

>> WE'LL NOW PROCEED TO THE  
SECOND CASE ON OUR DOCKET.  
WHICH WHICH IS IN REAMENDMENT TO  
THE FLORIDA FAMILY LAW RULES OF  
PROCEDURE.

>> PLEASE THE COURT.

MY NAME IS STEVEN COLMES, I'M  
HERE TO -- ON THE THREE YEAR  
CYCLE REPORT, AND THERE ARE TWO  
ISSUES PRESENTED BY THE PREVIOUS  
CYCLE REPORT, ONE INVOLVES A  
CHANGE TO THE SERVICE, IN CASES  
INVOLVING CHILDREN, AND, THE  
OTHER INVOLVES THE ESTABLISHMENT  
OF A COLLABORATIVE LAW RULE,  
BEGINNING FIRST WITH THE  
JURISDICTIONAL -- THE  
JURISDICTION, BY CONSTRUCTIVE  
SERVICE, AND, ISSUES REGARDING  
CHILD CUSTODY.

>> TELL US, IN A SITUATION WHERE  
SOMEONE... A FATHER OR A... YOU  
KNOW, IS OUT OF STATE, AND, YOU  
KNOW, I THINK

>> AND, THREE, THAT, YOU KNOW,  
AT EXPENSE.

SO IT DOESN'T SEEM THAT IF YOUR  
GOAL IS TO ENHANCE THE WAY  
PARENTS ARE NOTIFIED THAT THIS  
PROVISION THAT'S -- THE ONLY  
THING THAT'S CONTROVERSIAL -- IS  
REALLY SOMETHING THAT WE OUGHT  
TO BE DELVING INTO.

SO LET ME HEAR YOUR HONEST  
RESPONSE ABOUT THAT.

>> THE HONEST RESPONSE IS THERE  
IS A BIT OF A QUAGMIRE HERE.

WHAT WE ARE TRYING TO DO IS  
REASONABLE NOTICE AND  
OPPORTUNITY TO BE HEARD ARE THE  
CORNERSTONE OF PROCEDURAL DUE  
PROCESS, AND THAT'S REALLY WHAT  
WE'RE GETTING --

>> I KNOW, AND I LOVE --

>> TRYING TO GET TO WHAT YOU  
SAID.

>> AND THIS IS WHAT I LOVE.

I LOVE YOUR IDEA THAT THE  
COMMITTEE HOLDS THE COURT MIGHT

SUGGEST THAT THE LEGISLATURE  
CONSIDER WHETHER IT'S TIME TO  
BEGIN UTILIZING THE INTERNET IN  
SOME MANNER TO PROVIDE MORE  
MEANINGFUL NOTICE.

AND MY SUGGESTION IS RATHER THAN  
THE COURT SUGGESTING THAT WHY  
DOESN'T THE FAMILY LAW SECTION,  
YOU KNOW, LOBBY THE LEGISLATURE  
TO MAKE SOME MEANINGFUL CHANGES  
SO WE HAVE MORE UP-TO-DATE  
NOTICE THAN REQUIRING SOMEBODY  
TO PAY MONEY TO POST IT IN A  
COURTHOUSE IN ANOTHER STATE THAT  
MOST LIKELY WILL NEVER  
ACCOMPLISH WHAT YOU WANT TO  
ACCOMPLISH?

>> SEVERAL THINGS SAID THERE,  
I'LL TRY TO RESPOND TO YOU.

UM, FIRST OF ALL, WITH REGARD TO  
POSTING IN THE COURTHOUSE AND  
INTERNET AS AN ALTERNATIVE TO  
THAT ANTIQUATED TYPE OF SERVICE  
WHERE PEOPLE ACTUALLY USED TO GO  
TO THE COURTHOUSE TO CONDUCT

THEIR BUSINESS, UM, WE ARE THE  
FAMILY LAW RULES COMMITTEE.

WE CERTAINLY HAVE TIES TO THE  
FAMILY LAW SECTION, ALBEIT  
INFORMAL TIES.

AND IF THERE WERE NOT A RULE  
THAT REQUIRED -- IF THERE WERE  
NOT A RULE THAT WOULD RESOLVE  
THIS ISSUE WITH REGARD TO THE  
UCCJEA ATTAINMENT OF  
JURISDICTION BY CONSTRUCTIVE  
PROCESS, THEN THAT IS CERTAINLY  
SOMETHING THAT WOULD PROBABLY  
OCCUR, YOU KNOW, IN THE DUE  
PROCESS OF EVENTS.

BUT I WOULD JUST ADD THAT THE  
LEGISLATURE HAS SPOKEN SOMEWHAT  
ON THE USE OF CONSTRUCTIVE  
PROCESS IN THESE CASES IN 61.509  
IN THE ADOPTION OF THE UCCJEA  
WHICH SAYS, WHICH PROVIDES THAT  
CONSTRUCTIVE SERVICE MAY BE  
USED.

THE PROBLEM IS IT'S IN A VACUUM,  
WHAT DOES THAT REALLY MEAN?

AND THAT'S PART OF WHAT WE WERE TRYING TO REMEDY.

AND I AM, UM, I THINK WHEN WE RECEIVED THE COMMENTS FROM BAY AREA LEGAL AID, WE REALIZED WE HAD TAKEN A VERY CONSERVATIVE APPROACH TO THE DUAL PUBLICATION.

WE WEREN'T HAPPY ABOUT THAT.

I USED TO SERVE AS A MAGISTRATE, AND I KNOW THE PEOPLE THAT COME BEFORE THE COURT WITH THESE TYPE OF CASES.

AND HAVING THEM PUBLISH IN ONE NEWSPAPER IS GOING TO BE DIFFICULT ENOUGH, ESPECIALLY IN THESE ECONOMIC TIMES.

A SECOND NEWSPAPER MAY KEEP PEOPLE FROM BEING ABLE TO CROSS THE THRESHOLD OF THE COURTHOUSE DOORS --

>> I MEAN, ESPECIALLY BECAUSE IT'S NOT GOING TO -- BECAUSE THE THING WE REALLY WANT TO DO IS ENCOURAGING THEM TO ACTUALLY

FIND THE PERSON --

>> YES.

>> -- AND ACTUALLY NOTIFY THEM.

I MEAN, MY -- AND, TO ME, THAT'S  
WHAT THE COURT OUGHT TO BE, AND  
IS, AND THAT'S WHAT THIS RULE,  
WHY I THINK THE NEW FORM AND THE  
AFFIDAVIT AND WHAT THEY HAVE TO  
PUT IN THERE IS -- I COMMEND THE  
RULES COMMITTEE FOR THAT.

I THINK THAT IS THE MOST, I  
MEAN, AGAIN, THAT'S THE MOST  
SIGNIFICANT ADVANCE, BECAUSE  
WHAT WE REALLY ARE AIMING FOR IS  
ACTUAL NOTICE.

>> YES.

>> I'M A LITTLE CONFUSED.

THE COURT, WHERE THE COURT'S  
LOCATED, WHERE THE SERVICE IS TO  
BE PROVIDED, IS THAT THE COURT  
WHERE THIS PROCEEDING IS GOING  
ON, PROBABLY WHERE THE MINOR  
CHILD IS?  
OR IS IT IN THE LOCALE OF THE  
DEFENDANT SOMEWHERE IN ANOTHER

STATE?

>> THE LOCATION UNDER SECTION

49 --

>> CONSTRUCTIVE SERVICE.

WHERE IT SAYS IN THE COUNTY IN

WHICH THE COURT IS LOCATED.

>> YES.

THAT IS THE COUNTY IN WHICH THE

FAMILY LAW PROCEEDING IS

PENDING.

>> NOT, NOT THE COUNTY AND THE

DEFENDANT OUT OF STATE

SOMEWHERE, RIGHT?

>> NO, NO.

BUT IF YOU KNOW THAT SOMEBODY

RESIDED IN COLUMBIA, SOUTH

CAROLINA, WHAT THE RULE WOULD

ENVISION IS THAT YOU WOULD

PUBLISH IN THE COUNTY WHERE

THE -- SAY IT'S AN ALACHUA

COUNTY CASE.

YOU WOULD PUBLISH BOTH IN

ALACHUA COUNTY WHERE THE CASE IS

PENDING EVEN THOUGH THERE MAY BE

NO CONNECTION WHATSOEVER WITH

THE ABSENT PARENT.

BUT CHAPTER 49 REQUIRES THAT.

>> 49 REQUIRES THAT NOW?

>> YES.

>> THAT YOU PUBLISH IN THE PLACE

IF YOU KNOW THEY'RE IN COLUMBIA,

SOUTH CAROLINA --

>> YES.

>> -- YOU WOULD PUBLISH THERE?

>> YES.

>> OKAY.

SO --

>> THAT'S THE PROBLEM.

AND THAT IS A PROBLEM THAT WAS

RESOLVED, I THINK, WITH THE

ADOPTION --

>> WHY IS THAT A PROBLEM NOW?

>> BECAUSE IF YOU KNOW THE

PERSON HAS LIVED IN COLUMBIA,

SOUTH CAROLINA, ALL THEIR LIFE

AND YOU DON'T KNOW WHERE THEY

ARE SPECIFICALLY BUT YOU BELIEVE

THEY'RE PROBABLY THERE, YOU'RE

NOT REQUIRED TO, ACTUALLY,

CONSTRUCTIVELY PUBLISH IN THAT

LOCALITY.

YOU'RE JUST REQUIRED TO  
CONSTRUCTIVELY PUBLISH IN THE  
COUNTY WHERE THE COURT IS.  
EVEN THOUGH THE PERSON --

>> I DON'T THINK, WELL, I DIDN'T  
UNDERSTAND YOU TO SAY THAT THE  
FIRST TIME.

I THOUGHT YOU SAID THAT IT'S NOW  
REQUIRED THAT YOU PUBLISH BOTH  
PLACES.

>> CURRENTLY, IT ISN'T --

>> UNDER THE RULE.

>> -- [INAUDIBLE]

THE AMENDED RULE.

>> OKAY.

I THOUGHT THAT'S WHAT YOU SAID.

>> AND THAT WOULD BE WHETHER  
YOU'RE AN INDIGENT OR NOT.

>> YES.

>> THAT'S WHAT THE COMMENT  
REALLY IS ABOUT, IS HOW THIS  
RULE AS IT'S BEING PROPOSED  
WOULD EFFECT SOMEONE --

>> ABSOLUTELY.

THAT'S THE PRIMARY CONCERN,  
INDIGENCY.

>> AND SO EVEN IF WE WOULD  
ACCEPT THIS PROPOSED RULE, AN  
INDIGENT PERSON WOULD HAVE TO  
PUBLISH IN BOTH, SAY IT'S  
PENDING IN LEON COUNTY, WOULD  
HAVE TO PUBLISH HERE.

AND IF THEY BELIEVE THAT THE  
PERSON LIVED IN SEATTLE,  
WASHINGTON, THEY WOULD HAVE TO  
PUBLISH IN SEATTLE.

>> YES.

AND ONE THING THAT BAY AREA  
LEGAL AID POINTS OUT IS THEY  
COULD POST IN LEON COUNTY AT THE  
COURTHOUSE.

YOU ACTUALLY TAKE A PIECE OF  
PAPER AND PUT IT ON THE WALL,  
THE NOTICE OF ACTION --

>> [INAUDIBLE]

>> AND IF YOU'RE INDIGENT, YOU  
CAN DO THAT.

>> BUT WON'T THAT DEFEAT  
ACTUALLY TRYING TO NOTIFY

SOMEBODY?

>> "ANTIQUATED PROCESS" IS HOW  
WE REFER TO IT IN OUR REPLY.

>> SO COULD THEY POST, ALSO, IN  
SEATTLE, WASHINGTON?

>> WE DO NOT KNOW.

I DO NOT KNOW THE ANSWER TO  
THAT.

>> THEY'RE SAYING THEY DON'T  
KNOW.

IT COULD COST THEM MONEY.

BUT YOU'RE STILL CONCEDED THAT  
THIS POSTING IN A COURTHOUSE IS  
NO LONGER GOING TO BE CALCULATED  
TO GIVE SOMEBODY -- YOU DON'T  
KNOW WHERE THEY ARE -- NOTICE OF  
SOMETHING THAT'S VERY IMPORTANT.  
WE'RE TALKING ABOUT THEIR CHILD.

>> WELL --

>> AND WE'RE NOT, WE'RE NOT  
TALKING ABOUT, YOU KNOW, A SUM  
OF MONEY WHICH, YOU KNOW, WE'RE  
TALKING ABOUT THE OUTCOME OF  
THIS CHILD.

I GUESS, AND THIS IS WHY TO ME

THIS IS A LEGISLATIVE DECISION,  
BECAUSE -- BUT I'D RATHER IF  
THEY'RE GOING TO REQUIRE  
INDIGENTS TO SPEND ANY MONEY,  
LET 'EM, YOU KNOW, TAKE THE  
EFFORT TO GO AND GOOGLE, LIKE,  
THE PERSON'S WHEREABOUTS.

YOU CAN JUST ABOUT FIND ANYBODY  
THESE DAYS IF YOU TRY, RIGHT?

OR NOT?

>> WE DISCUSSED THAT IN THE  
COMMITTEE, THAT WE HAVE ALL  
GOOGLED OURSELVES AT ONE TIME OR  
ANOTHER AND THAT IF NOTICE WAS  
SOMEHOW PROVIDED VIA THE  
INTERNET, THAT MIGHT BE THE  
EASIEST WAY TO PROVIDE NOTICE.

>> DO THE COURTS HAVE THEIR OWN  
WEB SITE?

>> DO EACH COURT HAVE THEIR OWN  
WEB SITE?

>> YEAH.

>> I DO NOT KNOW THE ANSWER TO  
THAT.

MANY COURTS THERE'S E-FILING

ALREADY, AND YOU CAN DO A SEARCH  
AND A CASE MAY COME UP.  
ESPECIALLY WITH PACER, FOR  
INSTANCE.

>> WELL, THE ONES -- I KNOW SOME  
DO.

DO THEY HAVE NOTICES LIKE THAT  
POSTED ON THEIR WEB SITE OR NO?

>> I'M NOT AWARE EITHER WAY.

>> THAT'S INTERESTING, WHETHER  
POSTING NOW IS BROAD ENOUGH TO  
ALLOW POSTING ON AN INTERNET  
SITE WHICH, OBVIOUSLY, WOULD BE  
BETTER AND NOT COST ANYTHING.

>> AGREED.

>> HAS THERE BEEN ANY KIND OF  
STUDIES, THOUGH, TO DETERMINE  
WHETHER FOLKS THAT FIND  
THEMSELVES IN THESE  
CIRCUMSTANCES EVEN HAVE ACCESS  
TO INTERNET?

>> I BELIEVE ONE -- I DON'T KNOW  
THE ANSWER TO THAT, YOUR HONOR.

>> AND WE'RE ASSUMING THAT  
EVERYBODY IN EVERY HOUSEHOLD ALL

ACROSS THE WORLD HAS INTERNET  
ACCESS, AND I DON'T BELIEVE  
THAT'S THE CASE.  
SEE SOME STATISTICS --  
>> THEY PROBABLY HAVE BETTER  
ACCESS TO THE INTERNET THAN THEY  
DO TO THE LEON COUNTY COURTHOUSE  
LOBBY.

>> ISN'T THAT THE WAY WE WRITE  
OUR RULES?  
I'M MISSING SOMETHING HERE.  
WE'RE TALKING ABOUT THERE'S A  
PROBLEM FOR THE INDIGENT, AND  
WHY WOULD WE NOT APPROACH THIS  
THAT MAYBE THERE SHOULD BE SOME  
EXCEPTIONS OR SOMETHING?

BUT THE BASIC NOTION IS TO GIVE  
PEOPLE NOTICE, ISN'T IT?

>> YES, YOUR HONOR.

>> THAT'S THE BASIC,  
FUNDAMENTAL -- AND WHY NOT DO IT  
THAT WAY RATHER THAN GIVE NO  
NOTICE BECAUSE SOME MAY HAVE A  
PROBLEM?

>> I BELIEVE THAT, CURRENTLY,

THE STATUTORY SCHEME IN THE  
STATE OF FLORIDA PROVIDES A  
POSTING THAT'S JUST FOR  
INDIGENTS.

>> ISN'T THE NOTION OF HAVING A  
NOTICE WHERE THIS COURTHOUSE IS  
AND THIS PROCEEDING IS, A FATHER  
WHO HAS KNOWN OF THE LIKELIHOOD  
OR POSSIBILITY OF HAVING  
FATHERED A CHILD AND HAS AN  
INTEREST IN THAT CHILD WOULD,  
PERHAPS, CIRCLE BACK AND TRY TO  
FIND WHAT HAPPENED?

IS THAT THE REASON FOR THE  
NOTICE POSTED IN THIS LOCATION?

>> THE REASON FOR THE NOTICE IS  
OF LEGISLATIVE ORIGIN.

IT'S TO REQUIRE JURISDICTION  
OVER THE ISSUES IN THE CASE.

WE'RE TALKING ABOUT CONSTRUCTIVE  
NOTICE.

IT DOESN'T CREATE ANY IN PERSONA  
NOTICE.

GENERALLY IN REGARD TO --

>> AND, AGAIN, FOR THE LEGAL

FATHER THING THE LEGISLATURE HAS

SPOKEN --

>> YES.

>> -- AND THEY'VE REQUIRED IT.

I THINK, AGAIN, ISN'T THIS THEN

IF IT'S NOT REQUIRED NOW BY THE

LEGISLATURE, ISN'T IT AN

ADDITIONAL REQUIREMENT THAT THE

LEGISLATURE DOES NOT IMPOSE --

I'M NOT UNDERSTANDING WHY THAT'S

NOT A SUBSTANTIVE CHANGE VERSUS

A PROCEDURAL CHANGE.

>> THE LEGISLATURE SAYS THAT IT

NEEDS TO BE A METHOD THAT IS

REASONABLY CALCULATED TO GIVE

ACTUAL NOTICE.

THAT'S THE LEGISLATURE -- THAT'S

THE LEGISLATION.

IT MUST GIVE ACTUAL NOTICE.

ALL WE'RE TRYING TO DO IS SAY

THAT IF YOU ARE GOING TO SERVE

CONSTRUCTIVELY, MAKE IT AS GOOD

AS IT CAN BE.

AND AS GOOD AS IT CAN BE IS NOT

TO PUBLISH IN LEON COUNTY.

>> WELL, POSTING IN ANY  
COURTHOUSE IS NOT AS GOOD AS IT  
CAN BE, SO WE'RE DEFICIENT THEN  
BECAUSE, TO ME, THE ISSUE OF A  
CERTIFIED LETTER AT THE LAST  
KNOWN ADDRESS, YOU KNOW, MIGHT  
COME BACK.

I MEAN, THERE MUST BE OTHER WAYS  
THAT DON'T COST MONEY THAT WOULD  
ACTUALLY GIVE NOTICE TO SOMEBODY  
UNLESS THEY DON'T WANT TO BE  
FOUND AT ALL.

RATHER THAN THE POSTING THING.

>> WE DON'T NECESSARILY DISAGREE  
OTHER THAN THAT'S THE CURRENT  
STATUTORY SCHEME FOR PROVIDING  
CONSTRUCTIVE SERVICE IS  
PUBLICATION IN A NEWSPAPER OF  
GENERAL CIRCULATION OR POSTING  
IN THE COURTHOUSE.

THAT'S STATUTORY.

WE HAVE NO CONTROL OVER THAT.

WE'RE TRYING TO DEAL WITHIN THE  
STATUTORY SCHEME.

WE AGREE WITH EVERYTHING YOU

GUYS HAVE SAID -- YOUR HONORS

HAVE SAID, EXCUSE ME.

WE AGREE WITH EVERYTHING THAT

YOU'VE SAID.

IT IS A QUAGMIRE, AND IT MAY

VERY WELL BE THAT IT IS A

PROBLEM FOR THE LEGISLATURE TO

ADDRESS, AND IT MAY BE BEYOND

THE RULES COMMITTEE, AND IT MAY

BE BEYOND THE COURT TO IMPOSE A

RESOLUTION.

>> WELL, LET ME ASK YOU THIS

THEN.

IF WE PASS THIS RULE, IF WE

APPROVE THIS RULE, TELL ME

EXACTLY WHAT WOULD HAPPEN IF A

PERSON HAS NO IDEA WHERE THE

FATHER IS.

>> ALL RIGHT.

>> WHAT WOULD THEY DO?

>> WELL, FIRST OF ALL,

THEY'RE -- EVERYBODY SHOULD HAVE

A LAST KNOWN ADDRESS.

PART OF THE PROBLEM IS PEOPLE

ARE COMING IN FRONT OF

MAGISTRATES AND JUDGES AND WHERE

IT SAYS "LAST KNOWN ADDRESS,"

THEY GO, "UNKNOWN."

WELL, YOU KNEW THE PERSON AT ONE

TIME, YOU MADE A CHILD WITH

THEM --

>> LET'S ASSUME THE LAST KNOWN

ADDRESS WAS RIGHT HERE WHERE

THIS PROCEEDING IS TAKING PLACE.

BUT YOU NOW HAVE NO IDEA WHERE

THIS PERSON HAS GONE.

>> WELL, THEN ARE WE TO ASSUME

THE PERSON'S ALSO INDIGENT?

>> LET'S GO WITH INDIGENT ALSO.

>> THEN YOU WOULD POST IN THE

COURTHOUSE LOBBY.

>> THAT'S IT?

>> THAT'S IT.

IN THAT ONE PLACE.

WHERE IT BECOMES MORE

COMPLICATED IS WHERE THE LAST

KNOWN ADDRESS IS OUT OF STATE --

>> AND THEN IF THE LAST KNOWN

ADDRESS IS OUT OF STATE, LET'S

HAVE THE SAME SCENARIO WITH THE

LAST KNOWN ADDRESS IS OUT OF  
STATE.

>> AND NOW I CANNOT ANSWER YOUR  
QUESTION BECAUSE I'M NOT  
FAMILIAR WITH THE OTHER 49  
STATUTORY NOTICES.

>> WELL, LET'S ASSUME THAT THE  
OTHER STATE HAS THE SAME KIND OF  
CONSTRUCTIVE NOTICE PROVISIONS  
THAT WE HAVE.

>> THEN ONE WOULD ATTEMPT, IF  
THEY'RE INDIGENT, TO PROBABLY  
CONTACT THE CLERK OF COURT AND  
SEE IF THERE'S A POSSIBILITY OF  
POSTING IN THE LOBBY.

>> AND SO WHAT YOU POST IN THE  
LOBBY THAT THE CASE IS  
PENDING --

>> BOTH JURISDICTIONS.

>> -- AND THE LAST KNOWN  
ADDRESS.

>> YES.

>> BUT IF YOU HAD THE LAST KNOWN  
ADDRESS, WOULDN'T WE REQUIRE  
THEM TO, FIRST, SEND SOME LETTER

TO ACTUALLY -- RATHER THAN GO TO  
POSTING, WOULDN'T WE WANT TO TRY  
TO STILL GET WITH ACTUAL NOTICE?

>> THE PROPOSED AMENDMENT TO  
RULE 12.070 WOULD REQUIRE THE  
CLERK TO MAIL TO THAT LAST KNOWN  
ADDRESS THE NOTICE OF ACTION.

AND THAT IS ALSO COVERED  
AUTOMATICALLY WITHIN THE RULE.

>> TO ME, IT'S REQUIRING PEOPLE  
TO BE HONEST WITH THE COURT  
ABOUT WHERE THE PERSON IS LIKELY  
TO BE.

>> YES, YOUR HONOR.

>> ALL RIGHT.

WE THANK YOU.

>> ALL RIGHT.

THANK YOU, YOUR HONOR.

>> GOOD MORNING.

MAY IT PLEASE THE COURT, MY NAME  
IS DICK MOTLEY, I'M THE MANAGING  
ATTORNEY AT NEW PORT RICHEY  
OFFICES.

I'M A JOURNEYMAN FAMILY LAW  
ATTORNEY REPRESENTING A CLIENT

POPULATION THAT'S INDIGENT AS  
THAT TERM'S DEFINED IN CHAPTER  
57.

>> COULD YOU --

>> THE CHAIR OF THE RULES  
COMMITTEE SUGGESTED THAT IF THE  
PARTY SEEKING THE RELIEF IS  
INDIGENT, THAT THE EXTENT OF  
WHAT THAT INDIGENT PARTY MUST DO  
IS A POSTING.

AM I, IS THAT YOUR  
UNDERSTANDING?

>> WELL, PRIOR TO THAT THERE'S  
THE DILIGENT SEARCH.

DILIGENT SEARCH REQUIRES  
PUBLICATION OR POSTING EITHER  
WAY IF YOU'RE GOING TO USE  
CONSTRUCTIVE SERVICE --

>> OKAY, ALL RIGHT.

WELL, I UNDERSTAND.

>> CORRECT.

>> AND I'M MISSING SOMETHING.

>> IF THE LAST KNOWN ADDRESS IS  
KNOWN, THE CLERK MAILES TO THE  
LAST KNOWN ADDRESS.

>> I'M MISSING WHAT THE  
AGGRAVATION IS WITH THE LEGAL  
SERVICES FOR INDIGENTS IF THAT  
IS THE ONLY THING THAT'S  
REQUIRED.

>> THE STATUTORY SCHEME AS IT  
EXISTS RIGHT NOW WOULD ONLY  
ALLOW POSTING IN THE COUNTY OF  
FILING.

I THINK IT SPECIFICALLY STATES  
THAT.

THE SECOND COUNTY THEY WANT TO  
REQUIRE PUBLICATION, ALSO, IN  
THE COUNTY OF LAST KNOWN  
RESIDENCE.

IF THAT IS OTHER THAN THE COUNTY  
OF FILING, THERE IS NO STATUTORY  
AUTHORITY TO POST IN THAT  
COUNTY.

I WOULD NOT BE ABLE TO ACCESS  
THE POSTING STATUTE TO DO THAT.  
THEREFORE, I WOULD BE PROHIBITED  
FROM COMPLETING SERVICE UNDER --

>> SO IT'S NOT CORRECT THEN THAT  
INDIGENTS CAN SATISFY EVERYTHING

BY MERELY POSTING, IS WHAT

YOU'RE SAYING.

>> NOT UNDER THE PROPOSED RULE,

CORRECT.

>> UNDER THE PROPOSAL.

>> CORRECT.

>> BUT, AGAIN, YOU MUST

UNDERSTAND THAT THERE'S A

BROADER WORLD THAN JUST THE

INDIGENCY WORLD.

THERE ARE FOLKS WHO MAY MOVE OUT

OF JURISDICTION JUST TO AVOID

GIVING NOTIFICATION TO A SPOUSE

AND THAT WE DO NEED TO HAVE

SOMETHING THAT PROTECTS THOSE

INTERESTS WHILE RECOGNIZING

INTERESTS OF THOSE WHO CANNOT

AFFORD IT.

SO I HAVE A PROBLEM WITH TRYING

TO MAKE, YOU KNOW -- WHY IS IT

NOT BETTER TO CARVE OUT AN

EXCEPTION FOR YOUR CONCERNS THAN

TO JUST THROW THE WHOLE CONCEPT

OF TRYING TO PROVIDE ACTUAL

NOTICE OUT THE WINDOW?

LET'S TRY IT THAT WAY.

>> I'M NOT HERE AGAINST NOTICE,  
I'M HERE PRO-ACCESS TO COURTS IS  
WHAT I'M LOOKING FOR.

>> BUT NOT FOR ALL, BUT NOT FOR  
ALL.

THE OTHER SPOUSE DOESN'T HAVE  
THE SAME ACCESS AS A PARTY  
FILING, SO LET'S GO TO MY  
QUESTION AND THAT IS, WHY IS IT  
NOT BETTER TO CARVE OUT AN  
EXCEPTION FOR A CLASS IF THAT'S  
WHAT THE REAL CONCERN IS AND  
PERMIT THE OTHER PEOPLE TO TRY  
TO RECEIVE ACTUAL NOTICE AS BEST  
POSSIBLE?

>> ACTUALLY, IN PREPARING FOR  
TODAY I BECAME AWARE OF THE CASE  
LAW ON THIS ISSUE.

THIS COURT HAS ADDRESSED THIS  
ISSUE BEFORE IN 1974.

THIS COURT ISSUED A DECISION  
CALLED GRISSOM V. DADE COUNTY,  
AND THAT WAS, I THINK, A FOLLOW  
UP TO THE UNITED STATES SUPREME

COURT IN BODY V. CONNECTICUT IN  
1971.

IN GRISSOM V. DADE COUNTY, AN  
INDIVIDUAL WANTING TO DO AN  
ADOPTION, MS. GRISSOM, WAS  
INDIGENT.

AT THE TIME THE POSTING STATUTE  
DID NOT EXIST, ONLY PUBLICATION  
EXISTED FOR CONSTRUCTIVE  
SERVICE.

THIS COURT FOUND THAT TO BE  
UNCONSTITUTIONAL AND DIRECTED  
SERVICE OF THE PUBLICATION TO BE  
PAID BY THE STATE.

>> WELL, THAT --

>> IF YOU DO AWAY WITH MY  
ABILITY TO POST, I THINK THIS  
THEN FALLS BACK TO THAT CASE,  
WHICH I'M NOT SURE THAT'S AN  
ACCEPTABLE SOLUTION TO THE COURT  
AT THIS POINT.

>> WHAT HAPPENED WHEN -- LET'S  
GO -- YOU SAID SOMETHING  
IMPORTANT WHICH THIS FIRST HAS  
TO BE DILIGENT SEARCH.

AND, AGAIN, THIS IS AN IMPORTANT  
ISSUE OF THE ABSENT PARENT.

>> ABSOLUTELY.

>> AND JUST THE QUESTION OF  
WHETHER SHENANIGANS ARE  
OCCURRING.

>> CORRECT.

>> SOMEONE'S TRYING TO GET --  
AND, AGAIN, THIS IS REALLY, THIS  
WOULDN'T BE IN SUPPORT BECAUSE  
WE'RE TALKING ABOUT IN REM.  
WE'D BE TALKING ABOUT JUST  
PARENTING PLAN.

>> CORRECT.

>> OBVIOUSLY, IF THE PERSON'S  
ABSENT, YOU KNOW, UNLESS THEY  
DON'T KNOW THE CHILD EXISTS.  
SO ON THE ONE WHERE THE  
LEGISLATURE HAS SPOKEN, THAT THE  
LEGAL FATHER YOU NEED TO DO  
CONSTRUCTIVE SERVICE IN THE  
PLACE OF THEIR LAST KNOWN  
ADDRESS, HOW DO YOU DEAL WITH  
THAT NOW BECAUSE THERE'S NO --  
IS THERE AN EXCEPTION FOR --

>> WELL, ACTUALLY, THAT APPEARS  
IN TWO PLACES.

ONE IS THE ADOPTION STATUTE, AND  
ONE IS THE CHILD SUPPORT.

THE CHILD SUPPORT STATUTE, I  
THINK, RUNS SOLELY TO THE  
DEPARTMENT OF REVENUE.

IT'S IN CHAPTER 409, SO I THINK  
IT'S NOT AN INDIVIDUAL CAUSE OF  
ACTION STATUTE.

>> OKAY.

>> THE ADOPTION STATUTE, NOT MY  
AREA OF PRACTICE, SO I DON'T  
KNOW WHAT PEOPLE WHO HAVE THAT  
PROBLEM DO IN THE CASE TO SOLVE  
THE PROBLEM.

>> BUT THERE'S -- I MEAN, AGAIN,  
SO THE ISSUE IS THE LEGISLATURE  
HAS SPOKEN THERE TO REQUIRE IT.

>> YES.

>> NOW, IN THE CASES WHERE YOU  
SAY YOU DO THE AFFIDAVIT OR YOU  
DO YOUR DILIGENT SEARCH AND YOU  
FIND THAT THE PERSON TWO MONTHS  
AGO LIVED IN ATLANTA, GEORGIA.

OKAY.

NOW WHAT DO YOU HAVE -- WHAT  
DOES THE STATUTE REQUIRE YOU TO  
DO AS FAR AS ACTUAL NOTICE?

>> UM, I THINK THAT YOU FOLLOW  
THROUGH THE STATUTORY SCHEME, IT  
STILL IS A CONSTRUCTIVE SERVICE  
CASE.

THIS CASE LAW SO THAT YOU CAN  
USE PERSONAL SERVICE ALSO.

I WOULD GENERALLY USE PERSONAL  
SERVICE AT THAT POINT.

>> SO HOW DO YOU PAY FOR THAT?

>> GOOD QUESTION.

WE WOULD OFTEN, YOU'LL EITHER  
HAVE TO -- MANY STATES WILL DO  
IT PRO BONO, SEND IN THE  
AFFIDAVIT.

OTHER STATES YOU HAVE TO PAY.

>> WELL, DO YOU THINK, THOUGH,  
AND I WANT TO GO BACK TO  
WHETHER, YOU KNOW, FIRST OF ALL,  
IF IT'S SUBSTANTIVE.

I THINK WE HAVE A PROBLEM.

AND IS YOUR, IS YOUR ARGUMENT

THAT THE LEGISLATURE, THAT WE'RE  
ENCROACHING ON WHAT THE  
LEGISLATURE IS DOING, OR YOU'RE  
NOT MAKING THAT ARGUMENT?

>> MY ARGUMENT REALLY IS THAT WE  
CAN'T, THERE'S NO LEGISLATION  
APPROVING OR ALLOWING THAT  
POSTING --

>> ISN'T IT CONSISTENT WITH THE  
LEGISLATURE'S INTENT?

>> THERE'S NO -- IT DOESN'T  
EXPRESS AN INTENT, IT JUST SAYS  
YOU CAN POST IN THE COUNTY OF  
FILING.

BUT, YES, I MEAN, I THINK --

THERE'S NO REASON TO THINK --

>> COULD YOU TELL ME IN THE REAL  
LIFE OF INDIGENTS, AND, YOU  
KNOW, I'M MENTIONING INTERNET  
AND WE'RE TALKING NOW POSTING, I  
DON'T KNOW, DOES ANY COUNTY IN  
THIS STATE, DOES THE CLERK ALLOW  
POSTING BY, ON THEIR INTERNET  
SITE?

>> I THINK BY STATUTE IT HAS TO

BE AT THE COURTHOUSE.

>> SO WE'RE -- IS THAT EVER, I  
MEAN, DO WE KNOW IN REAL LIFE IF  
PEOPLE -- IS THIS ANTIQUATED,  
THIS WHOLE SCHEME?

>> I DON'T THINK IN REAL LIFE  
ABSENT PARENTS ARE PERUSING THE  
INTERNET TO SEE WHETHER ANYONE'S  
BRINGING A PARENTING TIME CASE.

>> RIGHT.  
OR ARE THEY GOING DOWN TO THE  
COURTHOUSE?

>> NO.

>> SO I GUESS THE ISSUE REALLY  
IS IF IT'S GOING TO COST MORE  
MONEY AND A PROBLEM AND IT'S NOT  
GOING TO REALLY DO ANYTHING,  
BECAUSE WHAT YOU SAID IS THE  
CLERK NOW SENDS IT TO THE LAST  
KNOWN ADDRESS ANYWAY --

>> MY UNDERSTANDING BY STATUTE,  
YES.

THANK YOU VERY MUCH.

[LAUGHTER]

>> MAY IT PLEASE THE COURT, I'M

ROBERT J. MERLIN, I'M A COURT  
CERTIFIED MARITAL AND FAMILY  
ATTORNEY, PRACTICE FAMILY LAW  
THROUGH MY OFFICE IN CORAL  
GABLES, FLORIDA.

>> SO YOU DON'T HAVE TO WORRY  
ABOUT THESE INDIGENTS, HUH?

>> WELL, I DO A CHUNK OF PRO  
BONO WORK, BUT THAT PARTICULAR  
ISSUE IS NOT WHY I'M HERE BEFORE  
YOU THIS MORNING.

I'M APPEARING INDIVIDUALLY AS  
THE PRESIDENT OF THE  
COLLABORATIVE FAMILY LAW  
INSTITUTE WHICH IS A GROUP OF  
COLLABORATIVE PROFESSIONALS IN  
MIAMI.

WE HAVE OVER 80 MEMBERS --

>> LET ME ASK YOU THIS ABOUT  
THAT.

YOU KNOW, QUITE FRANKLY, I DID  
NOT KNOW WE HAD THIS KIND OF  
PROCEDURE, SO WHEN DID ALL OF  
THAT GET STARTED?

>> IN 1990 A GENTLEMAN BY THE

NAME OF STU WEBB FROM MINNESOTA

REALIZED THAT THERE HAS TO BE A  
BETTER WAY OF HANDLING DIVORCES  
THAN GOING INTO THE COURTS.

>> BUT IT'S NOT SOMETHING THAT  
YOU GO THROUGH THE COURTS TO DO.

>> THE WHOLE PURPOSE OF THE  
COLLABORATIVE PROCESS IS TO STAY  
OUT OF THE COURTS, TO EMPOWER  
THE PARTIES TO RESOLVE THEIR OWN  
ISSUES.

AND THE ONLY COURT INVOLVEMENT  
IN A TYPICAL CASE IS THAT ONCE  
THE AGREEMENT IS SIGNED IT WILL  
BE SUBMITTED TO THE COURT FOR  
THE ENTRY OF A FINAL JUDGMENT.

>> SO WHY DO WE NEED THIS WHOLE  
RULES STRUCTURE?

THE MAYBE THAT'S -- IN OTHER  
WORDS, IT OCCURS OUTSIDE THE  
COURT, AND THERE'S NOW  
LEGISLATION REFERRING TO -- NO?  
NO LEGISLATION?

>> WE HAVE PROPOSED LEGISLATION  
THAT HASN'T GOTTEN THROUGH THE

LEGISLATURE YET.

>> WHY DO WE NEED THIS WHOLE  
LONG RULE ABOUT SOMETHING THAT  
OCCURS OUTSIDE THE COURT?

>> IT'S A VERY GOOD QUESTION.

SO WHAT HAPPENS, JUST TO GIVE  
YOU SOME BACKGROUND, THE PARTIES  
AND THESE SPECIALLY-TRAINED  
ATTORNEYS ENTER INTO A CONTRACT  
WHICH IS CALLED THE  
PARTICIPATION AGREEMENT.  
THAT AGREEMENT SETS FORTH THE  
TERMS OF THEIR COLLABORATIVE  
RELATIONSHIPS.

THIS IS GOING TO BE A VOLUNTARY  
PROCESS.

THERE'S, IT'S GOING TO BE  
TRANSPARENT.

WE ARE GOING TO VOLUNTARILY  
EXCHANGE ALL INFORMATION.

NO DEPOSITIONS, NO  
INTERROGATORIES, NO COURT  
HEARINGS COMPELLING DISCOVERY.

>> AND YOU REPRESENT BOTH  
PARTIES?

>> NO.

EACH PARTY HAS THEIR OWN  
ATTORNEY.

WHEN NECESSARY, WE USE NEUTRAL  
EXPERTS, WE USE MENTAL HEALTH  
PROFESSIONALS TO HELP THE  
PARTIES GET THROUGH THE PROCESS.

THE MOST IMPORTANT ASPECT OF THE  
COLLABORATIVE PROCESS IS THAT  
THE PARTIES AGREE IN THIS  
PARTICIPATION AGREEMENT THAT IF  
EITHER PARTY WANTS TO LEAVE THE  
PROCESS -- WHICH THEY CAN DO AT  
ANY TIME THEY WANT TO -- THOSE  
COLLABORATIVE ATTORNEYS WILL NOT  
REPRESENT THEM IN LITIGATION.

>> SO YOU NEVER FILE A NOTE FOR  
APPEARANCE IN COURT.

>> WELL, THAT'S NOT EXACTLY TRUE  
BECAUSE IT IS POSSIBLE TO HAVE A  
PENDING ACTION, STAY IT AND THEN  
GO INTO THE COLLABORATIVE  
PROCESS.

>> AND HAVE THE JUDGES NOT BEEN  
DOING THAT?

>> WELL, THAT'S ALSO AN  
INTERESTING QUESTION.

[LAUGHTER]

IN DADE COUNTY, IN BREVARD  
COUNTY AND, I THINK, IN ORANGE  
COUNTY THERE IS AN  
ADMINISTRATIVE ORDER.

AND THE ADMINISTRATIVE ORDER  
SETS FORTH WHAT THE JUDGES ARE  
SUPPOSED TO DO.

YES, THEY FOLLOW THAT.

THE PROBLEM IS THAT FROM A  
PUBLIC'S PERSPECTIVE THERE IS  
NOTHING STOPPING ANYBODY FROM  
HOLDING THEMSELVES OUT AS A  
COLLABORATIVE ATTORNEY AND NOT  
FOLLOWING THIS PROCEDURE.

THERE'S, IN THE REST OF THE  
STATE OTHER THAN THOSE THREE  
CIRCUITS, THERE IS NO PROCEDURE  
FOR WHAT TO DO WITH THIS  
SITUATION WHERE THEY'VE GONE TO  
THE COLLABORATIVE PROCESS, THEY  
HAVE A SIGNED AGREEMENT, AND  
THEN IT BREAKS DOWN AND WHAT'S

TO STOP THE ATTORNEY FROM COMING  
IN AND JUST CONTINUING TO  
REPRESENT THE PARTIES?

>> THIS IS ANOTHER FORM OF  
MEDIATION.

>> IT'S NOT MEDIATION.

>> [INAUDIBLE]

THE COURT PROCESS.

>> IT IS AN ALTERNATIVE PROCESS,  
ITS PHILOSOPHY IS THE SAME AS  
MEDIATION WHICH IS TO HELP THE  
PARTIES RESOLVE WITHOUT HAVING  
TO GO INTO COURT.

THIS IS A PROCESS THAT WILL  
ENABLE THE PARTIES TO CONTROL  
THEIR OWN DESTINY.

MEDIATION IS FOCUSED ON THE  
NEGOTIATION OF A SETTLEMENT.

THE COLLABORATIVE PROCESS IS  
EVERYTHING FROM IDENTIFYING  
ISSUES, GATHERING DOCUMENTS,  
NEGOTIATING --

>> SO IF YOU, IF THAT PROCESS  
WORKS, WHAT DO YOU DO?

YOU THEN FILE YOUR DIVORCE

ACTION AND ALONG WITH YOUR  
COMPLAINT, FILE THIS AGREEMENT  
THAT YOU'VE ALREADY COME TO AND,  
IN ESSENCE, YOU HAVE AN  
UNCONTESTED SORT OF DIVORCE?

>> NOT IN ESSENCE, IN ACTUALITY.

THAT'S EXACTLY WHAT YOU HAVE.

AND SO WE'RE SAVING A HUGE  
AMOUNT OF MONEY IN THE JUDICIAL  
SYSTEM --

>> BUT STILL TELL ME WHY THEN WE  
NEED THIS RULE.

WHY DO WE NEED --

>> BECAUSE --

>> -- IF THIS IS THE WAY IT'S

WORKING AND IT SOUNDS LIKE IT'S

A GREAT PROCESS, WHY DO WE NEED  
TO STEP IN AND HAVE A JUDICIAL  
RULE ABOUT IT?

>> BECAUSE THE PUBLIC NEEDS TO

BE PROTECTED BECAUSE THOSE

PROFESSIONALS WHO ARE PRACTICING  
IT NOW ARE DOING THIS  
VOLUNTARILY.

BUT THERE IS NOTHING REQUIRING

SOMEONE TO DO THIS.

>> SO WE HAVE, WE'RE GOING TO  
PROTECT THE PUBLIC FROM  
ATTORNEYS WHO ARE BEING  
UNSCRUPULOUS?

>> I'M NOT SAYING ANY ATTORNEYS  
ARE BEING UNSCRUPULOUS, BUT  
THERE'S NOTHING STOPPING AN  
ATTORNEY FROM SAYING I'M  
COLLABORATIVE, I'M JUST GOING TO  
SAY I'M COLLABORATIVE.

>> THIS IS WHAT I WANT TO  
UNDERSTAND, BECAUSE I KNOW THAT  
THERE ARE, YOU KNOW, THE  
PEOPLE -- AND I AM ALL FOR  
ALTERNATIVE DISPUTE RESOLUTION.

>> YES.

>> AND, YOU KNOW, WHEN IT WORKS,  
IT'S WONDERFUL AND EMPOWERING  
PEOPLE.

BUT AS YOU SAID, THE LEGISLATURE  
THAT -- YOU'VE TRIED TO GET  
THINGS PASSED THERE.

I KNOW THERE HAVE BEEN ISSUES  
ABOUT IT.

IS THE COURT BY ADOPTING THIS  
RULE RECOGNIZING SOMETHING THAT  
WE, YOU KNOW, FROM OUT OF  
IGNORANCE WE DON'T HAVE THE SAME  
DETAIL, ARE WE DOING SOMETHING  
MORE THAN JUST A PROCEDURE, OR  
IS THERE SOME OTHER REASON --  
AND, PLEASE, BE HONEST -- THAT  
YOU WANT THE COURT TO BE  
RECOGNIZING COLLABORATIVE LAW  
PROCESS?

AND MAYBE IF NO ONE OBJECTS, WE  
SHOULD JUST DO IT.

BUT COULD YOU EXPLAIN IF THERE'S  
ANYTHING ELSE OTHER THAN WE  
SHOULD BE PUTTING IN A RULE  
WHAT'S IN THE ADMINISTRATIVE  
ORDER OF THREE CIRCUITS?

>> WELL, CERTAINLY, ESTABLISHING  
THE STANDARDS AND HAVING A  
STANDARD THROUGHOUT THE STATE IS  
THE ULTIMATE GOAL.

HONESTLY, I PERSONALLY WOULD  
REALLY LOVE FOR THE SUPREME  
COURT TO ESTABLISH A RULE

BECAUSE I THINK THAT IS GOING TO  
PROMOTE THE PROCESS THROUGHOUT  
THE STATE.

ATTORNEYS ARE GOING TO SAY, WHAT  
IS THIS RULE.

THE PUBLIC IS GOING TO SAY, WHAT  
IS THIS COLLABORATIVE LAW  
PROCESS.

>> AND THEY'LL ASK THE JUSTICES,  
AND WE'LL GO, WE DON'T KNOW.

[LAUGHTER]

>> NO, THEY'RE NOT GOING TO ASK  
THE JUSTICES.

THEY'RE GOING TO COME TO THEIR  
LOCAL ATTORNEYS AND SAY, DO YOU  
PRACTICE COLLABORATIVE LAW?

>> SO YOU ARE -- OKAY, YOU ARE  
BEING HONEST.

>> THAT IS BEING HONEST, YES.

>> YOU ARE USING THIS IN A WAY  
TO PROMOTE THIS PRACTICE.

>> RIGHT.

IF THE COURT DOES NOT APPROVE  
THIS RULE, THE COLLABORATIVE  
PROCESS AND MOVEMENT WILL

CONTINUE.

BUT AT SOME POINT IN TIME THERE  
ARE GOING TO BE PEOPLE OUT  
THERE, IN FACT, THERE ARE PEOPLE  
NOW WHO ADVERTISE THEMSELVES ON  
THE INTERNET SAYING THAT THEY'RE  
COLLABORATIVE.

THEY HAVE NEVER BEEN TRAINED --

>> WHY DON'T WE, WHY ISN'T THE  
FLORIDA BAR LOOKING TO REGULATE  
THIS?

I MEAN, WHY SHOULDN'T WE HAVE  
THE FLORIDA BAR PUTTING FORTH  
WHAT THE ETHICAL STANDARDS ARE  
FOR SOMEONE WHO HOLDS THEMSELVES  
OUT AS A COLLABORATIVE LAWYER?

THAT SEEMS TO BE THE, WHAT  
YOU'RE REALLY AIMING AT.

>> THIS IS A RULE OF PROCEDURE  
AS STATED IN THE SECTION, THE  
RULE COMMITTEE'S BRIEF THAT IS  
AN ALTERNATIVE TO DO THIS  
THROUGH THE RULES OF  
PROFESSIONAL CONDUCT.

UM, THIS IS THE STATUS OF THE

CASE.

THIS IS HOW IT'S BEEN PRESENTED

AS A RULE.

WE'RE ALL IN FAVOR OF THE RULE.

WE WANT TO GET SOME STANDARDS IN

THE STATE TO INSURE THAT THE

PUBLIC CAN RELY UPON PEOPLE WHO

HOLD THEMSELVES OUT AS BEING

COLLABORATIVE AS MEETING CERTAIN

STANDARDS.

>> WELL, YOU'RE TALKING ABOUT

DIFFERENT STANDARDS FOR LAWYERS

WHO ARE INVOLVED IN THIS PROCESS

OTHER THAN SOMEBODY WHO JUST

WOULD BE DOING THE CASE?

I MEAN, ARE YOU TRYING TO GET A

QUALIFICATION FOR SOMEBODY LIKE

A MEDIATOR?

>> I WOULD LOVE TO SEE THAT

HAPPEN, BUT THAT'S NOT WHAT THIS

RULE DOES.

THIS RULE, BASICALLY, SAYS YOU

MUST HAVE A PARTICIPATION

AGREEMENT.

THAT PARTICIPATION AGREEMENT

MUST STATE CERTAIN THINGS IN IT,

AND YOU HAVE TO FOLLOW THIS --

>> SO ANY PRACTICING LAWYER

WHO'S REPRESENTING A CLIENT CAN

DO THIS?

>> ABSOLUTELY.

>> ALL RIGHT.

NOW, IF THIS WERE DONE, COULD A

COURT ORDER MEDIATION OR NO?

>> WELL, YES, THE COURT COULD

ORDER MEDIATION, BUT THE PROCESS

WOULD BE THAT THEY'RE NOT IN

COURT AT THAT TIME, THEY'RE OUT

OF THE JUDICIAL SYSTEM.

FOR INSTANCE, IF COLLABORATIVE

PROCESS BREAKS DOWN AND THEY GO

BACK INTO COURT, SURE, THE JUDGE

HAS THE POWER TO SAY, GO TO

MEDIATION.

AND, IN FACT, IN THE

COLLABORATIVE PROCESS IF THE

PARTIES AND ATTORNEYS ARE NOT

ABLE TO NEGOTIATE A RESOLUTION,

WE BRING IN A MEDIATOR AND TRY

TO MEDIATE IT OURSELVES.

THANK YOU VERY MUCH FOR YOUR  
TIME.

>> WE THANK YOU.

THANKS TO THE OTHER COUNSEL.

COURT WILL NOW TAKE A TEN-MINUTE  
RECESS.

>> ALL RISE.