTICING ATTORNEY IN THE STATE
OF FLORIDA, I THINK THAT ALL
THROUGH E-FILING AND E-SERVICE
ARE GOING TO EACH BE DISTINCT
CHANGES, AND, IF WE SHOULD GO IN
AND MINIMIZE THEM, I BELIEVE

THAT WE ARE GOING TO GO IN AND
THAT THERE ARE CERTAIN TIMES IN
WHICH WE SHOULD BE ABLE TO SERVE
EACH OTHER DIRECTLY, WHETHER
DELIVERY OF THE DISCOVERY, FOR
THE EXAMPLE...

>> I SEE YOUR TIME IS ALMOST UP,
AND, JUSTICE QUINCE...

>> THIS BOTTOM LINE IS YOU HAVE
A DIFFERENT POSITION IF WE HAVE
E-FILE.

>> E-FILING IS AS MUCH OF A
CONCERN, IS THE TRANSFER OF THE
LARGE AMOUNT OF DOCUMENTS
DEALING WITH THE FINANCIAL AND
THE POSSIBLE SECURITY ISSUES,
AND...

>> WITH THE FAMILY LAW, TRYING
TO MAKE FAMILY LAWLESS
ADVERSARIAL AND WHEN I THINK OF
SOMETHING AS SIMPLE AS A NOTICE
OF HEARING, YOU GET BY E-MAIL,
AND, YOU HAVE IT, YOU STILL HAVE
THE EXTRA FIVE DAYS, I'M JUST
HAVING A HARD TIME THINKING OF

HOW LAWYERS ARE GOING TO BE
LITIGATING SOMETHING THAT IS
DESIGNED TO GIVE NOTICE, IF A
NOTICE -- THE E-MAIL APPEARS
IMMEDIATELY AND THE MAIL NOTICE
MAY, YOU KNOW, WHO KNOWS?
AND, SO, WHEN YOU GET -- YOU
KNOW, I THINK IT IS HAS LEGIT
QUESTIONS, ABOUT ISSUES OF THE
TAX RETURNS AND, YOU KNOW, AND
WHETHER THOSE HAVE TO BE -- I
THINK, MR. ESCHENFELDER SAID,
THE DOCUMENTS MAY NOT HAVE TO
BE... THAT WOULD SOLVE, CLARIFY
THAT... IT IS A WONDERFUL
RESOURCE FOR THE COURTS AND I
WOULD URGE YOU AND YOUR
COLLEAGUES, THAT YOU WORK TO
SORT OF MAKE THE WHOLE THING
LESS ADVERSARIAL AND SEE HOW WE
CAN MAKE IT WORK AND BE LESS
EXPENSIVE FOR THE LITIGANTS, BY
USING FORMS THAT WILL PROBABLY
BE LESS COSTLY, IN THE END,
CERTAINLY, SCANNING A DOCUMENT,

IN IS BETTER THAN COPYING DOZENS
OF DOCUMENTS.

SO, WOULD YOU PROMISE TO WORK IN
THAT -- IN THAT SPIRIT.

>> WE CERTAINLY AGREE, YOUR
HONOR AND TO SAY THE EXAMPLE OF
THE NOTICE OF HEARING MAY NOT
HAVE BEEN ARTFUL BUT IT WAS TO
MAKE THE POINT OF, WE HAVE A
RULE THAT SAYS YOU MUST DO IT IN
THE WAY, AND, THE SITUATION I
WOULD SUGGEST, THE EXAMPLE I
GAVE, YOU WOULD GO WITH -- SAY
THE NOTICE OF HEARING IS FINE,
IT WAS MAILED, THEY HAD IT IN
THE MAIL AND NOW WE'VE VIOLATED
THE RULE AND THAT WAS MY REASON.
QUICKLY, WE DID REWORDING OF THE
RULE AND KEPT THE LANGUAGE AN
INTENTS BUT DID SO TO MAKE IT
DIRECT FOR PRO SES TO UNDERSTAND
IT AND MAKE IT MORE DIRECT AND
TOOK OUT LANGUAGE SUCH AS "ALL
SERVICE SHALL BE BY E-MAIL"
EXCEPT FOR FURTHER PROVIDED BY

THE RULE AND TO GO IN AND ALLOW
THE DIRECTION BECAUSE IT IS OUR
BELIEF PEOPLE STOP READING AND
THE EASIER MORE SIMPLE WE CAN
MAKE THE RULE THE BETTER AND THE
OTHER ADDITION, WE ADDED AS THE
GENTLEMAN SPOKE ABOUT EARLIER.
PRO SES CAN OPT INTO THE SYSTEM.

>> YOU NEED TO WRAP IT UP HERE.

YOU ARE OVER.

>> ALSO HAVE A WAY -- WE WOULD

-- A MANNER TO OPT OUT OF THE
SYSTEM, THAT IS CONTROLLING AND
GOING TO THE COURT.

AND WE ALSO PROVIDE JUST SIMPLY
WITH THE DEFAULT LANGUAGE TO
ENSURE WE HAVE IN FAMILY LAW
CASES DEALING WITH CHILDREN

THERE ARE STILL NOTICES REQUIRED
AND THANK YOU AND APOLOGIZE FOR
GOING OVER MY TIME.

>> GOOD MORNING, MATE PLEASE THE
COURT, I'M KURT LEE, A BOARD
CERTIFIED BUSINESS LITIGATION
ATTORNEY OUT OF SARASOTA,

FLORIDA, AND WHILE I OPPOSE AND
FILED A COMMENTS IN PROPOSITION
TO THE PROPOSED RULE 2.516, THE
RATIONALE IN MY COMMENT FROM A
CIVIL PRACTITIONER, HAS BEEN
PICKED UP ON BY JUSTICES
CONVINCE AND PARIENTE.

TO THE EXTENT THAT THE RULES
MANDATE THAT SERVICE BE BY
E-MAIL AS OPPOSED TO HAVING IT
PERMISSIVE ALTERNATIVE MAKES THE
RULE PARTICULARLY ONEROUS.

>> HAVE YOU -- YOU ARE A
BUSINESS LAWYER AND I UNDERSTAND
THE BUSINESS COURTS IN ORLANDO,
MIAMI, TAMPA, HAVE THIS AS PART
OF THEIR REQUIREMENT AND ALSO,
THAT THE FEDERAL COURTS,
CERTAINLY IN THE -- WHERE THERE
IS COMPLEX BUSINESS LITIGATION
GOING ON, HAVE DONE BOTH
E-FILING, AND, E-SERVICE, FOR
YEARS.

>> ABSOLUTELY, AND INDEED, MY
COMMENTS WAS TO THE EFFECT WE

SHOULD WAIT FOR E-FILING, THE
PACER SYSTEM WORK GREAT AND
FILED ONE YESTERDAY MYSELF, NOT
EVEN THROUGH MY ASSISTANT AND IT
WENT...

>> I THINK THE PROBLEM IS, THE
WAITING THING, WHICH
UNFORTUNATELY, I HAVE BEEN
INVOLVED IN THIS FOR YEARS AND,
WE HAVE WON THIS TEN YEARS G IF
WE COULD HAVE, ALL OF IT, IS
THAT THE CLERKS OF THE COURT,
WHO ARE TRYING, THAT -- IF WE
DON'T GET THE -- EVERY LAWYER
THINKING ABOUT THE WHOLE
E-WORLD, YOU KNOW, AND STARTING
TO PUT DOCUMENTS IN THAT FORMAT,
THAT WHEN E-FILING COMES IT WILL
BE EVEN MORE DRAMATIC, AND, SO
THAT IS THE POLICY REASON FOR
NOT, QUOTE, WAITING UNTIL THERE
IS, YOU KNOW, ACTUAL E-FILING
GOING ON.

>> AND JUSTICE, RESPECTFULLY THE
COURT WILL GET LAWYERS THINKING

IF IT MAKES THE RULE PERMISSIVE
AND ALLOWS FOR E-FILING.

THE ECONOMICS OF E-FILING FOR
SOME OFFICES MAKES SENSE, FOR
OUR OFFICE IN PARTICULAR, IT
WOULD MAKE SENSE --

>> E-SERVICE.

>> I'M SORRY.

YES, WOULD MAKE SENSE AND WE'D
SAVE PENNIES AND PAPER AND
WOULDN'T HAVE TO PAY POSTAGE AND
IT WOULD WORK MOST OF THE TIME
BUT THERE ARE THOSE INSTANCES
WHERE PARTICULARLY TYPICAL
OPPOSING COUNSEL WHO WILL NOT
CONFIRM RECEIPT OF AN E-MAIL OR
SOME OTHER DIFFICULTY IN DEALING
WITH ANOTHER OFFICE --

>> BUT IF YOU HAVE DIFFICULT
OPPONENTS, I MEAN, YOU WILL --
YOU DON'T ALREADY HAVE THEM IN
THE PAPER WORLD.

>> NO, YOU DON'T, THERE ARE
THINGS YOU CAN DO, TO HELP GET
AROUND THAT.

FOR EXAMPLE, IN A CASE WE HAD
AFTER WE FILED THE COMMENT WE
HAD TO SPEND -- GET THE READER'S
DIGEST VERSION, TRYING TO GET A
DOCUMENT FROM THE CITY OF
PALMETTO HAD OUR I.T. PERSON
SPEND TWO HOURS WITH THEIR I.T.
PERSON TRYING TO FIGURE OUT WHY
THE E-MAIL TRANSFER COULD NOT
OCCUR, TWO FRIENDLY ENTITIES
TRYING TO SHARE INFORMATION
ELECTRONICALLY.

AFTER TWO HOURS, IT WAS
DETERMINED IT WAS A FIREWALL,
AND, THE CITY OF PALMETTO, THE
CENTER WAS ONLY ALLOWED TO SEND
A CERTAIN NUMBER OF E-MAILS EACH
DAY.

IT IS THE COST OF THAT THAT WE
OBJECT TO AS PART OF THIS RULE
CHANGE.

IF IT IS PERMISSIVE IT ALLOWS
YOUR EARLY ADOPTERS OR LATE
ADOPTERS, TO, YOU KNOW, GO AHEAD
AND DO THIS.

BUT ALSO, AFFORDS YOU THE
OPPORTUNITIES TO CONTINUE WITH
THE SYSTEM THAT IS NOT --

>> AGAIN, WE'LL HAVE... HE SAID
AS TO DOCUMENTS, THIS WAS NOT
MANDATING DOCUMENTS BEING
PRODUCED ELECTRONICALLY.

IS THAT -- DOES THAT HELP YOUR
SITUATION?

THOSE DOCUMENTS ARE THE ONES
THAT CAN BE -- YOU KNOW,
SOMEBODY TELLING A MANUFACTURER
SAYING, GO INTO MY STOREROOM AND
LOOK AT 200,000 PAGES OF
DOCUMENTS, YOU WILL NOT HAVE TO
PUT THOSE DOCUMENTS ALL ON A
DISC.

AND JUST GIVE IT UP.

>> AND HE'S CORRECT IN THE SENSE
THE DISCOVERY RULES DON'T
REQUIRE PRODUCTION THROUGH
ELECTRONIC MEANS, THOUGH IN MY
OFFICE AND OTHER OFFICES WE TAKE
ADVANTAGE OF HAVING THINGS IN
THE SEARCHABLE PDF FORMAT.

BUT THE PROBLEM, YOUR HONOR, IS
FOR SERVICE OF PAPERS BECAUSE
THE WAY THE RULE IS WRITTEN, IT
PUTS THE ONUS ON THE CENTER TO
CONFIRM THE E-MAIL IS RECEIVED.
A LOT OF PEOPLE TURNED OFF THEIR
AUTOMATIC RECEIPTS FOR E-MAIL
BECAUSE IT HELPS KEEP DOWN THE
AMOUNT OF JUNK E-MAIL THAT COMES
DOWN BUT, WHAT THE RULE
REQUIRES, EVERY TIME WE SERVE A
PAPER THAT ME, MY ASSISTANT,
SOMEONE FROM OUR OFFICE HAS TO
GET VERIFICATION IF IT DOESN'T
COME BACK ELECTRONICALLY...

>> THE RULE AS REQUIRING THAT --
AND I SEE YOU SHAKING YOUR HEAD
NO.

>> IT ISSER THEIR PETITION, YOUR
HONOR TO MAKE CLEAR THE ONUS IS
ON THE SENDER AND IF I MIGHT IN
PROPOSED RULE SECTION B,
SUBSECTION D, AND SAYS IF THE
SENDER LEARNS THE E-MAIL DID NOT
REACH THE E-MAIL ADDRESS, THE

SENDER MUST SEND ANOTHER COPY BY
E-MAIL.

>> CERTAINLY, IF YOU KNOW, YOU
GET IT BACK, THAT IS A DIFFERENT
SITUATION.

>> WHERE DOES IT SAY YOU HAVE TO
CONFIRM THAT THE E-MAILS ARE --
WHAT SPECIFICALLY?

I DIDN'T GET THE SITE?

>> THE -- NO NEED TO CONFIRM IT,
BUT --

>> I'M MISSING SOMETHING.

I THOUGHT YOU WERE SAYING THAT
-- FORGIVE ME IF I
MISUNDERSTOOD.

I THOUGHT YOU SAID SOMEONE WHO
SENT A -- SERVED SOMETHING, BY
E-MAIL, IS REQUIRED TO CONFIRM
THAT IT WAS RECEIVED.

DID YOU NOT SAY THAT.

>> I DID, YOUR HONOR.

I APOLOGIZE IF I SAID THAT BY
GOING TOO FAR.

I SAID THAT.

>> IS THAT CORRECT?

>> THE RULE DOES NOT REQUIRE
THAT.

BUT THE E-MAIL TO CONFIRM THAT
YOU HAVE EFFECTIVE SERVICE I
BELIEVE THE RULE REQUIRES THAT,
THAT YOU CONFIRM THAT YOUR
E-MAIL ACTUALLY GOT THERE.

>> BUT IF IT COMES BACK YOU KNOW
-- BUT IF IT DOESN'T COME
BACK...

>> IN THE CASE OF PALMETTO, I
MENTIONED, JUSTICE, THERE WAS NO
BOUNCE BACK, IT WENT INTO THE
E-MAIL...

>> I'M SORRY.

FORGIVE ME, I'M NOT FOLLOWING.

YOU ARE SAYING THE RULE DOES NOT
SPECIFICALLY REQUIRE THAT BUT
INDIRECTLY REQUIRES THAT.

>> I BELIEVE SO, YOUR HONOR.

>> GIVE ME THE REFERENCE WHERE
IT INDIRECTLY REQUIRES THAT.

>> SUBSECTION B, CAPITAL D --

>> RULE NUMBER.

>> I'M SORRY, 2.516.

I'M SORRY.

>> WE HAVE A LOT OF DIFFERENT
THINGS HERE.

>> NO, NO, I THOUGHT...

>> 2.516?

>> YES, YOUR HONOR.

B, 1, CAPITAL D, SUB 2.

>> THANK YOU.

>> BECAUSE, OTHERWISE, IF YOU
SEND IT AND DON'T GET
CONFIRMATION, THAT IT GOT THERE
IT GOES TO THE INHERENT
UNRELIABILITY OF E-MAIL AND I
ATTACH A COMMENT FROM THE
ECONOMIST, BLOGGER, FROM A
COUPLE MONTHS AGO, WHERE HE
HIMSELF NOTED E-MAILS HAVE
BECOME UNRELIABLE.

THANK YOU AND I'M SORRY FOR
CONFUSING THE COURT.

>>... [INAUDIBLE] DOES NOT
OPPOSE E-FILING.

WE'RE WILDLY LOOKING FORWARD TO
THE DAY WHEN THAT HAPPENS.

WE OPPOSE THE TAIL WAGGING THE

DOG.

E-SERVICE COMING BEFORE

E-FILING.

THAT IS WILDLY INEFFICIENT FOR

US.

IT IS NOT THE PAPER -- THAT

PAPER IS THE MOST IN I FISH

SYSTEM OR ELECTRONICS IS

INEFFICIENT, IT IS BOTH.

AND --

>> I THINK YOU RAISE AN

EXCELLENT POINT.

ECH WITH THE NATURE OF YOUR

PRACTICE BECAUSE OF WHAT YOU

HAVE SAID.

WHAT ABOUT YOUR ALTERNATIVE,

ASSUME YOU ARE SPEAKING ON

BEHALF OF ALL THE PUBLIC

DEFENDERS.

IF WE EXCEPT THE CRIMINAL RULES

AND THE JUVENILE RULES DON'T

OBJECT BECAUSE THEY ARE NOT

HERE.

>> OBVIOUSLY WE HANDLE THE

JUVENILE... JUVENILE DELINQUENCY

CASES WE HANDLE AND JUVENILE

RULES ALSO --

>> DOING IT.

JUVENILE DELINQUENCY.

>> YES, MA'AM.

>> THAT WE WOULD REQUEST THE

PUBLIC DEFENDERS OFFICE WITH THE

STATE ATTORNEYS PICK THREE

CIRCUITS, TO START THE MAYBE IN

CIRCUITS THAT ARE READY TO START

TO ACCEPT E-FILING AND YOU WOULD

REALLY HAVE -- WE'RE LOOKING FOR

THAT.

YOU KNOW, WE HAVE THE BEST OF

ALL WORLDS, WOULD THAT BE

ACCEPTABLE?

>> I THINK THAT WOULD BE

ACCEPTABLE, WHAT I'M NOT CERTAIN

OF, IS WHETHER THERE IS ANY

CIRCUIT IN THE STATE THAT IS

READY TO DO E-FILING IN CRIMINAL

CASES.

UNFORTUNATELY, WE ARE SORT OF

THE LAST HOUSE ON THE BLOCK.

TO GET MOST TECHNOLOGICAL

ADVANCES, I WILL SPEAK FOR THE
MIAMI-DADE PUBLIC... CRIMINAL
JUSTICE SYSTEM.

IF YOU NEVER PRACTICED IN THE
SYSTEM, THE ON-LINE DOCKET, JUST
A DOCKET, STILL USES 1983
TECHNOLOGY, A BLACK SCREEN WITH
GREEN LETTERS, THAT YOU FILL IN
THE LITTLE BLANKS.

YOUNG KIDS COMING INTO OUR
OFFICE AND LAUGH AT IT.

THEY'VE NEVER SEEN SOMETHING SO
ARE CHARACTER, THE COMPUTERS I
FIRST SAW...

>> WHENEVER MIAMI-DADE SPEAKS WE
LISTEN.

WE THINK, WELL THAT IS
MIAMI-DADE, YOU KNOW?

THE THIRD...

>> ACTUALLY WORSE IN OTHER
PLACES.

SOME PUBLIC DEFENDER OFFICE
DON'T HAVE E-MAIL SYSTEMS YET.
SMALL ONES.

>> ARE THERE ANY PUBLIC

DEFENDERS OFFICE WHERE THINGS

ARE -- LOOK A LITTLE BETTER IN.

>> WE HAVE DONE AS BEST OF AN

INFORMAL SURVEY AS WE CAN TO,

THERE ARE A COUPLE THAT SAY,

ESSENTIALLY, WE'RE NOT DOING

ANYTHING NOW, BUT WE'RE TRYING

TO GET READY, THE SYSTEM IS

GOING TO GET READY.

>> HOW MANY, IN A CRIMINAL CASE,

THAT YOU HANDLE, HOW MANY -- YOU

ARE SAYING, MORE THE VOLUME,

BECAUSE IN A PARTICULAR CASE,

HOW MANY PIECES OF PAPER ARE

ACTUALLY SERVED ON THE STATE

ATTORNEYS OFFICE OR VICE-VERSA?

MOST CRIMINAL FILES, BY THE TIME

THE CASE IS DONE, WILL BE

ABOUT...

>> I HAD A PARTNER IN PRACTICE,

MY FILES WOULD BE LIKE THIS AND

HIS WOULD -- THE BIG RETAINER

WOULD BE LIKE...

>> THE VOLUME IS NOT THE VOLUME

OF DOCUMENTS IN A CASE, IT IS

THE 800,000 CASES PER YEAR THAT
IS JUST THE PUBLIC DEFENDERS,
STATE ATTORNEYS PROBABLY HAVE
OVER A MILLION.

>> YOU DELIVER THEM, JUST...

DON'T SPEND ANY MONEY IN GETTING
THEM OVER THE STATE ATTORNEY'S
OFFICE.

>> THERE IS A LITTLE BIT BUT THE
COST PER UNIT, ONCE WE HAVE TO
PRODUCE A WRITTEN -- PAPER
ORIGINAL, IT COSTS ALMOST
NOTHING IN ADDITION TO PRINT OFF
ANOTHER COPY AND HAVE OUR
COURIER TAKE IT OVER.

>> ACTUALLY... YOU ARE ACTUALLY
PRINTING THINGS, NOT HANDWRITING
THESE.

>> YES.

YES.

YES.

YES.

WE HAVE MANAGED TO DO THAT.

GREAT FULLY.

I MEAN, THAT'S... WE SURVIVE --

OUR BUDGET.

>> THE BEAUTY WOULD BE, FILL THE
FORM OUT ON THE COMPUTER, IF YOU
CAN WITH A CLICK OF THE BUTTON
SEND IT TO THE COURT AND TO THE
STATE ATTORNEYS OFFICE YOU
REALLY HAVE ACTUALLY SAVED
YOURSELF.

>> THAT IS WHAT WE NEED AND WE
NEED IT TO COME TOGETHER LIKE
THAT.

>> CAN'T WE WORK ON THAT?
I MEAN, SERIOUSLY, I'M SERIOUS
ABOUT THIS.

WE DO HAVE -- THERE'S AN ISSUE
OF WHAT COMES FIRST AND MAYBE WE
TRY TO GET E-FILING IN, YOU
KNOW, SOME OF THESE CIRCUITS AND
GET THIS SOLVED.

I HEAR YOU...

>> PLEASE, WHEN WE'RE GOING TO
INVEST IN THE COMPUTER SYSTEMS
TO DO THIS, WE'D LIKE TO INVEST
THE TAXPAYERS' DOLLARS ONLY
ONCE.

>> ARE THESE DOING YOUR NORMAL DAY-TO-DAY PRACTICE, AS I DIDN'T IT, THERE WILL BE A MOUNTAIN OF FILES EACH DAY THEY NEED TO WORK WITH IN THE COURTROOM AND IF THEY DON'T HAVE OFFICE TIME AS CIVIL PRACTITIONERS HAVE TO SIT IN THE OFFICE WITH THEIR COMPUTERS, ALSO, DO THESE -- SERVICE OF THINGS OCCUR RIGHT WITHIN THE COURTROOM?

>> YES, YOUR HONOR.

ALL THE TIME.

>> WE HAVE TO LOOK AT THAT AS WELL.

THE CAPACITY OF THE EQUIPMENT, WITHIN COURTROOMS, TO -- SO THAT YOU CAN DO WHAT YOU NEED TO DO. YOU CAN'T GO BACK IN AND SPEND ALL DAY ON 800 FILES AND DO IT AGAIN.

>> ESSENTIALLY, YES.

IT IS NOT QUITE 800.

BUT IT IS NOT AN EXAGGERATION TO SAY OUR ATTORNEYS WILL HAVE 20

CASES SET FOR TRIAL ON MONDAY

MORNING.

AND, THAT IS SIP CALL, AND THAT

IS FELONY, NOT MISDEMEANORS,

WHERE IT IS MUCH HIGHER.

IT IS NOT... SEEMS SO SIMPLE,

PRINTS OFF A DOCUMENT, WHY CAN

YOU JUST E-MAIL IT TO THE STATE,

AND IT IS IN A DOCUMENT.

IT IS WHEN YOU START THINKING

ABOUT THE TOTAL VOLUME AND

BATCHING AND YOU JUST HAVE TO DO

THIS BY HUGE BATCHES AND, THAT

REQUIRES BIG COMPUTER SYSTEMS,

AND, WE WOULD ASK THAT THE COURT

ONLY MAKE THE TAXPAYERS DO THIS

ONCE.

>> IN PRACTICE YOU HAND-DELIVER

MANY DOCUMENTS.

>> OH, ABSOLUTELY.

IT IS... IT IS VERY COMMON, YOU

JUST, YOU HAVE YOUR DOCUMENTS

AND HAND THEM TO THE STATE

ATTORNEY IN COURT AND A LOT OF

TIMES, THE SERVICE READS TO THE

STATE ATTORNEY, PRESENTS IN
COURT, THIS SECOND DAY OF JUNE,
AND THIS --

>> THE RULE WOULD ELIMINATE THE
POSSIBILITY FOR ANY HAND
DELIVERY?

>> IT WOULD... WELL, NO -- IN
TERMS OF DISCOVERY, BECAUSE HE'S
CORRECT, DISCOVERY DOES NOT HAVE
TO BE SERVED BUT IT WOULD MAKE
SERVICE DOCUMENT DOING WHAT IS
COMMONLY DONE, WALKING OVER --
WALK INTO COURT AND YOU HAVE
THREE COPIES OF IT AND ONE, TO
THE CLERK, ONE TO THE JUDGE AND
ONE TO OPPOSING COUNSEL AND THAT
IS INAPPROPRIATE SERVICE BECAUSE
YOU HAVE TO HAVE IT
ELECTRONICALLY SERVED --

>> THE MOTION YOU ARE TALKING
ABOUT.

>> MOTION TO SUPPRESS, A WITNESS
LIST.

A...

>> MEMO OF LAW.

>> MEMO OF LAW...

>> ANYTHING REQUIRED TO BE
SERVED.

>> RULES TO SHOW CAUSE TO GET
THE POLICE OFFICER TO COME IN
FOR THE DEPOSITION.

THESE ARE VERY SHORT, DOCUMENTS,
ONE-PAGERS, BECAUSE IF THERE ARE
TWO PAGERS THEY TEND TO LOSE THE
SECOND PAGE.

[LAUGHTER].

>> I DON'T MEAN TO JOKE.

>> NO, IN DEBT CASES WE SEE...

>> I WANT TO CAUTION THE COURT.
THE COURT SEES CRIMINAL CASES,
USUALLY SEE DEATH CASES BECAUSE
OF THE UNIQUE JURISDICTION OF
THE COURT AND THOSE ARE A HORSE
OF AN ENTIRELY DIFFERENT COLOR
AND LOOK MUCH MORE LIKE CIVIL
LITIGATION.

>> HAS ANYONE LOOKED AT THE --
FROM A PERSPECTIVE -- GOES BACK
INTO DOING THE SERVICE, BEFORE
WE GET TO THE E-FILING, PORTALS

AND ALL OF THAT, AS TO WHETHER
-- WHAT IS HAPPENING COULD BE
FORCING FOLKS TO BUY EQUIPMENT
AND CAPITAL OUTLAYS THAT MAY
NOTE BE COMPATIBLE WITH WHATEVER
THE PORTAL THING IT.

I DON'T KNOW.

I MEAN...

>> THAT IS --

>> IS THAT AN ISSUE.

>> THAT IS A BIG CONCERN.

I BELIEVE THAT IF WE -- YOU'LL

HAVE TO SET UP COMPUTER SYSTEMS

TO BATCH APPROPRIATELY

DISTRIBUTE AND APPROPRIATELY

RECEIVE E-MAILS FROM THE STATE.

THAT -- WHATEVER THAT SYSTEM

WOULD BE CREATED UNDER THE RULE,

MANDATORY RULE, CURRENTLY

PROPOSED, IT WOULD BE A SHEER

MIRACLE IF THAT SYSTEM COULD

DOVETAIL INTO WHATEVER E-FILING

SYSTEM --

>> BECAUSE THE E-FILING IS JUST

A WEB SITE, Y JUST -- YOU KNOW, I

THINK THAT IF YOU TALK TO YOUR,
YOU KNOW, COMRADES IN THE
FEDERAL PUBLIC DEFENDERS OFFICE,
WHICH -- WHO I KNOW HAVE MUCH
LESS WORK, YOU CAN AT LEAST SEE
WHAT IT IS LOOKING LIKE, AND...
>> THE WHOLE SYSTEM, ONCE WE
HAVE E-FILING, IT MAKES SENSE TO
SPEND THE TAXPAYERS' MONEY.
TO CREATE THE WHOLE SYSTEM, THE
WHOLE SERVICE, AS JUSTICE
PARIENTE ELOQUENTLY SAID.
THAT IS OUR DREAM.
YOU CREATE A DOCUMENT, PUSH A
BUTTON, IT GOES TO THE CLERK AND
THE STATE AND IT RARELY HAPPENS
BUT OCCASIONALLY YOU HAVE OTHER
CO-DEFENDANTS' COUNSEL AND THAT
IS WELL WORTH THE INVESTMENT.
WHAT IS NOT WORTH THE INVESTMENT
IS CREATING THE SYSTEM ONCE, FOR
THE SERVICE AND THEN, HAVING TO
RECREATE IT WHEN WE GET
E-FILING.
AND, WE DON'T KNOW WHEN THAT

WILL BE.

I'M WELL OVER MY TIME.

ANY OTHER QUESTIONS?

THANK YOU SO MUCH.

>> MATE PLEASE THE COURT, I'M

LYNN RHODES, SOLE PRACTITIONER,

OF THE BAR IN FLORIDA AND I'M

HERE TO ASK FOR AN EXCEPTION TO

THE PROPOSED RULE, ON BEHALF OF

MY INDIGENT CLIENTS, I'M A

GENERAL PRACTITIONER AND I TAKE

COURT APPOINTED CASES IN

DEPENDENCY, AND BOTH TERMINATION

OF PARENTAL RIGHTS AND REGULAR

DEFENDANTS CASES AND ALSO TAKE

CONFLICT CASES, FROM THE PUBLIC

DEFENDERS OFFICE, SO I ALSO DO

CRIMINAL CASES, AND ALSO

PRACTICE IN THE FEDERAL COURT IN

THAT I TAKE SIMPLE BANKRUPTCY

CASES.

SO I'M FAMILIAR WITH WHAT IS

GOING ON IN THE FEDERAL COURT IN

SOME MANNER BUT I'D LIKE YOU TO

LOOK AT MY PRACTICE, FROM THE

POINT OF VIEW OF MY CLIENTS.

I HAVE INDIGENT CLIENTS I HAVE
TO PROVIDE DOCUMENTS FOR, IT'S
NOT UNUSUAL FOR ME TO GET A CASE
PLAN FROM DCF, ON THE INTERNET,
THAT COULD BE 48 PAGES.

I HAVE TO PRINT THAT OUT, FOR MY
CLIENT.

WE HAVE TO GO OVER THAT.

AFTER PRACTICING ABOUT TWO YEARS

--

>> IF YOU HAVE THE DCF DOCUMENT
IN A DOCUMENT LIKE THIS,
WOULDN'T YOU HAVE TO COPY IT AND
GIVE A COPY OF IT TO YOUR CLIENT
ANYWAY?

I'M JUST TRYING TO SEE WHAT YOU
WOULD HAVE TO DO DIFFERENTLY
THAN IF YOU GOT A PAPER COPY OF
IT.

>> WHEN I GET A PAPER COPY OF IT
I CAN GIVE MY CLIENT A PAPER
COPY.

IF I'M GETTING --

>> KEEP A COPY FOR YOURSELF.

>> IF I GET IT ELECTRONICALLY I
CAN KEEP IT ON MY COMPUTER BUT
WHAT I HAVE DISCOVERED WITH MY
CLIENTS, IS THAT MANY OF THEM
CANNOT READ OR IF THEY CAN READ
DON'T UNDERSTAND WHAT THEY HAVE

--

>> THEY WILL NOT BE ABLE TO READ
THE CASE.

I MEAN... YOUR COMMENT WAS --
READ IT AND IT WAS WELL TAKE.

DCF RIGHT NOW IS MAKING THE CASE
PLANS AVAILABLE ON THE INTERNET?

>> NO, THEY ARE NOT -- WELL,
THEY ARE ON THE INTERNET THROUGH
THE CLERK'S OFFICE BUT IT TOOK
ME SEVERAL MONTHS TO GET A
PASSWORD TO HAVE THAT AVAILABLE.

>> IN OTHER WORDS, THERE ARE
SOME THINGS AS THIS -- WE MOVE
TO ELECTRONIC AGE AND, WHETHER
DCF IS ALL ELECTRONIC, I DON'T
KNOW, BUT WE CAN'T CONTROL
DIRECTLY.

IT SOUNDS LIKE LIKE WE MENTIONED

THE FIRST DISTRICT, WORKERS'
COMP, MOVED SOLELY
ELECTRONICALLY AND I DON'T KNOW,
I WOULD ASSUME THERE ARE
INDIGENT CLIENTS IN THE WORKERS'
COMPENSATION YOU'RE.

BECAUSE MOST ARE OUT OF WORK AND
IT SEEMS TO BE WORKING.

IT MAY BE A DIFFERENT PRACTICE
BUT I'M CONCERNED THAT WE TAKE
ONE THING AND -- IN ISOLATION
WHICH DOESN'T SEEM TO BE EITHER,
IF IT IS DISCOVERY OR A CASE
PLAN, IS IT FILED WITH THE
COURT?

NOW IT WOULD HAVE TO BE FILED IN
A PAPER COPY, RIGHT?

>> WELL...

>> I'M NOT SEEING WHERE -- IF
YOUR CLIENT CAN'T READ.

I DON'T KNOW -- HOW DOES ANY OF
THAT REALLY MAKE A DIFFERENCE?

>> WELL, WHAT MAKES A DIFFERENCE
IS IF I HAVE A HARD COPY I CAN
GO OVER WITH MY CLIENT, I CAN

HIGHLIGHT CERTAIN TERMS, I CAN
PLAIN THOSE TERMS, I CAN THEN
GIVE THEM THE COPY THAT WE HAVE
MADE NOTES ON, THEY MAY HAVE
BETTER UNDERSTANDING THEY MAY
HAVE A PERSON AT HOME WHO CAN
ALSO HELP THEM UNDERSTAND THE
CASE PLAN AND HAVE A BETTER
CHANCE OF ACTUALLY SUCCEEDING.

>> WOULDN'T YOU WANT -- IF YOU
GOT IT ELECTRONICALLY BE ABLE TO
ACTUALLY HIGHLIGHT IT AND MAKE
IT MORE EDIT IT SO IT IS MORE
EASY TO UNDERSTAND AND PRINT IT
OUT.

>> AND THEN PRINT IT OUT.

WHEN I PRINT OUT 50 PAGES, I
DON'T GET REIMBURSED FOR ANY OF
THAT.

WHAT IS HAPPENING...

>> DON'T YOU HAVE TO GIVE THEM A
COPY, OF THE PAGES NOW IF THEY
SAY, I WANT A COPY?

>> I GIVE THEM ANY COPY THAT I
HAVE AND I DOVE HA TO PRINT OUT

A COPY AND THERE'S NO WAY TO GET REIMBURSED IN THAT.

>> JUST FOLLOWING UP ON THAT, I'M HAVING REAL TROUBLE UNDERSTANDING YOUR BASIC POINT HERE.

BECAUSE IF YOU GET A COPY OF A PAPER COPY AND HAVE TO DUPLICATE THAT, TO GIVE A COPY TO YOUR CLIENT I DON'T UNDERSTAND HOW THIS IS IMPOSING ANYTHING DIFFERENT, ADDITIONAL COST BURDEN ON YOU, THAN YOU WOULD ALREADY HAVE.

WITH COPYING.

WHAT AM I MISSING?

>> WELL, IT USED TO BE THAT I GOT REIMBURSED FOR COPIES.

>> IF YOU WOULD ANSWER MY QUESTION.

HOW IS THIS IMPOSING A HIGHER COST BURDEN ON YOU, THAT IS DIFFERENT THAN WHAT YOU INCUR NOW, ASSUMING THAT YOU DON'T GIVE YOUR ONLY COPY OF A

DOCUMENT TO THE CLIENT AND NOT
HAVE ONE FOR YOUR FILE.

>> I DO GIVE MY ONLY COPY TO MY
CLIENT.

AND THEN I --

>> OKAY.

>> IF I GET A COPY FROM DCF, I
GIVE THAT COPY TO MY CLIENT.

AND, I GET -- I DO HAVE ACCESS
NOW AFTER WORKING ABOUT 6 MONTHS
WITH THE CLERK TO GET ACCESS TO
VIEW THE SAME DOCUMENT ON THE
CLERK'S WEB SITE.

ON THE CLERK'S WEB SITE I HAVE
TO -- CANNOT USE A NEW VERSION
OF THE INTERNET SEARCH ENGINE, I
HAVE TO GO BACK AND USE AN
INTERNET SEARCH ENGINE THAT IS
ABOUT FIVE YEARS OLD IN ORDER TO
ACCESS THE CLERK'S WEB SITE.

BUT, I DO HAVE ELECTRONIC ACCESS
TO THE HARD COPY THAT I HAVE
GIVEN TO MY CLIENT.

>> WHAT YOU ARE TELLING ME, YOU
WOULDN'T GIVE THE SOLE COPY TO

-- PAPER COPY TO YOUR CLIENT, IF
YOU DID NOT HAVE ELECTRONIC
ACCESS TO THE INFORMATION?

>> RIGHT.

>> OKAY.

>> BUT WHEN DCF IS REFUSING TO

-- AND NOW, ALSO I HAVE A LETTER
FROM JERRY HILL, OUR LOCAL STATE

ATTORNEY WHO SAYS THAT HE IS

GOING COMPLETELY PAPERLESS, AND

THE ONLY -- WE WILL NOT BE

EXPECTED TO HAVE ANY, ANY PAPERS

SERVED ON US, AND, THAT WE WILL

BE REQUIRED TO HAVE OUR E-MAIL

LISTED WITH HIM.

NOW I SENT AN E-MAIL TO HIM, IN

RESPONSE, OBJECTING TO THE FACT

THAT THAT IS NOT LEGAL SERVICE

AT THIS TIME.

BUT, HE HAS NOT RESPONDED TO ME

ON THAT, EITHER.

SO, PEOPLE ARE -- THE STATE

ATTORNEY, IN PARTICULAR HERE HAS

NOTIFIED US THAT HE DOESN'T CARE

WHAT... HE'LL SERVE EVERYTHING

VIA E-MAIL, E-FILING, WHATEVER

IT IS.

SO, WE'RE LEFT WITH NO -- I

MEAN, IF THE STATE ATTORNEY IS

TAKING THIS INTO HIS OWN HANDS,

DCF, THE ONLY --

>> YOU ARE REALLY GIVING US LIKE

-- GIVING US THE REAL WORLD.

>> RIGHT.

>> BUT THE ISSUE OF WHO STOPPED

PAYING, WHETHER DCF HAS TO GIVE

YOU A COPY OF A CASE PLAN, IS

WHETHER -- LIKE YOURSELF, WHO

ARE ESSENTIAL TO THE SYSTEM, ARE

GETTING LESS THAN THEY SHOULD,

UNFORTUNATELY, THAT IS NOT YOU

KNOW -- ANECDOTALLY, IT IS HARD

IN THESE ORAL ARGUMENTS, AGAIN,

TO APPRECIATE YOUR COMMENTS,

BUT, I DON'T KNOW THAT WE'LL

SOLVE JERRY HILL HERE, EXCEPT

THAT IF WE EXEMPT OUT CRIMINAL,

JERRY HILL WILL HAVE TO CONTINUE

TO DO WHAT HE -- WHAT THE RULE

REQUIRES.

>> WELL, YOUR HONOR, THANK YOU,
AND PROBABLY, THAT HELPED TO
REFOCUS MYSELF, MY ARGUMENT THAT
WHAT I'M ASKING IS AN EXCEPTION
IN THE PROPOSED RULE FOR
INDIGENT CLIENTS SO WE CAN
ACTUALLY GET HARD COPIES FOR OUR
INDIGENT CLIENTS AND ALSO THAT
OUR CLIENTS THEN ARE NOT
REQUIRED... I MEAN, I COULD TELL
MY INDIGENT CLIENTS, NO, I'M NOT
PRINTING ANYTHING OUT FOR YOU,
YOU CAN GO TO THE COURTHOUSE AND
LOOK UP YOUR DOCUMENTS, IF YOU
NEED TO, YOU CAN PAY 20 CENTS IN
THE LAW LIBRARY TO PRINT OUTER
DOCUMENTS, AND, I WILL BE GLAD
TO GO OVER THEM WITH YOU, IF YOU
SIT NEXT TO ME AND LOOK AT THEM
ON MY COMPUTER, IT IS TRUE I'M
GIVING YOU AN ARGUMENT FROM THE
REAL WORLD AND I'M ALSO SPEAKING
ON BEHALF OF ALL OF THE INDIGENT
PEOPLE IN FLORIDA WHO DON'T KNOW
THEY HAVE THE ISSUE.

WHO DON'T KNOW WHAT I KNOW, THAT
I HEAR ATTORNEYS SAY, OH, I WILL
NOT GET PAID FOR REPRESENTING
THEM ANYWAY, SO, I'LL SHOW UP
UNTIL A DISPOSITION...

>> IN TERMS OF WHO YOU ARE
SPEAKING FOR, YOU KNOW, WE HAVE
LEGAL SERVICES, ALL THROUGHOUT
THE STATE, ACTUALLY CAME IN ON
AN ISSUE YESTERDAY, AND, I DON'T
RECALL SEEING ANY OBJECTION FROM
THEM, BILL BOOTH, WHO IS CHAIR
OF THE JUVENILE RULES PROCEDURE
COMMITTEE IS... [INAUDIBLE] IT
IS HARD TO, YOU KNOW, TRYING TO
SEE WHAT IS GOING TO BE BEST
FOR, YOU KNOW, IN THE LONG RUN
AND I APPRECIATE WHAT YOU ARE
BRINGING TO OUR ATTENTION, BUT
IT IS HARD TO REALLY SAY THAT
YOU ARE SPEAKING FOR EVERYBODY
WHEN NOBODY -- ALL THOSE
SIGNIFICANT ORGANIZATIONS EVER
FILED AN OBJECTION.

>> WELL, YOUR HONOR, THE

SIGNIFICANT ORGANIZATIONS DON'T
HAVE -- HAVE FUNDING FROM
DIFFERENT SOURCES THAN I DO AND
MY ONLY FUNDING WHEN I REPRESENT
AN INDIGENT PERSON IS FROM THE
JUSTICE ADMINISTRATIVE COMMITTEE
AND WHEN I SIGN A CONTRACT I
SIGN IT VOLUNTARILY BUT HAVE NO
ABILITY TO NEGOTIATE ANY OF THE
TERMS OF THE CONTRACT.

>> THEY THEY'RE ONES WE OUGHT TO
DEAL WITH, IS THAT CORRECT?
TO SAY THEY OUGHT TO REIMBURSE
YOU FOR COPYING COSTS.

>> AND, YOUR HONOR, THEIR
MANDATE COMES FROM THE
LEGISLATURE.

SO I JUST WANT TO LET YOU BE
AWARE THAT THERE ARE ISSUES OUT
THERE, THAT ARE CAUSING REAL
PROBLEMS IN THE TRENCHES, WHEN
WE SAY, OKAY.

EVERYBODY CAN HAVE E-FILING,
EVERYBODY HAS A COMPUTER,
EVERYBODY HAS ACCESS TO THE

INTERNET, IT IS NO PROBLEM FOR
PEOPLE TO GO AND VIEW THEIR CASE
ON-LINE.

WHEN IT IS.

MY CLIENTS, WITHIN 15 MILES OF
THE COURTHOUSE TAKES THEM THREE
HOURS BY BUS TO GET THERE.

SO, IT IS NOT LIKE, WELL, YOU
KNOW, THIS IS A SIMPLE THING AND
PEOPLE CAN SHOW UP AND TAKE CARE
OF THEIR CASES WHEN THEY HAVE
REAL LIFE PROBLEMS AND FACING
LOSING THEIR CHILDREN, FACING
BEING INCARCERATED AND WHEN I
HAVE TO -- HOW WILL I GO TO THE
JAIL TO TALK ABOUT THEIR CASE,
IF THAT IS ALL I HAVE IS A
COMPUTER AND I CAN'T GETS THE
INTERNET, DOWN IN THE BOWELS OF
THE JAIL?

AND THAT IS...

>> I HOPE AFTER THE ORAL
ARGUMENT YOU CAN SIT DOWN AND
TALK ABOUT SOME OF THE REAL LIFE
PROBLEMS AND SEE IF HE AND

MS. GIDDINGS CAN'T REALLY SAY --
BECAUSE I THINK YOU HAVE BROUGHT
UP ANOTHER IMPORTANT PERSPECTIVE
AND THANK YOU FOR THAT.

>> OKAY.

THANK YOU.

I SEE I'VE USED ALL MY TIME.

>> WE THANK YOU AND THANK YOU
ALL FOR YOUR COMMENTS.
AND YOUR PORP PATIENT.