

>> ALL RISE.

HEAR YE, HEAR YE, HEAR YE, THE SUPREME COURT OF FLORIDA IS NOW IN SESSION, ALL WHO HAVE CAUSE TO PLEAD, DRAW NEAR, GIVE ATTENTION AND YOU SHALL BE HEARD.

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

LADIES AND GENTLEMEN, THE SUPREME COURT OF FLORIDA, PLEASE BE SEATED.

>> WELCOME TO THE FLORIDA SUPREME COURT.

THE FIRST CASE ON THE DOCKET IS CIVIL PROCEDURE 1.220.

>> GOOD MORNING.

MAY IT PLEASE THE COURT.

MY NAME IS SCOTT DIMOND OF THE PROCEDURAL RULES COMMITTEE.

WILL COUNSEL MAKE THEIR OWN APPEARANCES?

>> KATHLEEN MCLEROY ON BEHALF OF PRO BONO LIQUID SERVICES COMMITTEE.

>> GOOD MORNING, YOUR HONOR AND JUSTICES WHICH DONNIE MCKENZIE ON BEHALF OF THE PRO BONO STANDING COMMITTEE.

IF IT PLEASURES THE COURT, SPLIT TIME FOR THE INITIAL PRESENTATION.

I WILL LIMIT MY REMARKS TO DISCUSSING CONFIRMATION OF THE COURT AUTHORITY TO ACCEPT THESE REVISIONS, THEY ARE PROCEDURAL NATURE, NOT SUBSTANTIVE.

THE QUESTION OF DESIGNATING SPECIFIC RECIPIENTS IN THE LANGUAGE OF THE RULE.

BOTH COMMITTEES RESERVED A SHORT REBUTTAL PERIOD TO ADDRESS REMAINING CONCERNS THE COURT MAY HAVE.

BY WAY OF BACKGROUND, THE PROPOSALS WE ARE HERE TO DISCUSS PAST BY SEVERAL RULES BY RELATIVELY WIDE MAJORITY, 19-5, ALL TO BE APPROVED BY THE

BOARD OF GOVERNORS UNANIMOUSLY,
SO WHILE THERE IS NO MINORITY
OPINION WITH REGARD TO THE
COURT AUTHORITY TO ISSUE THIS
RULE IT IS A RELATIVELY SMALL
MINORITY AND IT IS PRIMARILY
DRIVEN BY THE CONCERN THAT IT
IS SUBSTANTIVE RATHER THAN
PROCEDURAL IN NATURE.

>> IF YOU WERE IN THE PROBATE
RULES AND THE PROBATE RULES
COMMITTEE PASSED OR RECOMMENDED
A RULE AND THE BOARD OF
GOVERNORS HAD UNANIMOUSLY SENT
IT ON TO US RECOMMENDING IT
THAT FOR TRUSTS, WHERE THE
ORIGINAL PURPOSE IS NO LONGER
ABLE TO BE CLOSED AND THE
PROBATE JUDGE, TO ALLOW FOR
SOME SORT OF SIMILAR PURPOSE,
WOULD THAT BE A SUBSTANTIVE
PROCEDURAL RULE THAT PASSED
THAT?

>> IF THERE'S ALREADY AN
EFFECT, IF YOU HAD THE SAME
CIRCUMSTANCES WE HAD HERE WITH
CONSENT OF THE PARTIES INVOLVED
AND KNOW ONE LOSING THE FUNDS
THAT WERE ISSUED IT WOULD NOT
BE SUBSTANTIVE ANY MORE THAN
THIS RULE.

>> HOW IS THAT THE CASE OF THE
LEGISLATURE PASSED THE
IDENTICAL STATUTE AND IT IS ONE
OF THE ONES CITED BY THE PARTY
736-041371.

>> THE LEGISLATURE PASSED A
RULE DICTATING WHAT WOULD
HAPPEN IN THAT CIRCUMSTANCE.

>> THEY PASSED A STATUTE,
ACTING ON CONSTITUTIONALLY
PASSING THAT STATUTE.

>> I DON'T KNOW THAT
SPECIFICALLY BUT THE CONTEXT
THAT EVERYONE AGREES TO THE
DONATION YOU DON'T NEED THE
LEGISLATURE IN ACTIVE BECAUSE
THERE IS NOBODY AGREEING TO IT
ON THE OTHER SIDE.

THE FOLKS IS WILL IT WAS CAN'T

CHANGE THEIR MIND, THE
LEGISLATURE IN THAT CONTEXT,
THERE IS NO CONSENT TO THIS, IT
IS CONTRARY TO THE CONSENT AND
IT MAY BE SUBSTANTIVE.

IN OUR CONTEXT WE TALK ABOUT A
RULE WHERE EVERYBODY AGREED THE
FOLKS GETTING THE MONEY AGREED
AND THE COURT CONSENTED TO IT
AND IN THAT CONTEXT THERE IS NO
ONE WHOSE WILL IS NOT TAKEN
INTO ACCOUNT AND --

>> SOME PEOPLE HAVEN'T AGREED.
AND THE PROCEDURAL ASPECTS OF
IT, THERE ARE SOME PEOPLE
RECEIVING MONEY, THEY HAVE NOT
CLAIMED IT.

>> I DISAGREE RESPECTFULLY.
THOSE PEOPLE HAVE CONSENTED
BECAUSE THIS MONEY IS BY
DEFINITION A LENDER TO THE RULE
RESIDUAL.

IT OCCURS WHERE YOU TRIED TO
GIVE IT AWAY AND FOR WHATEVER
REASON CAN'T BE GIVEN AWAY.
FOLKS WHO ARE SUPPOSED TO GET
IT NEVER GET IT.

MONEY YOU CANNOT GET IS THE
SAME AS MONEY YOU DO NOT HAVE.

>> WHY SHOULDN'T IT BE EVEN IF
IT IS RESIDUAL SOMETHING THE
LEGISLATURE IS RESPONSIBLE FOR
DETERMINING WHAT HAPPENS WITH
RESIDUAL FUND?

>> ALL THE PARTIES INVOLVED
AGREED TO IT.

IT IS NO DIFFERENT THAN IF THE
PLAINTIFFS AGREED TO GIVE IT A
DEFENDANT AGREED TO GIVE IT AND
THE COURT APPROVES IT, WHOSE
RIGHTS ARE BEING TRAMPLED UPON?
IF YOU READ THE MINORITY
POSITION, SOMEBODY AS MONEY IS
REMOVED WITHOUT THEIR CONSENT
AND I REJECT BOTH PARTS OF
THAT.

NOBODY'S MONEY IS REMOVED
BECAUSE THESE ARE PEOPLE WHO
WILL NEVER GET THIS MONEY BY
OPERATION OF THE CLASS-ACTION

METHOD AND CONSENT IS IMPLICIT BECAUSE CLASS REPRESENTATIVES HAVE AGREED ON THEIR BEHALF AND THESE ARE THE SAME PEOPLE WHO CONSENTED TO THE SATISFACTION OF THE CLAIM IN THE FIRST PLACE.

>> OF THE LEGISLATURE PASSED A LAW THAT SAYS ALL UNCLAIMED FUNDS IN THE COURT REGISTRY AFTER A YEAR IS TO ACHIEVE THIS TO BE DEPOSITED WITH THE DEPARTMENT OF FINANCIAL SERVICES WOULD THAT BE A SUBSTANTIVE OR PROCEDURAL LAW?

>> THAT WOULD BE SUBSTANTIVE BECAUSE THE MONEY IS THERE AND IT WOULD OTHERWISE NOT BE GIVEN AWAY AND THAT HAPPENS NOW. THIS MONEY DOESN'T GET IN THE WAY, IT GOES TO --

>> HOW CAN WE PROCEDURALLY PASS SOMETHING THE LEGISLATURE HAS DETERMINED WHERE IT IS SUPPOSED TO GO?

>> NO ONE ELSE HAS GIVEN IT AWAY.

ALL THE PARTIES HAVE AGREED TO GIVE IT AWAY.

THE LEGISLATURE DOESN'T GIVE IT AWAY, ANY OTHER ASPECT OF THE CLASS-ACTION RULE, THIS IS A CIRCUMSTANCE WHERE THE DEFENDANT AGREES TO DO THIS, NOT ONLY AGREES TO GIVE IT TO CHARITY BUT WHICH CHARITY TO GIVE IT TO.

THE PLAINTIFFS AND CLASS REPRESENTATIVES WHO REPRESENT THE MEMBERS WHO AREN'T THERE FOR PURPOSES OF ALL ASPECTS OF THE CLAIM INCLUDING COMPROMISED IN THE FIRST INSTANCE THEY AGREE AS WELL.

OF THE DEFENDANT AGREES, THE COURT APPROVES IT, WHO'S MONEY IS TAKEN AWAY?

THERE'S NOTHING FOR THE LEGISLATURE TO DEAL WITH BECAUSE THE PARTIES HAVE

ALREADY DONE IT.
OF THE PARTIES DON'T DO IT WE
HAVE A STATUTE, LEGISLATURE
SAYS ANY UNCLAIMED FUNDS
SITTING AROUND FOR ANY PURPOSE
AFTER FIVE YEARS, THAT THE ONLY
ALTERNATIVE CLAIMANT HERE BUT
THAT IS NOT SOMEBODY WHOSE
RIGHTS ARE BEING TRAMPLED
BECAUSE IT REALLY COMES INTO
EFFECTIVE THERE ARE NO OTHER
CLAIMANTS AND THIS WHOLE
MECHANISM PROVIDES FOR THESE
PEOPLE TO AGREE TO DO SOMETHING
THEY ALL WANT TO DO.

AND THEY ARE IN WRITING, ANY
CONTRACT WOULD BE AMENDED BY
BOTH PARTIES AGREED IN WRITING.
ALL THE PARTICIPANTS IN THIS
PROCESS --

>> YOU ARE BEYOND YOUR INITIAL
TIME.

LET'S KEEP GOING A WHILE BUT
YOU ARE USING THAT TIME.

>> I WANT TO ADDRESS THE
QUESTIONS.

I WILL CONCLUDE AT THE END OF
THE DAY THERE ARE TWO ASPECTS
TO THE MINORITY POSITION.
THE BODY'S MONEY IS TAKEN AWAY
WITHOUT THEIR CONSENT AND THAT
IS NOT TRUE IN EITHER CASE.
IT IS NOT THEIR MONEY BECAUSE
THEY HAVE A CLAIM, THEY NO
LONGER CAN GET IT AND NEVER GET
IT WHICH IS WHY YOU HAVE THESE
DISTRIBUTIONS.

IS NOT WITHOUT THE CONSENT
BECAUSE DULY APPOINTED CLASS
REPRESENTATIVES ENTITLED TO
SPEAK ON THEIR BEHALF HAVE
AGREED.

NO ASPECT OF THE MINORITY
POSITION IS ACCURATE.
NOBODY'S MONEY AND EVERYBODY
AGREED TO GET IN THE WAY.

>> KATHLEEN MCLEROY OF THE
LEGAL SERVICES COMMITTEE.
MAY IT PLEASE THE COURT,
PRO BONO LEGAL SERVICES, WHICH

I COCHAIR AND WORKED ON THIS RULE AND THE PROPOSED RULE IS AN EXTENSION OF THE PRIOR WORK OF THE FLORIDA ACCESS TO CIVIL JUSTICE COMMISSION AND FLORIDA CIVIL RULES COMMITTEE.

THE RULE BEFORE THE COURT IS A COLLECTIVE PRODUCT OF THOSE TWO EFFORTS.

THE COMMITTEE'S GOAL WAS TO CRAFT A RULE THAT WOULD INCREASE ACCESS TO JUSTICE AND ASSIST THE COURT'S DEALING WITH RESIDUAL FUNDS WHILE NOT IMPAIRING THE PROPERTY RIGHTS OF CLASS MEMBERS.

>> MAYBE YOU COULD ADD A LITTLE PERSONAL CONFUSION ABOUT SOME OF THE ISSUES IN THE WAY THEY ARE DISCUSSED BUT IT LOOKS TO ME LIKE WE COULD ALL AGREE THAT THE FIRST PART OF THE PROPOSED RULE IS PROCEDURAL.

IT TALKS ABOUT TIMING AND HOW THINGS ARE DONE PRIOR TO THE JUDGMENT THIS HAPPENS, THE REPORT IS GOING TO BE DONE. THAT WOULD BE PROCEDURAL, CORRECT?

>> CORRECT.

>> THEN YOU GET TO THE UNLESS OTHERWISE REQUIRED BY GOVERNMENT LAW IT SHOULD BE IN THE DISCRETION OF THE COURT TO APPROVE THE TIMING METHOD OF DISTRIBUTION FOR RESIDUAL FUNDS AND THAT KIND OF THING.

BOTH SIDES SEEM TO CITE TWO TREATISES THAT SUGGEST THIS IS THE SUBSTANTIVE LAW, IN OTHER WORDS THAT IN THESE CASES A JUDGE JUST HAS DISCRETION TO DEAL WITH RESIDUAL FUNDS. IS THAT CORRECT OR NOT?

>> IT GIVES THE COURT DISCRETION TO DO THAT.

>> IT SEEMS THIS PROCEDURE IS FOLLOWED IN CASES THROUGHOUT FLORIDA AND THE REST OF THE COUNTRY ALREADY BECAUSE FOLKS

RECOGNIZE SUBSTANTIVELY THIS IS SOMETHING THE JUDGE HAS DISCRETION TO DO WITH RESIDUAL FUNDS.

>> THAT IS CORRECT, STATE AND FEDERAL COURT THAT PRESENT DO PROVIDE FOR THESE CIRCUMSTANCES.

IN 2016 THEY SUGGESTED RULES LIKE THIS TO GIVE THE COURT THE COMFORT THAT IS APPROPRIATE PARTICULARLY TO USE IT FOR ACCESS.

>> IS THERE ANY REPORTED FLORIDA DECISION IN WHICH THE DOCTRINE WAS APPLIED AND THE DISPOSITION OF RESIDUAL CLASS-ACTION FUNDS?

>> FLORIDA STATE COURTS. IN WHICH THE DOCTRINE HAS BEEN USED, I BELIEVE THERE ARE A NUMBER OF THEM ON THE FEDERAL SYSTEM AS WELL.

I KNOW OF NO CASES WHERE A COURT SAYS THERE ARE A FEW CASES WHERE COURTS HAVE SAID THIS PARTICULAR CHARITY IS NOT CLOSELY CONNECTED ENOUGH WITH THE CLASS FOR IT TO BE AN APPROPRIATE RECIPIENT BUT I'M AWARE OF WHERE THE DOCTRINE HAS BEEN STRICKEN IN FLORIDA.

>> SO THE CONFUSING PART TO ME IS UNLESS OTHERWISE REQUIRED BY GOVERNING LAW WHICH SEEMS TO RECOGNIZE THE LAST PART IS DEALING WITH SUBSTANTIVE LAW, BUT WHAT IS THAT SUPPOSED TO BE REFERRING TO?

IS JUST AN OUT MEANING THIS PARAGRAPH DOESN'T MEAN ANYTHING OR IS -- ARE YOU TALKING ABOUT A SPECIFIC LAW THAT MIGHT APPLY TO A SPECIFIC TYPE OF CLASS-ACTION THAT WOULD DIRECT A DIFFERENT OUTCOME?

>> THERE WAS A DIFFERENT SUBSTANTIVE LAW OR THE ORDER DEALT WITH PARTICULAR RESIDUAL. IN SOME CLASS-ACTION SETTLEMENT

IT SAYS THE RESIDUAL GOES BACK TO THE DEFENDANT IN THAT CASE. THIS RULE SHOULD NOT BE APPLIED AND THAT IS WHAT WE ARE SUGGESTING OR FOR INSTANCE THE AWARD THE COURT ENTERED GAVE THE FUNDS TO A PARTICULAR ORGANIZATION AS PART OF THE RESIDUAL THAT THIS LATER CONSENT SHOULD NOT BE APPLIED IN THAT CIRCUMSTANCE AND TO THE EXTENT THERE ARE ANY PROVISIONS OF THE LAW THAT WOULD PREVENT THIS OCCURRING THAT WAS NOT THE INTENTION OF THIS RULE TO ABROGATE THOSE PARTICULAR STATUTES?

>> RECOGNIZES EXISTING LAW ALLOWING THE JUDGE TO RECOGNIZE THE DISCRETION AND AT SECTION UNLESS OTHERWISE REQUIRED BY LAW IS THE CORRECT WHAT THIS RULE IS TRYING TO DO IS GUIDE THE DISCRETION OF THE JUDGE WHO IS FACED WITH A SITUATION WHERE THEY DECIDE WHAT EQUITY REQUIRES WITH RESPECT TO RESIDUAL FUNDS TOWARD THE LEGAL SERVICES OR FLORIDA BAR FOUNDATION?

>> TO SUGGEST THAT IS APPROPRIATE, TO GIVE THEM COMFORT IT IS NOT INAPPROPRIATE TO DO THAT AND IT IS OUR BELIEF THE CLASS ACTIONS ALWAYS INVOLVE A GROUP OF CLASS CLAIMANTS WHO WOULD NOT BE ABLE TO INDIVIDUALLY HAVE ACCESS TO JUSTICE BECAUSE OF THE NATURE AND SIZE OF THE CLAIM AND COLLECTIVELY THROUGH THE CLASS-ACTION PROCESS THEY ARE ABLE TO GET THAT AND BY THE VERY PREMISE THE CLASS ACTIONS, RESIDUALS, ARE APPROPRIATE TO BE GIVEN TO LEGAL AID TO HELP ACCESS JUSTICE.

>> HOW IS THIS CHANGING THE STATUS QUO?

>> WE DON'T THINK IT IS

CHANGING THE STATUS QUO BUT IT IS GIVING COMFORT AND AUTHORITY THAT IT IS APPROPRIATE TO DO THIS, IT IS NOT MANDATING ANY AWARDS BE GIVEN IN ANY OTHER STATES, THEIR COURT RULES MUCH LIKE THIS RULE ACTUALLY MANDATE A PERCENTAGE OF RESIDUALS. WE ARE NOT SUGGESTING THAT.

>> CAN YOU ADDRESS WHY IT IS APPROPRIATE FOR THE PROPOSED RULE TO INCLUDE THE FLORIDA BAR FOUNDATION?

>> WE INCLUDE THE FLORIDA BAR FOUNDATION BECAUSE THE FLORIDA BAR FOUNDATION WE BELIEVE IS UNIQUELY SITUATED TO PROVIDE HELP IN THIS REGARD.

ONE REASON THEY ARE LISTED AS THEY DON'T PROVIDE DIRECT LEGAL SERVICES BUT THEY ARE A STATEWIDE ORGANIZATION WHO PROVIDES GRANTS TO OTHER ORGANIZATIONS.

>> THERE ARE MANY ORGANIZATIONS THAT PROVIDE AID TO INDIGENT INDIVIDUALS SO WHY SHOULD THIS ORGANIZATION BE SELECTED.

>> IN SOME CLASS-ACTION CIRCUMSTANCES WHEN THERE HAS BEEN A CHALLENGE TO THE APPROPRIATENESS OF THE INDIVIDUAL ENTITY IT IS BECAUSE THEY DIDN'T HAVE THE GEOGRAPHIC BANDWIDTH TO DO IT AND WE BELIEVE THE FOUNDATION IS THE ONLY STATEWIDE ORGANIZATION THAT HAS THE BANDWIDTH TO PROVIDE FUNDS TO ANY OF THE LEGAL AID ORGANIZATIONS IN FLORIDA OR TO CREATE SPECIFIC GRANT PROGRAMS TO ADDRESS THE NEEDS OF THE INDIVIDUAL CLASS CLAIMANTS WHATEVER THE CIRCUMSTANCE OF THAT CLASS-ACTION IS.

AN EXAMPLE OF AN ORGANIZATION DOESN'T MANDATE THE MONEY GOES TO THE FOUNDATION, AND UNIQUELY SURFACED TO PROVIDE THE

GEOGRAPHIC BANDWIDTH TO OTHER
LEGALLY GRANTEES IN THE STATE
OR TO CREATE SPECIFIC PROJECTS
OR IF THAT PARTICULAR CASE
DEMANDED IT.

>> YOU ARE ALSO CONSUMING
REBUTTAL TIME HERE.
WHEN THAT RED LIGHT GOES ON YOU
HAVE GONE BEYOND THE INITIAL
TIME.

>> UNLESS THERE ARE FURTHER
QUESTIONS WE BELIEVE THE RULE
DOES NOT ABROGATE THE RIGHTS OF
THE PARTIES AND ACCESS TO
JUSTICE ISSUES FOR THE SUMMARY
AWARDS.

>> MAY IT PLEASE THE COURT.
MY NAME IS LISA TELL HIM.
I WILL DO THREE THINGS WITH OUR
TIME BASED ON THE AGREEMENT,
REQUESTED 5 MINUTES FOR
REBUTTAL.

I WILL RESPECT THE WISHES OF
THE OPPONENT.

I AM HERE IN FAVOR OF ACCESS TO
JUSTICE.

I WILL INTRODUCE MYSELF AND
GIVE A LITTLE CONTEXT AS TO WHY
I AM HERE AND TALK TO THE RULE
AND ANSWER ANY QUESTIONS YOU
MAY HAVE.

I'M A NATIVE FLORIDIAN OF
SEVERAL GENERATIONS.

I AM A MEMBER OF THE BAR.

I'M CURRENTLY RETIRED.

I HAVE BEEN IN ACTIVE OR
RETIRED FOR OVER A DECADE.

I HAVE NO PLANS TO ACTIVELY
PRACTICE.

I'M HERE IN MY CAPACITY AS A
CITIZEN, AS A RESIDENT, AS A
TAXPAYER IN A PROPERTY OWNER.
SPECIFICALLY, THE RULE HAS COME
TO MY ATTENTION, INVOLVED IN
THE JUSTICE SYSTEM,
THE MOST RECENT SPATE OF
ACTIVITY WHICH SOME PEOPLE CALL
MY SOLAR FARM I HAD NEVER BEEN
SUED BEFORE.

THE ONLY TIME I HAD BEEN SUED

IS BY BANK OF AMERICA DURING
THE CRISIS.

>> PLEASE DIRECT YOUR COMMENTS
THE PROPOSAL BEFORE THE COURT.

>> WILL DO.

>> IF YOU DIRECT YOUR COMMENTS
TO THAT, IT WOULD BE GOOD.

>> I HAVE BECOME ENGAGED, WITH
APPELLATE LAW.

THERE IS SOME KNOWLEDGE OF THE
LAW, AND YOUR ORIENTATION
TOWARD THE RULES IN GENERAL IS
THERE ARE TOO MANY AND TOO
CUMBERSOME.

>> WOULD YOU AGREE SUBSTANTIVE
LAW GENERALLY WOULD ALLOW
UNLESS OTHERWISE REQUIRED BY
LAW A JUDGE TO EXERCISE THE
SENTENCE IN THE PROPOSED RULE?

>> I BELIEVE IN THE SEVENTH
AMENDMENT IF THAT IS YOUR
QUESTION.

THAT IS -- I PRAISE THE CONCEPT
OF EQUITY AND UNDER THE SEVENTH
AMENDMENT OF THE CONSTITUTION
THAT MUST BE DETERMINED BY A
COURT AND CANNOT BE ALLOCATED
ANYWAY BUT THE JUDGE.

I'M NOT HERE TO ARGUE AS TO
WHETHER IT IS THE LEGISLATURE
OR THE COURT.

>> GENERALLY A JUDGE COULD
EXERCISE DISCRETION.

>> NOT ONLY TO I BELIEVE THAT I
BELIEVE THAT IS THE ROLE OF A
JUDGE, TO FIND EQUITY.

AND TO FIND JUSTICE.

THAT IS IN THE DISCRETION
BECAUSE THE ROLE OF A COURT IS
TO ENSURE OUR FREEDOM AND
LIBERTY UNDER THE CONSTITUTION
WHICH THE LEGISLATURE CANNOT
DO.

THAT IS NOT MY ARGUMENT.

MY ARGUMENT IS THE RULE, THE
RULE IS SUBSTANTIVE.

A SUBSTANTIVE RULE DOES NOT
BELONG IN A RULE OF COURT.

THAT IS A MATTER FOR THE CASE.

>> PRIOR TO THE ENTRY OF ANY

JUDGMENT ON THE SUBDIVISION THE COURT SHALL DETERMINE THE TOTAL AMOUNT PAYABLE TO CLASS MEMBERS, ETC. DATE WHERE THE PARTIES SHALL REPORT TO THE COURT.

IT IS ALL A TIMING PROCEDURE. THE FIRST PART WOULD BE PROCEDURAL.

>> I WOULD HAVE LESS OF AN ISSUE WITH THE ADMIN ASPECT OF IT.

I DON'T THINK MOST JUDGES HAVE PRACTICE PREFERENCES AND IT IS BASED ON THE WORK WITH THE PARTIES TO FIND JUSTICE.

I'M IN FAVOR OF LESS RESTRICTIONS ON JUDGES, EXERCISING THEIR DISCRETION WITH RESPECT TO THESE SORTS OF MATTERS BUT AS A TECHNICAL MATTER I WOULD BE HARD-PRESSED TO SAY THAT IS NOT ADMINISTRATIVE AND TO SEE THERE'S AN INTERESTING MANDATING, THERE IS NO DISCRETION, THAT IS A SEPARATE ISSUE.

THAT IS A SEPARATE CONSTITUTIONAL ISSUE BUT IT IS ADMINISTRATIVE.

THE REST OF THE RULE IS SUBSTANTIVE.

I DON'T THINK IT IS APPROPRIATE TO GUIDE IN RULES FOR THE COMMON LAW BUT THE FACT OF THE CASE.

THERE WAS AN ERROR MADE, IT DOES NOT ONLY APPLY IN SITUATIONS WITH CONSENT BY ALL PARTIES BECAUSE IT ALSO APPLIES IN THE CASE OF TRIAL AND THE TRIAL BY ITS NATURE, A TRIAL JUDGMENT IS NOT MEAN THERE IS CONSENT.

THAT IS MY READING.

MY READING OF THE IS THAT FAVORS TRIAL FOR SETTLEMENT. THAT PUTS INDIVIDUALS AT A DISADVANTAGE BECAUSE MOST

INDIVIDUALS INCLUDING MYSELF IS NOT A TRIAL LAWYER.

BY THEIR NATURE -- IT IS NOT ACCESS TO JUSTICE.

>> ANY EXPERTISE IN CLASS ACTIONS IN GENERAL?

>> I'VE BEEN INVOLVED IN SETTLEMENTS OF CLASS-ACTION.

>> AS A PARTICIPANTS, CLASS MEMBER?

>> AS A REPRESENTATIVE?

>> AS AN EXECUTIVE.

I LEFT THE LAW MANY YEARS AGO IN MY CAPACITY, MY SPECIALTY WAS ACQUISITIONS.

WHEN YOU DO MERGERS AND ACQUISITIONS YOU HAVE TO LOOK AT LITIGATION.

>> THE MINORITY REPORT, DON'T REMEMBER IF THIS WAS YOUR POSITION, TOOK THE POSITION THAT THIS RULE WAS INAPPROPRIATE BECAUSE THE FUNDS BELONG TO CLASS MEMBERS.

>> I DISAGREE WITH THAT.

IT IS NOT ALWAYS CONSENT AS MISTER DIAMOND INDICATED.

IF IT IS A TRIAL ORDER THAT SAYS IT IS THE DEFENDANT OR THE PLAINTIFF GROUP, WHO IS IN THAT GROUP MAY OR MAY NOT BE CONSENTED TO.

IF YOU ARE DEEMED TO BE IN THE CLASS IT MAY OR MAY NOT BE CONSENTED.

WHETHER IT IS THE DEFENDANT OR THE PLAINTIFF, THAT IS A MATTER FOR THE CASE.

WE CAN ALL BEEN A CERTAIN WAY.

I CAN ADMIT MY BIAS BUT THAT DOESN'T MAKE IT CORRECT.

THE OTHER ISSUE IS THAT THERE IS INDEED A PREFERENCE IN THE RULE IF NOT A DIRECTIVE FOR A PARTICULAR ORGANIZATION.

WITH NO DISPARAGEMENT TO THE FLORIDA BAR FOUNDATION THAT IS AFFILIATED WITH THE COURT SO IT IS HIGHLY INAPPROPRIATE FOR THE PUBLIC TO BE DIRECTED WHERE

THEIR FUNDS NEED TO GO AND WHY.
THAT IS A MATTER FOR THE CASE.
AS AN INDIVIDUAL I BELIEVE
THERE IS A HUGE DISCONNECT
BETWEEN WHAT MEMBERS OF THE BAR
BELIEVE IS ACCESS TO JUSTICE
AND WHAT REGULAR HOMEOWNERS,
REGULAR ASSET OWNERS, REGULAR
FAMILY MEMBERS, REGULAR PEOPLE
WITH CLAIMS THAT FIND
THEMSELVES NEEDING TO GO GET A
FAIR AND IMPARTIAL DECISION TO
HELP THEM SO THEY ARE NOT
SHOOTING EACH OTHER OR
WHATEVER, GET AN ANSWER, IT IS
DIFFERENT FROM WHAT LEGAL, WHAT
LAWYERS THINK OF AS ACCESS TO
JUSTICE.

OUR JUSTICE SYSTEM WAS SET UP,
THE U.S. CONSTITUTION PROVIDES
THE ESTABLISHMENT OF JUSTICE.
THE FLORIDA CONSTITUTION
PROVIDES ACCESS TO JUSTICE.
I'M NOT GOING TO GET INTO A
FEDERALISM DEBATE THIS MORNING
BUT IT SEEMS TO ME THE STATE
COURTS ARE IN GENERAL THE
WINDOW TO JUSTICE FOR 90% OF
PEOPLE.

THAT IS A FUNCTION OF
PRACTICALITY, BEING IN THE
COMMUNITY, THE STRUCTURE OF IT,
THE JUDGES ARE ELECTED TO HELP
UNDERSTAND THE COMMUNITY AND
THE COSTS AND THE REALITY IS A
LOT OF RULES ARE VERY
DISCRIMINATORY AND THIS IS A
PREDICATE TO THAT.

I WANT TO MAKE MYSELF CLEAR,
THAT ARE NOT HELPING REGULAR
PEOPLE WHETHER IT IS MONETARY,
OR YOU GOT TO PAY CERTAIN FEES
OR WHETHER IT IS TRYING TO
UNDERSTAND THE GOBBLEDYGOOK IN
THE RULES AS OPPOSED TO GOING
IN AND EXPECTING THE JUDGE IS
GOING TO TREAT THEM FAIRLY AND
EQUALLY WHETHER THEY HAVE A
LAWYER OR NOT.

I'M NOT GOING TO ARGUE HAVING

AN EXCELLENT LAWYER IS NOT A GREAT THING.

IT IS A WONDERFUL THING. HOWEVER IT IS NOT POSSIBLE AND IT IS NOT PRACTICAL.

NOT ONLY BECAUSE THEY DON'T KNOW IF THEY DON'T EXIST BECAUSE THERE ARE CULTURE ISSUES, BECAUSE IT IS COST PROHIBITIVE AND THERE ARE SOME CASES TO MAKE SENSE OR YOU OUTLIVE YOUR LAWYERS OR YOUR LAWYER DIES ON YOU OR WHATEVER HAPPENS.

MY ORIENTATION IS WE SHOULD BE EMPOWERING INDIVIDUALS AND NOT THE BAR AND NOT CREATING MORE RULES PARTICULARLY WHERE DISCRETION OF THE COURT AS JUSTICE LAWSON HAS POINTED OUT IS ALREADY THERE.

IT IS A COMMON-LAW ISSUE AND THE MATTER FOR THE CASE.

>> WHAT WOULD YOUR REACTION BE TO PROVISIONS SIMILAR TO THE CALIFORNIA CODE OF CIVIL PROCEDURE SECTION 384 THAT SAYS RESIDUAL FUNDS TO A NONPROFIT ORGANIZATIONAL FOUNDATION THAT WILL BENEFIT THE CLASS OR SIMILARLY SITUATED PERSONS OR TO PROMOTE THE LAW CONSISTENT WITH THE OBJECTIVE AND PURPOSES OF THE UNDERLYING CAUSE OF ACTION OR NONPROFIT ORGANIZATIONS WITH CIVIL LEGAL SERVICES TO THE POOR OR OTHERWISE PROVIDED BY LAW.

>> MY REACTION IS BETTER BUT NOT CORRECT.

>> THAT SEEMS TO BE WHAT THE LAW IS.

>> WHAT THE LAW IS WE CAN ARGUE ABOUT ORIGINAL IS DEMAND NATURAL LAW, WE KNOW WHAT THE LAW IS, WE'VE SEEN THAT, THE CONSTITUTION MEANS CHANGES, TO BE FAIRLY CONSERVATIVE.

IT CHANGES.

I'M OPPOSED TO MORE RULES AND

OPPOSED TO ANYTHING WHICH
COMPLICATES FOR AN AVERAGE
PERSON, OR THERE IS A CARVEOUT
IN THEIR SO I'M A REGULAR
PERSON IN COURT BECAUSE I GOT
TO ISSUE MY CAR, MY CONTRACTOR,
MY EX-BOYFRIEND, MY MOTHER,
WHOEVER IT IS, I GOT TO READ
THIS RULE AND WONDER WHAT IS
THIS, WHY?

WHY DON'T I JUST COME TO COURT
AND TO BE ABLE TO UNDERSTAND
THE JUDGE IS THERE TO BE FAIR
AND IMPARTIAL AND DELIVER
EQUITY AND DELIVER JUSTICE?
IT DOESN'T DO ANY GOOD.

IT MAKES IT -- OVERCOMPLICATE
THE SITUATION WHICH IS WHAT THE
BAR DOES CONSTANTLY.

I DON'T KNOW WHAT THE PAGE
COUNT IS FROM 19-67 BUT IT IS
IN THE HUNDREDS I BELIEVE AND I
REQUEST THAT I GO AHEAD AND PUT
IT ON THE TABLE.

SOMEBODY AT THE COURT, MAYBE
THE CLERK IN CHARGE OF THE
RULES, NEEDS TO START LOOKING
AT THOSE RULES BECAUSE THERE'S
A LOT IN THE CONSTITUTION.

THIS IS NOT THE ONLY ONE.

I DON'T KNOW IF THERE IS A
MOMENT IN TIME WITH 3 NEW
JUSTICES BUT IF WE ARE SERIOUS
ABOUT ACCESS TO JUSTICE IN THE
THIRD-LARGEST STATE IN THE
UNITED STATES OF AMERICA IT IS
NOT WORKING OUT.

IT IS TOO COMPLICATED.

THE LINE ABOUT YOU CAN'T ASK A
CLERK A QUESTION ABOUT A BASIC
THING PEOPLE NEED TO KNOW WHAT
THEY NEED TO DO SO THEY ARE NOT
CONSTANTLY GETTING DEFAULTED
OUT OF THEIR LIVES OR HAVING
THEIR LIVES TAKEN OVER BY
LAWYERS, JUSTICE BRANDEIS,
WELL-INTENTIONED PEOPLE WHO
DON'T UNDERSTAND ARE THE
GREATEST THREAT TO OUR LIBERTY.
A LOT OF LAWYERS DON'T

UNDERSTAND HOW HARD IT IS FOR
REGULAR PEOPLE TO COME TO COURT
AND ANY DIRECTIVE TO PREFERENCE
ONE ORGANIZATION, THE FLORIDA
BAR FOUNDATION WOULD BE A ROCK
STAR, THE BEST IN THE STATE
RIGHT NOW.

THAT DOESN'T MEAN THEY WILL BE
BEST IN THE STATE TOMORROW.

SO BAKING IT IN IS
INAPPROPRIATE.

I REST MY CASE.

>> VERY BRIEFLY, YOUR HONOR.

THIS IS A PRACTICAL ISSUE.

I'VE BEEN DOING CLASS ACTIONS
FOR 25 YEARS.

THE END OF A CLASS-ACTION
DESPITE EVERYONE'S BEST EFFORTS
AND GOOD INTENTIONS SOMETIMES
THERE IS MONEY LEFT OVER.

>> I'M SORRY TO INTERRUPT.

WHEN JUSTICE LAWSON READ THAT
PROVISION ABOUT RESIDUAL FUND
GOING TO GROUPS THAT ADVANCE
THE ISSUES UNDERLYING THE
LAWSUIT OR PROMOTE THE
INTERESTS OF CLASS MEMBERS,
THERE WAS THE THIRD CATEGORY
WHICH IS LEGAL SERVICES FOR THE
POOR THAT SEEMS DIFFERENT FROM
THE FIRST TWO IN THE SENSE THAT
WITH THE FIRST TWO THERE IS THE
CLEAR NEXUS TO THE SUBJECT
MATTER OF THE LAWSUIT, THIS
SEEMS TO ME LIKE MORE
SUBSTANTIVE JUDGMENT THAT IT
WOULD BE A GOOD SOCIALLY
DESIRABLE USE OF THESE FUNDS TO
HOPE ACCESS LEGAL SERVICES.
WHY SHOULD THAT BE BAKED INTO
THE RULE?

>> THERE IS A CLOSE CONNECTION
BETWEEN THE CONCEPT OF
CLASS-ACTION AND ACCESS TO
JUSTICE SO AT THE TOP LEVEL OF
THIS THE CONCEPT IS TO GIVE
GUIDANCE TO THE COURT FOR
PERMISSIBLE RECIPIENTS OF THESE
FUNDS, ORGANIZATIONS THAT
PROMOTE --

>> SEEMS LIKE IN THE FIRST TWO INQUIRIES THE FIRST TWO CATEGORIES, THERE IS, YOU HAVE TO GO THROUGH THIS CASE-BY-CASE, THOUGHTFUL ANALYSIS TO SEE WHAT THE CONNECTION BETWEEN THE SPECIFIC LAWSUIT AND RECIPIENTS, THIS IS MORE JUST SAYING ANY CLASS-ACTION SORT OF BY DEFINITION HAS THIS CONNECTION TO LEGAL SERVICES FOR THE POOR WHICH JUST DOESN'T SEEM TO BE THE CASE NECESSARILY.

>> THIS IS GUIDANCE AS TO ONE POSSIBLE OUTCOME BECAUSE IT DOES CONNECT THE CONCEPT OF THE CLASS-ACTION MECHANISM BUT THIS DOESN'T --

>> WHY SHOULD BE INCLUDED IN THEIR AT ALL.

>> TO GIVE GUIDANCE TO PARTIES. THE ACCESS TO JUSTICE ISSUE IN THIS RULE AS ORIGINALLY PROMULGATED AS MANDATORY WAS REJECTED BY THE COMMITTEE BECAUSE YOU CAN'T FORCE PEOPLE TO DO IT.

>> IT ORIGINATED IN TRUST LAW WHERE YOU HAD A SPECIFIC REQUEST AND FIND SOMETHING AS CLOSE AS POSSIBLE TO THAT. WHEN PEOPLE BRING CLASS ACTIONS OVER WHATEVER THE SUBJECT AREA MAY BE THEY ARE NOT DOING IT OUT OF A MOTIVATION TO PROVIDE LEGAL SERVICES TO THE POOR WHEREAS THEY MIGHT BE IF IT IS SOME PRIVACY RELATED THING MAYBE THERE IS A CONNECTION THAT DOES THAT.

THIS SEEMS LIKE A VERY DIFFERENT SORT OF SUBSTANTIVE VALUE JUDGMENT.

>> NO ONE INVOLVED IN CLASS-ACTION LAWS GIVES A NICKEL TO ANYONE. THIS HAPPENS WITH MONEY LEFT OVER THAT OTHERWISE IN TERMS OF PROVIDING SOME GUIDANCE, THE

IDEA WAS TO PROVIDE GUIDANCE TO HELP FOLKS DO THIS, ONE OF THE REASONABLE RECIPIENTS PROMOTES ACCESS TO JUSTICE LIKE THE CLASS-ACTION MECHANISM.

THIS DOESN'T PRECLUDE ANYBODY FROM SAYING WE LIKE THE INVESTOR RIGHTS CLINIC AT THE UNIVERSITY OF MIAMI BECAUSE THEY DEAL WITH INVESTOR RIGHTS AND THE CLASS-ACTION LIFE FIRM SAYS THAT IS WHAT WE DO WITH THE MONEY.

INVESTMENT IN SECURITIES AT THE END OF THEM, MONEY LEFT OVER BECAUSE IT WAS GOING TO COST MORE TO DISTRIBUTE THAN WE HAD LEFT AND WAS GIVEN AS THE REWARD FOR THE INVESTOR RIGHTS CLINIC WHICH PERFECTLY JIBED WITH PURPOSES OF THE UNDERLYING PROCESS OF FULFILLING INVESTOR RIGHTS BUT IN THE CASE WHERE MORE GENERALLY SPEAKING YOU ARE FULFILLING THE RIGHT OF PEOPLE WHO CAN'T AFFORD TO LITIGATE TO GAIN ACCESS TO THE COURTS, THERE'S NOTHING WRONG WITH GIVING SOME GUIDANCE TO THE COURT TO SAY ANOTHER THING THAT GIVES ACCESS TO THE COURTS, THE FLORIDA BAR FOUNDATION, THIS IS A MECHANISM FOR ALLOWING MONEY TO BE DISTRIBUTED THAT GIVES FOLKS ACCESS TO THE COURT WHICH WAS THE PURPOSE OF BEING REQUESTED TO DRAFT THIS RULE IN THE FIRST PLACE AND IT IS PERFECTLY REASONABLE TO HAVE THAT OPTION TO PRECLUDE MORE SPECIFIC --

>> I DON'T KNOW THIS IS RELEVANT TO THE PROCEDURAL THING BUT IT SEEMS THE WHOLE GENESIS OF COMING UP WITH THIS PROPOSAL IS NOT SO MUCH TO IMPROVE THE RULES IN A TECHNICAL SENSE BUT TO ADVANCE THE SUBSTANTIVE GOAL OF GETTING MORE MONEY FOR THESE GROUPS,

WHATEVER THE MERITS, I DON'T
THINK ANYONE IS CONTESTING
MERITS.

IT SEEMS THE MOTIVATION FOR
THIS RULE WAS TO GET MORE MONEY
FOR THESE GROUPS.

>> THE MOTIVATION TO GIVE
GUIDANCE TO CIRCUMSTANCES THAT
EXIST, THEY MAY NOT KNOW IT AND
ONE REASON THE RULE WAS
REQUESTED, THERE WERE LITIGANTS
WITH THE MECHANISM.

THIS WOULD MAKE THEM FAMILIAR
WITH A MECHANISM THAT EXISTS IN
THE LAW TOGETHER AND OF ALL
THESE FOLKS GOT TOGETHER AND
AGREED TO THIS, THE JUDGE
APPROVED THAT THEY COULD HAVE
DONE IT YESTERDAY WITHOUT THIS
RUIN THE IDEAS TO PROVIDE
GUIDANCE.

>> THERE IS A LOT OF
CLASS-ACTION.

>> THE FIRST CLASS ACTION, I
KNOW A LOT MORE AFTER MY 10TH
ONE OR MY FIRST ONE OR JUDGES
BUT NEVER DEALT WITH ONE
BEFORE, AND THAT HAPPENS.

>> THE LAW REVIEW ARTICLE OR
PRESENTATION.

>> MORE FREQUENTLY THAN LAW
REVIEW ARTICLES, THE GOAL WAS

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>> I WILL READ YOUR LARGE
ARTICLE.

>> I WILL BE IMPRESSED IF YOU
READ IT.

>> THE PURPOSE OF THIS.

>> YOU ARE WAY OVER YOUR TIME.

>> IS THERE TIME PERMITTED?

>> I WILL GIVE YOU SOME TIME.

>> JUST FOR THE PURPOSE OF
SPEAKING, TO ANSWER YOUR
QUESTION, THE PURPOSE OF THE
RULE YOU STATED EARLIER STATUS
QUO, THE STATUS QUO IS THERE IS
IGNORANCE THROUGHOUT THE STATE
OF FLORIDA AND THE RULE 1.220
WHEN IT WAS CREATED WAS CREATED
FOR JUSTICE, TO PROVIDE AN

AVENUE FOR PEOPLE WHO COULD NOT OTHERWISE AFFORD TO LITIGATE ON THEIR OWN IN AN OPPORTUNITY TO LITIGATE ISSUES AND TO HELP THE ADMINISTRATION JUSTICE IN COURT WITH ALLOWING A LARGE NUMBER OF CLAIMS TO BE SETTLED IN A SINGULAR VEHICLE.

>> AS FAR AS THE STATUS QUO, ANY APPELLATE DECISION IN FLORIDA THAT IS APPROVED, THE IDEA THAT RATHER THAN CHOOSING A RECIPIENT OF FUNDING CONNECTED TO THE ACTUAL LAWSUIT THAT PER SE LEGAL SERVICES ORGANIZATIONS ARE APPROPRIATE?

>> THERE ARE TWO, 11 SECOND OPINIONS.

I HAVE BEEN UNABLE TO FIND A STATE COURT CASE, THERE ARE TWO 11TH CIRCUIT CASES THAT IS OF INDUSTRY TO FLORIDA CASE THAT OUTLINES AND REITERATES COURTS HAVE DISCRETION TO DIRECT FUNDS AND IS CONNECTED TO THE CLASS-ACTION.

>> THE QUESTION ABOUT LEGAL SERVICES BEING APPROPRIATE. WHICH IS WHAT THIS RULE SAYS.

>> I'M NOT SURE ABOUT THE WORD PER SE.

>> YOU DON'T HAVE TO, IF THIS RULE WERE AND ACTED THERE WOULD BE NO NEED TO LOOK AT THIS SPECIFIC UNDERLYING SUBSTANCE OF THE LAWSUIT OR THE CLASS.

IF IT WAS CLASS-ACTION AND THERE ARE RESIDUAL FUNDS REGARDLESS OF THE SUBJECT MATTER OF THE CASE, IT WOULD NOT BE AN ABUSE OF DISCRETION FOR THE COURT TO CHOOSE A LEGAL SERVICES GROUP FOR THE FUNDING.

>> AS THE RULE IS WRITTEN YOU COULD IMPLY THAT BUT IT IS UNDERSTOOD THAT THERE HAS TO BE SOME CONNECTION AND THERE ARE TWO CONNECTIONS TO LEGAL AID THROUGHOUT THE COUNTRY.

THE FIRST CONNECTION IS THE

RULE IS A MECHANISM TO PROVIDE ACCESS TO JUSTICE.

LEGAL AID RECIPIENTS, 21 STATES HAVE ADOPTED A STATUTE OR THE RULES AND WHAT WE DID WAS TRIED TO PICK THE STATUTE OR THE RULE THAT WAS LEAST OFFENSIVE AND THE MOST DISCRETIONARY AND PERMISSIVE.

THE PURPOSE, THE SECOND REASON WHY LEGAL AID IS RECOGNIZED AROUND THE COUNTRY AND BAR FOUNDATIONS ARE RECOGNIZED AS APPROPRIATE RECIPIENTS IS FOR INSTANCE YOU HAVE A CLASS-ACTION FOR CONSUMER PROTECTION LAWS.

LEGAL AID LAWYERS HAVE CONSUMER PROTECTION UNITS.

IT IS APPROPRIATE TO SAY THIS CLASS WAS A VICTIM OF CONSUMER PROTECTION SCHEME OR SCAM OR HOWEVER YOU WANT TO SAY IT.

THERE IS NO MORE PERSON APPROPRIATE, NO MORE ORGANIZATION APPROPRIATE VAN A PARTICULAR LEGAL AID ORGANIZATION THAT HAS A CONSUMER PROTECTION UNIT.

THIS IS CLASS-ACTION INVOLVING HOUSING AUTHORITY OR HOUSING RIGHTS, OR NAME THE ISSUE.

LEGAL AID ORGANIZATIONS HAVE DEDICATED DEPARTMENTS THROUGHOUT THAT ADDRESS THE PARTICULAR ISSUES THAT MOST CLASS ACTIONS WILL ADDRESS AND THAT IS WHY LEGAL AID ORGANIZATIONS HAVE BEEN IDENTIFIED AROUND THE COUNTRY AS BEING THE APPROPRIATE RECIPIENTS.

THE BAR FOUNDATIONS RECOGNIZED AS APPROPRIATE BECAUSE THE ONLY CASE I FOUND THAT HAS DISQUALIFIED A NINTH CIRCUIT AWARD OUT OF CALIFORNIA.

THE JUDGE MADE THE AWARD TO A LOCAL LEGAL AID ORGANIZATION AND THERE WAS FAVORITISM OR

IMPLIED FAVORITISM.

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>> HOW IS THAT NOT IMPLIED FAVORITISM HERE. THIS RULE WAS CRAFTED. IT SPECIFICALLY INCLUDES THE FLORIDA BAR FOUNDATION. HOW IS THAT NOT IMPLICIT FAVORITISM.

>> THE REASON THE BAR FOUNDATIONS ARE PUTTING THESE RULES THROUGHOUT THE COUNTRY ARE THE BAR FOUNDATIONS TYPICALLY COVER THE ENTIRE STATE.

>> THIS IS AN INCLUSION OF A SPECIFICALLY NAMED ORGANIZATION AS OPPOSED TO SAYING YOU CAN AWARD THE THING DIRECTED TO ANYTHING THAT HAS A NEXUS OR CONNECTION TO THE UNDERLYING LITIGATION.

AND THAT IS MY CONCERN, THAT YOU ARE NAMING THE ONLY ORGANIZATION BEING NAMED HERE, THE FLORIDA BAR FOUNDATION WHERE THE FLORIDA BAR IS THE PERSON, THE BAR ORGANIZATION IS THE ONE SUGGESTING THIS RULE.

>> UNDERSTAND THAT AND WHEN WE DRAFTED THIS RULE WE WERE USING OTHER STATE LANGUAGES USING THAT AND AS I HAVE WRITTEN DOWN THE TWO WORDS IN THIS RULE, WE COULD ALWAYS WRITE THIS RULE BETTER AND, THE OPTION TO DO THAT, I WOULD RESPECTFULLY CHANGE BOTH INCLUSINGS.

I WOULD CHANGE THE FIRST WORD, THIS DIRECTLY RELATES TO THE INITIAL COMMENT.

THE FIRST INCLUDING WHICH MAY INCLUDE, THE SECOND INCLUDING SHOULD SAY AND OR.

THAT TO ME TAKES AWAY THE IMPLICATION TO A PARTICULAR ORGANIZATION AND THERE IS NOTHING IN THIS RULE THAT PROHIBITS A JUDGE.

THE LAW STATES THE PRACTICAL

REALITIES THERE ARE RESIDUAL FUNDS, A JUDGE HAS GOT TO DO SOMETHING ABOUT THOSE FUNDS AND THE LAW IS THE JUDGE HAS TO TIE IT BACK TO THE CAUSE OF ACTION IF THEY CAN.

IN MOST INSTANCES, THIS WAS A HOUSING AUTHORITY CASE, A GOOD CASE FOR LEGAL AID, HOUSING AUTHORITY LAWYERS.

ON BEHALF OF THE PRO BONO STANDING COMMITTEE AND EXECUTIVE DIRECTOR OF THE FLORIDA BAR FOUNDATION.

IF YOU NEED TO TAKE ALL THE FLORIDA BAR FOUNDATION IN THIS ROOM PLEASE DO SO BECAUSE THE GREATER GOOD IS TO KEEP THIS RULE IN AS GUIDANCE FOR COURTS TO KNOW THAT THIS IS A VEHICLE THAT WILL HELP LEGAL AID TO RECEIVE VALUABLE FUNDING FROM RESIDUAL SETTLEMENTS.

IF THAT HAS TO BE IT, THAT HAS TO HAPPEN.

YOU HAVE TO HAVE THE FLORIDA BAR FOUNDATION'S CONSENT ACQUIESCENCE PERMISSION, WHATEVER IT IS, TO TAKE US OUT. STATEWIDE GEOGRAPHIC REACH, THANK YOU FOR YOUR TIME.

>> THANK YOU ALL.