

>> ALL RISE.

FLORIDA SUPREME COURT IS NOW
IN SESSION.

PLEASE BE SEATED.

>> WE NOW GO TO THE THIRD CASE
ON TODAY'S DOCKET.

IN RE, AMENDMENTS TO FLORIDA
RULES OF JUDICIAL
ADMINISTRATION.

>> GOOD MORNING, YOUR HONORS.

MAY IT PLEASE THE COURT.

I'M KATHY GIDDINGS.

I'M HERE IN MY CAPACITY OF
CHAIR OF RULES OF
ADMINISTRATION COMMITTEE.

YOU HAVE BEFORE YOU THE
THREE-YEAR CYCLE PETITION

WHICH THERE ARE

A NUMBER OF RULE AMENDMENTS,

PROPOSALS AND I'M ACTUALLY,

SINCE WE HAVE NO ONE ON THE

OTHER SIDE, WHICH IS THE FIRST

TIME I HAVE EVER BEEN HERE

WITHOUT SOMEONE ON THE OTHER

SIDE --

>> YOU BETTER NOT LOSE THIS

ONE.

>> WELL, SINCE I AM HERE TO

SERVE YOU, I DON'T CONSIDER

WHAT OCCURS A LOSS OR A WIN.

IT IS A WIN-WIN SITUATION

BECAUSE WE VIEW OUR SERVICE ON

THE COMMITTEES AS A SERVICE TO

THIS COURT.

>> I DO HAVE A QUESTION ABOUT

ONE OF THE RULES.

THAT IS RULE 2.530.

>> YES, MA'AM.

>> THAT'S THE ONE ABOUT THE

COMMUNICATION EQUIPMENT TAKING

DEPOSITIONS BY TELEPHONE.

>> YES, YOUR HONOR.

>> I THOUGHT THERE WAS CONCERN

BY SOMEONE WHETHER OR NOT YOU

SHOULD ALLOW THE TAKING OF THE

DEPOSITIONS BY TELEPHONE EVEN

OVER THE OBJECTION OF ONE OF

THE PARTIES?

>> THERE WAS ONE COMMENT FILED

AS TO THAT RULE.

IT WAS ACTUALLY IN SUPPORT OF
THE RULE.

WHAT IT ACTUALLY WANTED WAS
EXPANDING THE RULE THAT WE WERE
PROPOSING TO NOT ONLY INCLUDE
CIRCUIT AND COUNTY JUDGES BUT
TO ALSO INCLUDE MAGISTRATE AND
HEARING OFFICERS AND, THEY ALSO
WANTED TO --

>> BUT SHOULD WE ALLOW THE
TAKING OF THESE DEPOSITIONS IF
ONE OF THE PARTIES HAS SOME
VALID OBJECTION TO DOING IT BY
TELEPHONE?

>> WELL, YOUR HONOR, RIGHT NOW,
THIS PROPOSAL HAS BEEN UP
BEFORE THIS COURT.
THIS SPECIFIC RULE HAS BEEN UP
HERE.

I HAVE THREE CASES IN WHICH
THIS COURT NEEDS TO ADDRESS THE
RULE.

>> WE REJECTED IT EVERY TIME.

>> YOU REJECTED IT EVERY TIME.

THE REASON, THE RULE WE'RE

PROPOSING IS ACTUALLY
CONSISTENT WHAT THIS COURT
ASKED FOR.
WHAT HAS HAPPENED IN THE PAST
IS THAT THE COMMITTEE,
DEPENDING ON THE TYPE OF
SUBSTANTIVE LAW AT ISSUE,
THEY'RE ON DIAMETRICALLY
OPPOSITE ENDS OF THE SPECTRUM.
THE CRIMINAL RULES AND JUVENILE
DETENTION, THEY DO NOT WANT
UNLESS ALL THE PARTIES AGREE,
THEY DO NOT WANT TELEPHONE
TESTIMONY OR OUT OF COURT
COMMUNICATION TESTIMONY.
BUT CIVIL RULES COMMITTEE IS
VERY MUCH IN FAVOR OF IT OVER
THE OBJECTION.
AND WHAT WE DID WAS WE POLLED
ALL OF THE COMMITTEES AND WE
GOT A DIVERSE RESPONSE.
AND SO WHAT THIS COURT HAS
SAID IN ITS EARLIER OPINIONS,
WHEN THEY TRIED TO EXPAND THE
RULES TO BE, TO ALLOW A JUDGE

TO ALLOW OVER THE OBJECTIONS OF
A PARTY WAS THE COURT WANTED IT
TAILORED TO THE SPECIFIC TYPE
OF SUBSTANTIVE AREA OF LAW THAT
WAS AT ISSUE AND SO THE REASON
THIS CAME, BASICALLY, THAT WAS
NEVER ABLE TO OCCUR.

NO ONE COULD EVER AGREE ON A
PROPOSED RULE.

SO THIS CAME TO US AGAIN
BECAUSE THERE ARE TWO GLITCHES
IN THE RULES.

IN SMALL CLAIMS THERE IS A RULE
THAT ALLOWS THE JUDGE TO HAVE
TESTIMONY OVER THE OBJECTION OF
THE PARTIES AND THAT'S, YOU
KNOW, SMALL CLAIMS COURT IS A
MUCH DIFFERENT TYPE OF COURT.

THERE'S ALSO PROVISION IN CIVIL
RULES THAT GIVES THE JUDGE SOME
DISCRETION TO ALLOW THIS IN A
DEPOSITION STANDPOINT AND THEN,
IT CAN BE USED AS TESTIMONY AT
THE TRIAL.

AND SO SINCE, SINCE THE

COMMITTEES COULD NOT AGREE ON
AN ACROSS THE BOARD RULE
PROPOSAL, WE CAME UP WITH THIS
PROPOSAL WHICH ACTUALLY SAYS,
THAT INSTEAD OF JUST ALLOWING
IT, IF ALL THE PARTIES CONSENT,
WE'RE SAYING THAT IF ALL THE
PARTIES CONSENT OR IS PERMITTED
BY ANOTHER APPLICABLE RULE OF
PROCEDURE.

>> BUT WHY DO WE, IF IT IS
PERMITTED BY THE OTHER RULE OF
PROCEDURE WHERE'S THE GLITCH?

>> THERE IS A CONFLICT BECAUSE
OF YOU HAVE GOT RULES OF JUDICIAL
ADMINISTRATION CAN ONLY DO IT
BY CONCEPT.

>> SO ALL WE'RE ADDING OR
SUBMITTING IS PERMITTED BY ANOTHER
RULE?

>> EXACTLY.
THAT WOULD ALLOW THE CIVIL
RULES COMMITTEE OR THE CRIMINAL
RULES COMMITTEE IF THEY WANT A
PARTICULAR RULE, THEN THEY

COULD COME UP WITH A RULE
DESIGNED FOR THEM.

AND THAT WOULD ADDRESS THIS
COURT'S CONCERN THAT IT SAID
OVER AND OVER AGAIN IN THE
THREE CASES WHERE IT ADDRESSES
THIS RULE BEFORE.

>> SO THEY COULD COME UP WITH A
RULE THAT SAYS IT CAN BE DONE
EVEN IF ONE PARTY OBJECTS?

>> RIGHT.

BUT IT WOULD, BUT IT WOULD BE,
JUST LIKE IN SMALL CLAIMS. IT
WOULD BE SPECIFIC TO THAT
PARTICULAR PRACTICE AREA.
FOR INSTANCE, IN CRIMINAL, YOU
HAVE A LOT OF DUE PROCESS
CONCERNS AND IN THE OPINION
THAT JUSTICE LEWIS WROTE, ON
THE JUVENILE DETENTION RULE, HE
WAS CONCERNED THAT IT WOULD
BECOME A MATTER OF ROUTINE AND
THAT THEY WERE NOT BRINGING
CHILDREN INTO COURT AND THEY
WERE TAKING AWAY THE

DISCRETION.

SO THAT WAS ONE OF THE REASONS
WHY THEY DIDN'T WANT JUVENILE
DETENTION PROCEEDINGS TO HAVE
THAT RULE THERE.

BUT IN SMALL CLAIMS, TRAFFIC,
OR IN CIVIL YOU HAVE DIFFERENT
CONCERNS, YOU DON'T HAVE
NECESSARILY THE CONFRONTATION
OF DUE PROCESS TYPES OF ISSUES.

SO WE FELT LIKE THIS WOULD
ADDRESS THE GLITCH AND WE
DIDN'T TAKE REALLY A POSITION.

THE FAMILY LAW SECTION WANTED
IT OR EXPANDED TO INCLUDE ALL
JUDICIAL OFFICERS.

THAT TERM IS NOT REALLY
DEFINED.

WHAT THEY'RE WANTING IS HEARING
OFFICERS AND MAGISGTRATES.

SO THOSE ARE USUALLY, I
BELIEVE, FAMILY LAW TYPE
PROCEEDINGS.

SO IT MIGHT BE THAT FAMILY LAW
WOULD HAVE A RULE OF ITS OWN IN

THAT REGARD SINCE JUDICIAL
OFFICERS IS NOT DEFINED.

BUT THEY ADDRESSED THAT IN
THEIR COMMENTS TO THIS COURT.

>> WELL, BUT, WOULD THAT DO IT?

BECAUSE THIS RULE AS A RULE OF
JUDICIAL ADMINISTRATION WILL
GOVERN OTHER RULES, CORRECT?

>> YES.

>> HERE SAYS A COUNTY OR A
CIRCUIT COURT JUDGE MAY ALLOW
TESTIMONY.

WOULDN'T THAT IN EFFECT LIMIT
THE ABILITY OF OTHER RULES TO
ALLOW SOMEBODY OTHER THAN THAT
A COUNTY OR CIRCUIT JUDGE TO
ALLOW THE TESTIMONY BE TAKEN
THROUGH COMMUNICATIONS
EQUIPMENT?

>> YOUR HONOR, THAT'S A VERY
GOOD POINT.

WE DID NOT GET TO STUDY THEIR
PROPOSAL BECAUSE THEY MADE THAT
RECOMMENDATION AND THEN WE HAD
TO FILE AN IMMEDIATE RESPONSE

AND SO THAT DIDN'T, WHEN THIS
RULE CAME TO US, WE WEREN'T
LOOKING AT WHO HAD AUTHORITY TO
DO THAT.

SO WE SAID, LISTEN, WE DO NOT
HAVE AN OBJECTION TO THE RULE
BEING BROADENED BUT THERE IS NO
DEFINITION FOR JUDICIAL
OFFICER.

>> DOES THIS INCLUDE, IF WE ADD
HEARING OFFICERS AND MAGISTRATES
WOULD THAT SOLVE IT?

>> PERHAPS.

I DON'T KNOW ABOUT --, OF THE
DIFFERENT CATEGORIES.

I MEAN, YOU KNOW.

>> WE KNOW.

THERE IS HEARING OFFICERS AND
THERE IS MAGISTRATES.

>> AND SPECIAL, I GUESS A
SPECIAL MASTER WOULD BE A
MAGISTRATES BUT WE DON'T
HAVE THOSE.

>> WE MAY BUT IN TERMS WHAT IS
RECOGNIZED IN THE COURT SYSTEM

THERE ARE HEARING OFFICERS AND
MAGISTRATES.

>> RIGHT.

AS AN APPELLATE LAWYER, I'M
REALLY DOWN IN THE TRIAL COURT
PROCEEDINGS WHERE WE HAVE THE
SPECIAL PROCEEDINGS SO I'M NOT
NECESSARILY FAMILIAR WITH ALL
THE DIFFERENT TERMS.

BUT WE AS A COMMITTEE WE DO NOT
HAVE AN OBJECTION TO BROADENING IT
IF THE POLICY SHOULD BE TO
BROADEN IT.

>> A SMALL QUESTION.

I -- NO CONTROVERSY INCLUDING THE
TELEPHONE NUMBER OF A LITIGANT
IN A MOTION TO WITHDRAW AND
THAT IS SO THAT THE COURT HAS A
WAY, RIGHT NOW REQUIRES THE
ADDRESS BUT TO BE IN TOUCH?

>> RIGHT.

>> SINCE WE'RE STARTING TO GET
SLOWLY INTO ELECTRONIC AGE, IF
THE LITIGANT HAS AN E-MAIL
ADDRESS, MIGHT IT NOT BE A GOOD

IDEA TO ADD, YOU KNOW, EITHER
PHONE NUMBER OR, AND E-MAIL
ADDRESS IF THEY HAVE ONE?
>> IT'S FUNNY THAT YOU ASK THAT
QUESTION BECAUSE ON ORAL
ARGUMENT TODAY I THOUGHT ABOUT
THE EXACT SAME QUESTION AND I
BELIEVE WHEN IT CAME THROUGH,
THAT IT WAS AT THE SPECIFIC
REQUEST OF THE JUDGE TO INCLUDE
A TELEPHONE NUMBER AND WE'RE
GOING TO BE TALKING TOMORROW
ABOUT THE E-SERVICE RULE AND, I
BELIEVE THAT THE PRO SE, THAT
THEY DON'T WANT TO REQUIRE IT
AS A MATTER OF ROUTINE BECAUSE
UNLIKE ATTORNEYS, THEY DON'T
ALWAYS HAVE E-MAIL.

>> I KNOW THAT THERE MUST BE A
WAY THAT THE JUDGE IS TRYING TO
GET IN TOUCH WITH ACTUAL
NOTICE.

>> YES.

>> SO THEY'RE ASKING YOU TO PUT
THE PHONE NUMBER IN.

I SAY AS WE GET DOWN SO WE
DON'T KEEP ON DOING THIS
INCREMENTALLY, IF THE PERSON IS
SOPHISTICATED INDIVIDUAL, YOU
KNOW, WHY NOT, IF THEY HAVE
ONE ADD THAT TOO?

>> I DON'T THINK THAT WOULD BE
A PROBLEM.

I DON'T FORESEE ANY PROBLEM
WITH THAT OTHER THAN THE FACT
IT NEEDS TO BE IF THEY HAVE ONE
WHEREAS ATTORNEYS ARE REQUIRED
TO HAVE ONE.

I BELIEVE UNDER THE RULES --

>> THIS IS ONLY FOUR, THIS IS
ONLY, I MEAN MAYBE THE LITIGANT
DOESN'T HAVE THE PHONE NUMBER
EITHER.

>> THAT'S TRUE.

>> IF THEY DON'T HAVE ONE THEY
DON'T HAVE ONE.

>> THAT IS TRUE.

I DON'T BELIEVE WE WOULD HAVE
ANY OBJECTION TO REQUIRING AN
E-MAIL ADDRESS.

I KNOW THAT IN THE E-SERVICE
RULE WE'RE TALKING ABOUT
TOMORROW THEY'RE REQUIRING
ATTORNEYS TO GIVE BOTH A
PRIMARY AND SECONDARY ADDRESS,
E-MAIL ADDRESS.

ONE THING I WOULD LIKE.

I THINK THAT THE PRO HOC RULE IS
SELF-EXPLANATORY.

A LOT OF PROBLEMS PEOPLE
APPARENTLY READING THE RULE DID
NOT UNDERSTAND THEY HAD TO
REAPPLY AT EACH LEVEL, AT THE
TRIAL COURT AND EACH DISTRICT
COURT LEVEL AND THIS COURT AND
IT IS BEING CLARIFIED THAT IS
PRETTY SELF-EXPLANATORY.

>> ONE THING I WOULD LIKE TO
EMPHASIZE ON ADA COMPLIANCE
WITH THE DOCUMENTS, I THINK
THAT THERE'S A SIGNIFICANT
AMOUNT OF EDUCATION THAT'S
GOING TO NEED TO OCCUR.

I THINK THAT THE RULE SHOULD BE
IMPLEMENTED, NOW, AND IT'S A

VERY GOOD RULE BUT, I DON'T
THINK THAT THERE IS A LOT OF
INFORMATION OUT THERE FOR
LAWYERS, I DON'T THINK THAT THE
KNOWLEDGE IS OUT THERE FOR WHAT
IS ADA-COMPLIANT DOCUMENTS.

I DO DOCUMENTS EVERY DAY AND
HAD TO REALLY DIG DEEP TO
FIGURE OUT WHAT I NEEDED TO DO
TO MAKE A DOCUMENT ADA
COMPLIANT AND SO ONE OF THE
THINGS THAT WE'VE RECOMMENDED
AS A COMMITTEE THAT THERE BE A
SIGNIFICANT AMOUNT OF
EDUCATION.

I SORT OF LIKE WITH RECYCLED
PAPER.

YOU ENACTED THAT RULE BUT
BECAUSE IT WAS A POLICY, AND
YOU WANTED, YEARS AGO WHEN THAT
RULE WAS ADOPTED, THERE WAS A
LOT OF DISCUSSION ON
ENFORCEABILITY AND HOW DO YOU
MAKE SURE THAT THERE IS
RECYCLED PAPER.

THIS IS GOING TO BE A GRADUAL
PHASE-IN TYPE OF THING FOR
LAWYERS BUT IT WILL GIVE THE
CLERKS A RULE TO POINT TO SAY,
IF SOMEONE IS REQUESTING A,
MAKING AN ADA REQUEST FOR A
DOCUMENT THAT IS NOT ADA
COMPLIANT, IT GIVES THE CLERK A
RULE TO POINT TO TELL THE
LAWYERS YOUR DOCUMENT NEEDS TO
BE ADA-COMPLIANT.
IT'S ACTUALLY NOT THAT
DIFFICULT.
ONCE YOU GET INTO IT.
JUST LIKE WITH WORD, WHAT HAS
TO HAPPEN AS I UNDERSTAND IT IS
THAT THE DOCUMENT FOR THE BLIND
HAS TO BE, THERE ARE A NUMBER
OF SOFTWARE PROGRAMS THAT READ
THE DOCUMENT FROM TEXT TO
SPEECH OR TEXT TO BRAILLE AND
THERE IS CERTAIN THINGS THAT
THEY CAN'T READ SUCH AS
PICTURES AND GRAPHICS, TABLES,
CHARTS.

WHAT THEY DO THEY IMPLEMENT A
LITTLE TAG THERE EITHER IN WORD
OR A PDF DOCUMENT THAT JUST
SAYS, THIS IS A TRAFFIC SHOWING
KATHY GETTING SIGNATURE OR THIS
IS A PICTURE OF SO THAT THE
SCANNER KNOWS AND YOU ALSO HAVE
TO DO YOUR TABLES IN A
PARTICULAR MANNER.

THE OTHER THING THAT APPARENTLY
GIVES THESE READERS A VERY
DIFFICULT TIME IS HEADINGS
BECAUSE YOU OR I CAN LOOK AT
THE TABLE OF CONTENTS AND IN A
BRIEF AND KNOW TO GO TO PAGE 50
BUT WITH A BLIND PERSON THE
PAGE NUMBERS ARE GOING TO BE
DIFFERENT BECAUSE IT'S THE
SPEECH, IT IS TEXT TO SPEECH.

THERE MAY NOT BE A PAGE NUMBER.
SO YOUR HEADINGS, IF YOU USE THE
STYLES IN WORD AND THERE'S A
BOX THAT YOU CHECK, THAT YOU
CHECK IN ADA ADOBE, THEN THAT
ALLOWS WHEN THE SOFTWARE SCANS

THE DOCUMENT, IT ALLOWS THEM TO
KNOW, OKAY, THIS IS A HEADING
SO I KNOW THIS HEADING IS
SOMEWHERE ELSE IN THE DOCUMENT
AND I CAN LOCATE THAT EASILY
AND SO APPARENTLY IF YOU USE
THE STYLES IN WORD, THEN IT
MAKES IT ADA COMPLIANT.

BUT I SEARCHED OUT THERE AND
COULDN'T FIND A LOT OF
INFORMATION.

THERE IS SOME ON THIS COURT'S
WEBSITE BUT IT DOESN'T GIVE
STEP BY STEP INSTRUCTIONS AND I
THINK IT WOULD BE VERY, VERY
HELPFUL IF WE HAD SOMEWHERE
EITHER ON THIS COURT'S WEBSITE
OR THE BAR'S WEBSITE STEP BY
STEP INSTRUCTIONS FOR HOW TO
MAKE A DOCUMENT ADA COMPLIANT.

>> WELL --

>> DOES THE FEDERAL LAW REQUIRE
ALL DOCUMENTS FILED WITH THE
COURT TO BE IN COMPLIANCE WITH
ADA OR JUST UPON REQUEST?

>> IT'S ACTUALLY NOT THE
DOCUMENTS THAT ARE FILED WITH
THE COURT.

IT'S, BECAUSE THE, IT'S THE,
THE COURT HAS THE OBLIGATION
UNDER THE STATUTE, IF YOU LOOK
AT, THIS ALL ARISES FROM
SECTION 282-603.

THAT IS A STATUTE THAT SAYS
EACH STATE AGENCY SHALL
DEVELOP, PROCURE, MAINTAIN AND
USE ACCESSIBLE ELECTRONIC
INFORMATION THAT CONFORMS TO
THE ADA AND, YOU KNOW, WHEN I
FIRST READ THIS, WELL, STATE
AGENCY THAT'S NOT A COURT.

UPON FURTHER INVESTIGATION THAT
PARTICULAR ACT DEFINES STATE
AGENCY AS INCLUDING JUDICIAL
COURT RECORDS.

SO, BUT IT SAYS YOU DON'T HAVE
TO GO OUT AND BUY SPECIFIC
SOFTWARE. SO --

>> DO WE HAVE, ALL OUR PAPER
DOCUMENTS, NONE OF THEM ARE --

>> THIS IS ONLY FOR DOCUMENTS

THAT ARE E-FILED.

>> WHAT I'M SAYING ABOUT IT, WE

HAVE HAD TO DEAL WITH THIS IN

THE COURT AND IT'S NOT AN EASY,

IT'S NOT EASY, WHICH I DON'T

UNDERSTAND WHY IT CAN'T BE EASY

BUT I'VE BEEN TOLD IT IS NOT

EASY WHEN YOU GO TO SOMETHING

MORE ACCESSIBLE TO MORE PEOPLE

IT MAY BE COSTLY.

HAVE YOU, I MEAN HAVE YOU

FOUND, FOR AN ATTORNEY WHAT IT

WOULD COST FOR THEM TO CONVERT A

DOCUMENT?

>> I ACTUALLY ASKED A LOT OF

QUESTIONS ABOUT THAT IN

PREPARING FOR TODAY BECAUSE YOU

CAN GET \$800 SOFTWARE BUT THERE

IS ALSO SOFTWARE OUT THERE THAT

IS VERY, VERY CHEAP.

BUT I THINK PART OF THE PROBLEM

THAT YOU'RE RUNNING INTO TRYING

TO MAKE DOCUMENTS AND THAT TYPE

OF THING COMPLIANT IS THAT THE

DOCUMENTS YOU GET, LIKE THE
BRIEFS THAT YOU GET, ARE NOT
ALREADY ADA-COMPLIANT AND FOR
INSTANCE, IF YOU CREATE A
DOCUMENT AND PUT IT INTO ADOBE,
THEN IT'S, FAIRLY EASY TO PUT
IT INTO ADA COMPLIANCE BECAUSE
YOU HAD THE INITIAL DOCUMENT TO
PUT INTO AN A PDF FILE.
BUT IF YOU HAVE A COPY OF A
COPY, THEN YOU CAN'T MAKE IT
ADA-COMPLIANT SO --
>> WHAT IS IT, WHEN WE ARE
GOING TO THIS E-FILING, I KNOW
WHEN IT GOES THROUGH THE
PORTAL, THE CLERK'S PORTAL,
THAT THEY CAN CONVERT SOMETHING
SO THAT IT IS SEARCHABLE.
WHY, INSTEAD OF TRYING TO
IMPOSE THIS ON EVERY ATTORNEY
IN THIS STATE, WHY NOT REQUIRE
THAT AS IT COMES IN THROUGH
THE E-PORTAL THAT THERE BE
SOFTWARE THERE THAT CONVERTS
SOMETHING TO ADA-COMPLIANT FOR

EVERYTHING?

SO NOW --

>> YOUR HONOR, I DON'T KNOW THE
FEASIBILITY OF THAT.

THE REASON WE ADOPTED THIS RULE
WAS BECAUSE WE RECEIVED A
LETTER FROM THE COURT ASKING US
TO ADOPT THIS RULE.

>> OKAY.

>> SO IF WE DID IT BECAUSE YOU
GUYS --

>> I WANT TO UNDERSTAND --

>> OKAY.

>> I MEAN WE GOT A LETTER FROM
THE COURT, IT IS IN THE
MATERIALS ASKING US TO ADOPT A
RULE THAT REQUIRES THE DOCUMENT
TO BE ADA-COMPLIANT.

SO THAT'S WHY WE WENT DOWN THIS
ROAD.

>> I WANT TO UNDERSTAND BETTER
EXACTLY WHAT THE ADA REQUIRES?
THAT IS, DO THEY REQUIRE
EVERYTHING, ALL COURT RECORDS
TO BE ADA-COMPLIANT OR JUST

THOSE UPON REQUEST?

>> IT'S MY UNDERSTANDING THAT
EVERYTHING IS SUPPOSED TO BE
COMPLIANT TO THE EXTENT
POSSIBLE.

THAT EVERYTHING IS SUPPOSED TO
BE TO THE EXTENT POSSIBLE.

I SPOKE AT LENGTH, YOUR STAFF
HERE WAS EXTREMELY HELPFUL.

I'VE SPOKENING TO DEBBIE
POLLOCK AND I BELIEVE TRICIA
KNOX IS VERY INVOLVED IN IT.

SO IT IS TO, IT IS MY
UNDERSTANDING THAT THE
DEPARTMENT OF JUSTICE IS
ACTUALLY ENACTING, LOOKING AT
PROPOSED RULES RIGHT NOW TO
COME IN AND LOOK AT WEB SITES
AND TELL GOVERNMENT AGENCIES,
YOUR PARTICULAR SITE IS NOT
ADA-COMPLIANT.

I THINK AT SOME POINT IN THE
VERY NEAR FUTURE THEY'RE GOING
TO BE EXAMINING WEB SITES TO
SEE IF THEY'RE COMPLIANT.

YOU KNOW I WAS THINKING ABOUT
THIS MORNING.

I MEAN I WENT TO THE RESTROOM
AND YOU'VE GOT YOUR WATER
FOUNTAINS.

YOU'VE GOT THEM AT DIFFERENT
HEIGHTS.

YOU'VE GOT BIGGER DOORS.

THIS IS JUST, THE NEXT PHASE IN
MAKING SURE THAT PEOPLE CAN
ACCESS THINGS.

ARE WE SAYING THAT WE'RE GOING
TO ADOPT THIS RULE AND IT IS
GOING TO, ALL OF SUDDEN ALL
THESE DOCUMENTS WILL BE
COMPLIANT? NO.

IT'S GOING TO BE A PROCESS OVER
TIME SO THAT'S WHY THE BAR
NEEDS TO GET INVOLVED IN
EDUCATION.

THEY NEED TO POST THESE THINGS.

YOU KNOW, POST --

>> ON THE COURTHOUSE DOOR?

>> WELL, I DID A SEARCH AND
MAINE, YOU KNOW, MAINE HAS

ACCESSIBILITY GUIDE WORD

DOCUMENTS, THIS IS WHAT YOU
NEED TO DO.

I THINK THERE IS SOME FEAR AND
YOU POST IT AND SOMEBODY DOES
THIS AND IT IS NOT CONSIDERED
ADA-COMPLIANT HAVE WE GIVEN
THEM WRONG INSTRUCTIONS? AT
LEAST THIS TELLS YOU SOMETHING
BECAUSE BEFORE I STARTED LOOK
INTO THIS I HAD NO CLUE HOW TO
MAKE MY DOCUMENTS
ADA-ACCESSIBLE.

NOW I HAVE TO GO BACK AND TELL
MY STAFF, FROM NOW ON OUT WE'RE
GOING TO USE STYLES ON OUR
HEADINGS ON OUR WORD DOCUMENTS
IF WE CONVERT THEM TO DPF OR
E-FILING WE MAKE SURE WE CLICK
THE RIGHT BOXES BY THE HEADING.

>> SEEMS LIKE YOU'RE A PERFECT
PERSON TO DO A WEB -- WEBINAR
FOR THE REST OF THE BAR.

>> I DON'T KNOW ABOUT THAT.

BUT I THINK IT WILL REQUIRE A

LOT OF EDUCATION.

ARE THERE ANY OTHER QUESTIONS,
YOUR HONORS?

>> ARE WE CURRENTLY OUT OF
COMPLIANCE WITH FEDERAL LAW?

>> I BELIEVE BASED, THE LAW
SAYS THAT YOU HAVE TO BE
COMPLIANT TO THE EXTENT THAT
THERE'S NOT AN UNDUE BURDEN AND
YOUR STAFF HAS BEEN WORKING
EXTREMELY, HARD AT MAKING
EVERYTHING ADA COMPLIANT.

THE MY UNDERSTANDING ALL OF
YOUR OPINIONS WHEN THEY'RE
ISSUED AND YOUR WEBSITE TO THE
EXTENT POSSIBLE IS ADA
COMPLIANT.

AND THIS IS ONE MORE STEP IN
THE FACILITATING THE GOAL OF
BECOMING --

>> IN OTHER WORDS, IT WILL MAKE
IT EASIER FOR TO US DO OUR JOB
IF THE ATTORNEYS HELP OUT AND --

>> RIGHT.

>> IF THEY HAVE KNOWLEDGE AND

IT'S NOT AN UNDUE BURDEN IT
WILL HELP US MAKE THESE
ACCESSIBLE.

YOU'RE SUGGESTING THAT WE
ACTUALLY BE MORE SPECIFIC ON
OUR WEBSITE.

>> EXACTLY.

>> THAT THE BAR, DOES IT'S
JOB.

>> AND IT'S MY UNDERSTANDING
NOW, TOM -- WHAT HAPPENS RIGHT
NOW IF SOMEONE MAKES A REQUEST
FOR A DOCUMENT THAT HAS LIKE A
BRIEF THAT HAS BEEN POSTED THAT
IS NOT ADA COMPLIANT, TOM HALL
CALLS THEM AND SAYS RESUBMIT
THIS TO US IN A ADA-COMPLIANT
FORM F YOU MAKE THAT REQUEST
THAT PERSON IS GOING, BECAUSE
IT TOOK ME QUITE A WHILE TO
FIGURE ALL THIS OUT.

NOW THAT I KNOW IT SEEMS FAIRLY
EASY BUT I TALKED TO MY OWN I-T
STAFF AND THEY THOUGHT A PDF
DOCUMENT, YOU HAD TO HAVE A PDF

DOCUMENT TO BE ADA-COMPLIANT.

THEY DIDN'T REALIZE YOU COULD

DO IT IN WORD.

LIKE I SAID IT'S A MATTER OF

EDUCATION. ALL RIGHT.

THANK YOU, YOUR HONORS, WE

APPRECIATE THE OPPORTUNITY TO

BE HERE TODAY.

>> WE THANK YOU.