

>> ALL RISE.
HEAR YE, HEAR YE, HEAR YE, THE
SUPPORT SUPREME COURT OF FLORIDA
IS NOW IN SESSION.

GIVE ATTENTION, YOU SHALL BE
HEARD.

GOD SAVE THESE UNITED STATES,
THE 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 THE FLORIDA BAR V. TIKD
SERVICES.

>> MAY IT PLEASE THE COURT, MY
NAME IS CHRIS ALTENBERND, AND
I'M HERE TODAY AS CO-BAR COUNSEL
WITH MS. VAZQUEZ IN WHAT IS
EFFECTIVELY THE FINAL HEARING IN
AN ORIGINAL PROCEEDING ALLEGING
THAT TIKD SERVICES AND
CHRISTOPHER RILEY ARE ENGAGED IN
THE UNAUTHORIZED PRACTICE OF
LAW.

THE QUESTION IS WHETHER TIKD IS
PRACTICING LAW BY GIVING ADVICE,
LEGAL ADVICE, IN ITS ADVERTISING
AND OFFERING TO PROVIDE SERVICES
TO THE PUBLIC ON ITS WEB SITE.
SPECIFICALLY, WHETHER IT'S
OFFERING TO PROVIDE TRAFFIC
TICKET OFFENSE SERVICES FOR
COURTROOM CHALLENGES.

>> LET ME ASK YOU THIS, JUST
WALK THROUGH IT FOR ME.
LET'S SAY I GET A TRAFFIC TICKET
AND I WANT TO FIGHT IT OR
WHATEVER, AND I HIRE THESE
SERVICES.

I CONTACT THEM.
WALK, FOR ME, WHAT IS IT I DO?
WHO DO I PAY?
HOW DO THEY DISTRIBUTE THE
MONEY?

JUST WALK THROUGH IT FOR ME.
>> WELL, AND WHAT HAPPENS IS
THEY HAVE, THEY TELL YOU THAT

THEY HAVE A STATISTICAL MODEL THAT THEY USE.

THEY TAKE A PICTURE OF YOUR TICKET, AND THEY RUN IT THROUGH A STATISTICAL PROCESS THAT'S MUCH LIKE WHAT A CASINO WOULD USE, AND THEY GIVE YOU A PRICE FOR YOUR TICKET.

AND WHAT THEY TELL YOU IS THAT IF YOU DO THIS, QUOTE-UNQUOTE, BETTER SOLUTION FOR--

>> IS THE PRICE, THE STANDARD, IS IT ALWAYS 80% OR IS THAT NOT--

>> I DON'T THINK THE RECORD ESTABLISHES THAT, BUT IT'S A PERCENTAGE.

AND WHAT IT'S BASED ON IS THAT THE, AND I'LL JUMP TO THAT PART OF THEIR WEB SITE, THEY TELL YOU HOW THIS WORKS.

THEY CAN DO THIS BECAUSE-- WE CAN DO THIS BECAUSE WE ALREADY KNOW WHAT'S GOING TO HAPPEN.

MAYBE NOT WITH YOUR PARTICULAR TICKET, BUT ON AVERAGE.

MANY TICKETS ARE CHALLENGED ARE EITHER DISMISSED OR RESULT IN REDUCED FINES.

SINCE TIKD HANDLES SO MANY TICKETS, WE KNOW WITH A PRETTY HIGH DEGREE OF CERTAINTY WHAT IS GOING TO HAPPEN TO A PARTICULAR TICKET AND, THEREFORE, HOW MUCH IT'S GOING TO COST US.

THEY SAY THIS IS THE LAW OF LARGE NUMBERS.

NOW, WHAT TIKD REALLY KNOWS IS THE PROBABILITIES THAT A TRAFFIC CASE WILL BE DISMISSED.

MANY OF THEM ARE DISMISSED BECAUSE THE LAW ENFORCEMENT OFFICERS OR THE PROSECUTORS DON'T SHOW UP FOR COURT.

THEIR METHOD IS A SUPER SECRET TRADE SECRET BUT, FRANKLY, THE UNIFORM STATISTICS FOR TRAFFIC ARE PUBLIC RECORDS THAT ARE AVAILABLE ON THE INTERNET FOR EVERY YEAR, EVERY COUNTY AND

EVERY TYPE OF TICKET.
ANYBODY WITH AN EXCEL SPREAD
SHEET AND A LITTLE BIT OF MATH
KNOWLEDGE CAN DO THIS AND FIGURE
OUT WHAT THE ODDS ARE.

>> SO COULD YOU GET BACK TO
ANSWERING HIS QUESTION?

>> LET'S SAY THE TICKET FOR MY
OFFENSE IS \$100, SO I GIVE THEM
\$80.

WHAT HAPPENS TO THAT \$80?
WALK IT THROUGH THE WHOLE
PROCESS--

>> [INAUDIBLE]

IT DOES NOT GO TO A LAWYER'S
TRUST ACCOUNT.

AND A PORTION OF THAT MONEY AND
THE CONTRACT IS SEALED IN YOUR
COURT RECORD, SO I CAN'T TELL
YOU THE NUMBERS IN OPEN COURT.
BUT A PORTION OF THAT GOES TO
THE LAWYER, AND TIKD KEEPS THE
REST.

AND THEIR PROMISE IS THAT THEY
WILL PAY YOUR TICKET IF YOU GET
A TICKET.

THEY WILL PAY YOUR TICKET AND
GIVE YOU THE MONEY BACK IF
THERE'S POINTS ON YOUR TICKET.
AND, BASICALLY, YOU SPEND TWO
MINUTES DOING THIS ON YOUR PHONE
OR YOUR COMPUTER, AND YOU'RE--
IT'S-- YOU'RE DONE WITH THAT.
THEY ADVERTISE THAT YOU GET ALL
THE BENEFITS OF A COURT
CHALLENGE ALONG WITH THE
CONVENIENCE OF SIMPLY PAYING
YOUR FINE.

NO COURT, NO PHONE CALLS, NO
HASSLE, RIGHT FROM YOUR PHONE IN
TWO MINUTES OR LESS.

WHAT THEY'RE DOING IS YOU AVOID
POINTS ON YOUR LICENSE AND LESS
INSURANCE COSTS.

IF YOU DON'T GO WITH TIKD,
YOU'RE GOING TO HAVE POINTS ON
YOUR LICENSE AND AN INCREASED
INSURANCE COST, THE HASSLE OF
HIRING YOUR LAWYER.

MR. RILEY SAYS IN HIS AFFIDAVIT

HE'S NOT GIVING LEGAL ADVICE ON HIS WEB SITE, BUT THIS IS ANSWERING MANY OF THE SAME QUESTIONS THAT LAWYERS ANSWER FOR THEIR CLIENTS.

ONCE THEY KNOW THE FACTS OF THE TRAFFIC TICKET, THIS IS VERY CLEARLY LEGAL ADVICE.

SO WHY IS IT THEN THAT HE HAS THIS EMPHASIS ON NO COURT, NO PHONE CALLS, NO HASSLE?

IF YOU LOOK AT THE FREQUENTLY ASKED QUESTIONS, HE EVEN SAYS YOU MIGHT GET A NOTICE FROM COURT THAT YOUR HEARING'S ON A CERTAIN DATE, BUT YOU DON'T REALLY HAVE TO GO.

IT'S BECAUSE OF THAT STATISTICAL MODEL THAT THEY ARE RUNNING THAT ALL TIKD HAS TO DO IS BEAT THE SPREAD.

THEY KNOW THAT AS LONG AS THE LAWYER DOES NOTHING THAT INTERFERES WITH THE RANDOM ODDS OF WHAT THEY'RE DOING, THAT THEY MAKE MONEY.

BUT IF, IF THIS PERSON ACTUALLY GOES TO A LAWYER, THE HASSLE OF A LAWYER AND ASKS ABOUT THIS, A LAWYER'S GOING TO TELL THEM THAT ALMOST ALL OF THIS IS MISREPRESENTATION.

SOME OF IT IS JUST FLAT FALSE.

>> I MEAN, BUT-- I'M SORRY TO INTERRUPT YOU, BUT YOU'RE IGNORING THE FACT THAT THE SECOND PART OF THIS IS THAT THEY ARE CONNECTED TO A LAWYER.

THEY DO ENTER INTO A RELATIONSHIP WITH A LAWYER, AND THAT LAWYER CAN GIVE THEM WHATEVER ADVICE, YOU KNOW, THE TWO PARTIES THINK IS NECESSARY.

>> WELL, YES AND NO.

AGAIN, IF YOU LOOK THROUGH THE WEB SITE, THEY ARE BEING TOLD TO THIS LAWYER, BUT THEY'RE THEN BEING TOLD YOU DON'T HAVE TO CALL HIM, YOU DON'T HAVE TO GO TO COURT WITH HIM.

WE'RE AUTOMATICALLY, I GUESS,
TELLING HIM TO PLEAD NOT
GUILTY--

>> BUT THERE'S NOTHING IN THE
RECORD THAT SUGGESTS THERE ISN'T
AN ACTUAL CONTACT WITH A-- AS
PART OF THE BUSINESS MODEL
BECAUSE, OBVIOUSLY, WE DON'T
KNOW WHAT MIGHT HAPPEN IN ANY
GIVEN SITUATION, WHAT A PERSON
MIGHT CHOOSE TO DO IN TERMS OF
HOW MUCH CONTACT THEY WANT.
BUT THEY ARE CONNECTED TO A
LAWYER, THEY ENTER INTO A
SEPARATE RELATIONSHIP WITH THAT
LAWYER, AND IT'S UP TO THEM HOW
MUCH INTERACTION THERE WILL OR
WON'T BE, RIGHT?

>> YES.

BUT TIKD IS STILL THE ONE WHO IS
SELECTING THE LAW FIRMS TO GO
TO--

>> WHICH IS JUST LIKE WHAT AN
INSURANCE COMPANY WOULD DO.

>> NO, ABSOLUTELY--

>> AND THE COMPANY, THE PERSON
WHO WANTS THE SERVICE CAN REJECT
THE LAWYER, RIGHT?

>> YES, THEY CAN--

>> THEY CAN GET THEIR MONEY
BACK.

>> I REALLY WOULD LIKE TO
EMPHASIZE IT'S NOT THE SAME
BECAUSE TIKD HAS TO CAREFULLY
HAVE A LAWYER THAT MEETS THEIR
STATISTICAL MODEL.

IF THIS LAWYER COMES TO THEM
BEFORE TRIAL, MANAGES TO MEET
WITH THEM BEFORE TRIAL DESPITE
THE MEAGER AMOUNTS TIKD IS
PAYING THIS LAWYER IN A CONTRACT
AND REALIZES THIS PERSON HAS
POINTS AND AN OPPORTUNITY TO GO
TO TRAFFIC SCHOOL, IF YOU GO TO
TRAFFIC SCHOOL AND PAY THE
CLERK, YOU'RE GUARANTEED TO GET
AN 18% DISCOUNT ON THE TICKET.
YOU'RE GUARANTEED NOT TO HAVE
ADJUDICATION, GUARANTEED TO HAVE
NO POINTS OP YOUR LICENSE.

BUT TIKD DOESN'T SAY THAT ANY PLACE ON THE WEB SITE BECAUSE IF THEY KNOW THAT, IF THE CLIENT KNOWS THAT, THEY CAN'T USE THIS CASINO-LIKE MODEL TO MAKE ANY MONEY.

THAT TAKES AWAY FROM IT.

SO THEY'RE GIVING ADVICE WHILE HIDING THE ADVICE THAT A LAWYER WOULD GIVE THEM IF THERE WAS THE REALLY THE--

>> SO CAN YOU--

>>-- CONTACT WITH A LAWYER.

>> COULD YOU ELABORATE ON THAT? BECAUSE I THINK IT'S HARD TO SEPARATE SORT OF ALL OF THE--

[INAUDIBLE]

ABOUT THE BUSINESS MODEL VERSUS THE LAW WHICH IS THE, QUOTE-UNQUOTE, PRACTICE OF LAW. SO COULD YOU BE AS SPECIFIC AS POSSIBLE ABOUT WHAT IT IS THAT'S GOING ON HERE THAT WOULD CONSTITUTE THE PRACTICE OF LAW? BECAUSE WHEN I READ OUR CASES, IT SEEMS LIKE WHAT THE COURT HAS BEEN FOCUSED ON IS PEOPLE GETTING ADVICE, POTENTIAL CLIENTS GETTING ADVICE FROM PEOPLE WHO THE CLIENT BELIEVES WOULD HAVE A CERTAIN AMOUNT OF SKILL AND KNOWLEDGE, ETC., ETC. AND THE PERSON WHO'S GETTING THE ADVICE BECAUSE THEY'RE NOT A MEMBER OF THE BAR MAY OR MAY NOT HAVE THAT INFORMATION.

SO IT SEEMS LIKE THIS MODEL IS SET UP SPECIFICALLY TO MAKE SURE THAT THERE IS THAT RELATIONSHIP WITH A MEMBER OF THE FLORIDA BAR WHO WOULD PRESUMABLY HAVE THE SKILL AND KNOWLEDGE AND WHATEVER.

SO I'D LIKE TO KNOW AS SPECIFICALLY AS POSSIBLE WHAT IT IS THAT YOU SAY THE COMPANY IS DOING THAT CONSTITUTES THE PRACTICE OF LAW.

>> AND THIS SORT OF BOILS DOWN TO WHETHER IT MAKES A DIFFERENCE

WHETHER THE LAWYER IS ON CONTRACT, AS IN WE THE PEOPLE, OR WHETHER THIS INDEPENDENT CONTRACTOR MAKES A DIFFERENCE.

>> WELL--

>> AND WHAT I WOULD SUBMIT TO YOU IS WHEN YOU GO BACK TO SPERRY AND THE TESTS THAT WE HAVE CREATED FOR GIVING LEGAL ADVICE OR BEING THE PROVIDER OF THE LAWYER, THE QUESTION IS DO YOU NEED TO HAVE LEGAL KNOWLEDGE TO BE GIVING THEM ADVICE. THIS WEB SITE IS GIVING THEM ADVICE TO PLEAD NOT GUILTY AND GO TO COURT WITHOUT ANY SPECIFIC FACT BASIS AT ALL.

>> BUT, SO IS THAT, IS THAT-- SO WHAT YOU'RE SAYING IS THE PRACTICE OF LAW IS THE, QUOTE-UNQUOTE, ADVICE THAT'S ON THE WEB SITE?

>> TWO THINGS.

THE ADVICE THAT'S ON THE WEB SITE IS LEGAL ADVICE. IT'S BEING GIVEN BY A NON-LAWYER TO CONVINCING SOMEONE THAT THEY WANT TO PLEAD NOT GUILTY AND CHALLENGE IN COURT. THAT'S LEGAL ADVICE. BUT MORE IMPORTANTLY, THEY'RE PROVIDING LAWYERS, AND THEY'RE PROVIDING LAWYERS THAT ARE NOT ON THEIR STAFF, BUT THEY'RE CONTRACT LAWYERS WITH TIKD. BECAUSE THE STATISTICS WILL KNOW WHAT LAWYERS ARE MAKING MONEY FOR TIKD BY NOT HAVING THEIR CLIENTS PAY MONEY IN AND WHO ARE NOT.

>> BUT IN TERMS OF STICKING TO THE RECORD, UNLIKE OUR PAST CASES WHERE THE COURT FOUND THAT THERE WAS, YOU KNOW, THE NON-LAWYER COMPANY WAS ESSENTIALLY CONTROLLING AND DIRECTING THE WORK OF THE LAWYERS AND THAT'S WHAT GAVE THEM PAUSE, THAT'S WHAT THEY-- THAT'S WHAT SORT OF SUPPORTED

THE CONCLUSION THAT THAT WAS THERE PRACTICE OF LAW, IN THIS CASE THERE'S NOTHING IN THE RECORD THAT SUGGESTS THAT THIS COMPANY IS DIRECTING OR CONTROLLING OR TELLING THESE LAWYERS WHAT TO DO.

OBVIOUSLY, THERE'S A FINANCIAL ELEMENT HERE THAT, BECAUSE OF THE RATES THAT THEY'RE BEING PAID, THAT MAY IMPLY A CERTAIN AMOUNT OF WORK.

BUT AS FAR AS STICKING TO THE RECORD HERE, THERE'S NOTHING THAT SAYS THAT THIS COMPANY IS TELLING THE LAWYERS WHAT TO DO.

>> WHAT WE STICK TO THE RECORD IS IT SHOWS THIS BUSINESS MODEL THAT THEY EXPLAIN ON THE RECORD THAT IS INHERENTLY AT ODDS WITH THE BEST INTERESTS OF THE CLIENT.

>> WELL, BUT--

>> AND SO--

>> BUT THAT'S, IT SEEMS LIKE WE'RE SORT OF BORROWING A SENSE IN THIS CASE THAT PEOPLE ARE UNCOMFORTABLE WITH THE AMOUNT OF REGULATION THIS COMPANY IS SUBJECT TO.

WHICH SEEMS LIKE THAT'S A DIFFERENT QUESTION FROM WHAT WE HAVE TO DECIDE WHICH IS WHETHER THIS COMPANY IS, QUOTE-UNQUOTE, PRACTICING LAW.

>> RIGHT.

AND ONE OF THE REASONS--

>> AND SO-- GO AHEAD, I'M SORRY.

GO AHEAD.

>> I'M SORRY.

ONE OF THE REASONS WE REGULATE ADVERTISING AND THE LIKE IS NO LAWYER OR LEGAL SERVICE COULD COME CLOSE TO PUTTING THIS STUFF ON THE WEB SITE.

SO I WOULD SUBMIT TO YOU THAT THE TEST ISN'T WHETHER THE LAWYER IS DIRECTLY CONTRACTING WITH TIKD AS AN EMPLOYEE.

IT'S NOT AS EMPLOYMENT STATUS,
BUT WHETHER THE LAWYER'S
BUSINESS RELATIONSHIP WITH THE
NON-LAWYER, WITH TIKD IN THIS
CASE, COMBINED WITH THE
NON-LAWYER'S BUSINESS
RELATIONSHIP WITH THEIR MUTUAL
CLIENT IS A STRUCTURE THAT
ADVERSELY AFFECTS THE QUALITY OF
THE LEGAL SERVICES PROVIDED TO
THE PUBLIC.

>> BUT WHY IS THAT THE QUESTION,
COUNSEL?

I'M SORRY TO INTERRUPT YOU.

SO WE'RE STARTING WITH A
SITUATION WHERE IF WE READ THE
CONSTITUTION, THE SUPREME COURT
SHALL HAVE EXCLUSIVE
JURISDICTION TO REGULATE THE
ADMISSION FOR PERSONS TO THE
PRACTICE OF LAW AND THE
DISCIPLINE OF PERSONS ADMITTED,
RIGHT?

THAT'S THE SOURCE OF OUR
AUTHORITY.

IN SPERRY, WHICH INVOLVED AN
UNLICENSED PRACTICE OF LAW
SITUATION, THE COURT SAID QUITE
OBTUSELY THIS MATTER NOW BEFORE
US DOES NOT INVOLVE EITHER THE
ADMISSION OF AN APPLICANT TO THE
BAR OR THE DISCIPLINE OF ONE
ALREADY ADMITTED.

SO WE'RE ALREADY TALKING ABOUT A
FAIRLY-- FOR US BEING IN THIS
BUSINESS AT ALL, A FAIRLY
TENUOUS CONNECTION TO WHAT OUR
ACTUAL CONSTITUTIONAL AUTHORITY
IS.

AND SO IT SEEMS LIKE WE NEED TO
BE CAUTIOUS TO NARROWLY ARE,
NOT-- WE NEED TO BE FAIR ABOUT
WHAT WE'RE SAYING IS THE,
QUOTE-UNQUOTE, PRACTICE OF LAW
BECAUSE THAT'S REALLY THE ONLY
THING THAT WE HAVE AUTHORITY
OVER.

THIS QUESTION ABOUT NEW BUSINESS
MODELS, THE LEGISLATURE HAS A
STATUTE ON THE UNLICENSED

PRACTICE OF LAW.

WE HAVE AN ATTORNEY GENERAL WHO CAN PROTECT CONSUMERS, ETC., ETC., SO DON'T WE NEED TO KEEP THE FOCUS ON REALLY CAREFULLY LOOKING AT WHAT THIS COMPANY IS DOING AND WHETHER THAT IS THE PRACTICE OF LAW AS OPPOSED TO SORT OF CONJURING UP ALL THESE POTENTIAL PROBLEMS WITH ADVERTISING AND THE BUSINESS MODEL, ETC., ETC.?

>> IF YOU'RE GOING TO ALLOW NON-LAWYERS TO DO ALL THE ADVERTISING THAT WE REGULATE BY THE BAR, I SUBMIT TO YOU THAT YOU HAVE JUST GIVEN THE PRIVATE PEOPLE A SUBSTANTIAL PART OF THE PRACTICE OF LAW.

AND THAT WHEN YOU LOOK AT THIS-- AND I UNDERSTAND WHY YOU WANT TO KEEP IT NARROW AND WHY THERE SHOULD BE A FREE MARKET FOR IDEAS AND FOR BUSINESS. BUT IN THIS SITUATION, WHAT YOU'RE SEEING IS A SITUATION WHERE THEY ARE TELLING PEOPLE ON THE INTERNET THAT THEY WILL DO ALL OF THESE THINGS THAT-- UNLESS THESE PEOPLE ACTUALLY GO TO THE LAWYER THAT THEY'RE TOLD NOT TO CALL AND NOT TO PHONE, THEY'RE NEVER GOING TO KNOW THAT WHAT TIKD IS TELLING THEM ON THE WEB SITE IS TOTALLY FALSE.

IF THE OFFICER SHOWS AND THEY GOT TEN POINTS ON THEIR TICKET, THEY JUST LOST THEIR LICENSE, THEY PROBABLY WILL LOSE THEIR JOB, AND TIKD'S TERM OF SERVICE SAY THEY CAN ARBITRATE AND GET \$100 FOR THAT.

AND I SUBMIT TO YOU THAT THEY ARE GIVING LOTS OF LEGAL ADVICE HERE AND THAT ON THE FACE OF THIS RECORD, THAT LEGAL ADVICE IS HARMFUL TO THE PUBLIC.

AND THE TESTS IN SPERRY.
IF YOU WANT TO RECEDE FROM SPERRY, THAT'S ONE THING.

I'M SORRY.

>> YOU'RE, YOU HAVE USED OR
MAYBE IT'S MORE ACCURATE TO SAY
MOST OF YOUR REBUTTAL TIME HAS
BEEN CONSUMED.

>> ALL RIGHT.

WELL, LET ME JUST SAY--

>> BUT, WHAT I'M GOING TO SAY,
IT'S GOING TO ALL BE GONE IN
FIVE SECONDS HERE.

I WILL LET YOU HAVE THE THREE
MINUTES ANYWAY.

>> THANK YOU.

I USED ALL 15?

>> YEP.

>> THE LIGHT NEVER TURNED ON.

[LAUGHTER]

>> WHEN IT GOES YELLOW.

>> ALL RIGHT.

>> YOU'RE IN REBUTTAL.

>> THANK YOU.

>> GOOD MORNING.

MAY IT PLEASE THE COURSE, MY
NAME IS JAMES McGUIRE, AND WE
REPRESENT THE AMICI, THE FLORIDA
PRIVATE PRACTICE LAWYERS.

FIRST, I'D LIKE TO THANK THE
COURT FOR ALLOWING US TO
PARTICIPATE IN THIS ORAL
ARGUMENT TODAY.

OBVIOUSLY FROM WHAT WE'VE HEARD
SO FAR THIS MORNING, THE KEY
FOCUS OF THIS CASE IS, IS TIKD
ENGAGED IN THE PRACTICE OF LAW
IN SOME MANNER, IN SOME MANNER
THAT THIS COURT HAS OVERSIGHT
OVER.

AND I THINK THAT PERHAPS THE
INITIAL WAY TO ADDRESS THAT IS
TO THINK ABOUT WHAT IS IT THAT
TIKD SELLS.

IF YOU REMOVE THE LAWYERS GOING
TO TRAFFIC COURT FROM THEIR
BASKET OF GOODS, THEY'RE NOT
SELLING ANYTHING.

THEY HAVE NOTHING ELSE TO SELL.
THE ONLY REASON THEY HAVE
CLIENTS IS BECAUSE THEY SAY
WE'RE GOING TO GET SOMEBODY TO
GO INTO COURT FOR YOU.

THAT'S PROVIDING LEGAL SERVICES.
NOW, THERE'S A QUESTION, OF
COURSE, WHETHER THAT'S
APPROPRIATE TO DO THAT, BUT THAT
IS THE ONE AND ONLY THING THEY
SELL.

EVERYTHING ELSE IS BELLS AND
WHISTLES--

>> WELL, AND DOESN'T THAT,
DOESN'T THAT-- THE POINT YOU'RE
MAKING THERE-- FIT IN WITH WHAT
WE SAID IN CONSOLIDATED BUSINESS
WHERE ALTHOUGH WE TALKED
ABOUT-- AND WE BASICALLY
ADOPTED WHAT THE REFEREE SAID--
BUT THERE WAS A LOT OF
FOCUS ON THE VARIOUS WAYS THE
LAWYERS WERE CONTROLLED.
BUT IN ADDITION TO THAT, THE
REFEREE SAID THE RESPONDENT HAS
SHOWN NO OTHER MEANS OF
PRODUCING INCOME OTHER THAN BY
PROVIDING, BY THE PROVIDING OF
LEGAL SERVICES WHICH CLEARLY IS
THE PRACTICE OF LAW WHERE THE
RESPONDENT CEASED FROM
RESPONDING SUCH SERVICES, IT
CEASED TO EXIST AS AN
INCOME-PRODUCING ENTERPRISE.
THE NATURE OF THE CORPORATE
BUSINESS SUCH THAT IT MUST BE
DEEMED TO BE ENGAGED IN THE
UNAUTHORIZED PRACTICE OF LAW
WITH OR WITHOUT THE EXAMPLES OF
CONTROL.

SO I THINK THAT STANDS FOR THE
PROPOSITION THAT IF A BUSINESS
ENTITY DERIVES ALL OF ITS INCOME
FROM THE PRACTICE OF LAW, IT IS
ENGAGED IN THE PRACTICE OF LAW.
I DON'T KNOW HOW ELSE TO
UNDERSTAND WHAT WAS SAID THERE.

>> YOUR HONOR, I COULD HAVE
SPENT VERY LITTLE TIME PREPARING
FOR THIS AND JUST ALLOWED YOU TO
SAY THAT.

I THINK THAT'S EXACTLY RIGHT.
AND IN THAT SAME CASE,
CONSOLIDATED BUSINESS, THIS
COURT ALSO REMINDED THE PARTIES

OF THE OLD ADMONITION THAT YOU CANNOT SERVE TWO MASTERS. AND IN THIS CASE, IF YOU ARE A LAWYER CONTRACTING WITH TIKD, YOU ARE ABSOLUTELY SERVING TWO MASTERS BECAUSE TIKD HAS ONE AND ONLY ONE GOAL WHEN ITS LAWYERS GO TO COURT.

THAT IS TO AVOID A FINE. NOW, FOR SOME DRIVERS THAT'S PERFECTLY FINE.

THAT'S WHAT YOU'RE LOOKING FOR TOO.

BEST CASE SCENARIO IS AVOID THE FINE.

BUT FOR SOME DRIVERS IF YOU GO IN, JUST FOR EXAMPLE, AND YOU'VE ALREADY GOT TEN POINTS ON YOUR LICENSE AND YOU GET CONVICTED OF THE SPEEDING TICKET, YOU'RE GOING TO GET THREE MORE POINTS WHICH MEANS YOUR LICENSE IS GOING TO BE SUSPENDED.

FOR THAT INDIVIDUAL, GOING IN AND TRYING TO DEFEAT A TICKET MAY BE THE DUMBEST THING YOU CAN DO.

>> BUT ISN'T THAT, ISN'T THAT WHY, ISN'T THE WHOLE POINT OF THAT THOUGH THAT THE PERSON THEN GETS CONNECTED TO A LAWYER WHO CAN TALK THROUGH ALL THAT WITH THEM?

AND TO THE EXTENT IT DOESN'T HAPPEN, I MEAN, YOU'RE A CLIENT. YOU CAN TALK AS MUCH OR AS LITTLE WITH YOUR LAWYER AS YOU WANT.

>> I GUESS I WOULD SAY IN A SORT OF ACADEMIC SENSE THAT THAT'S ABSOLUTELY TRUE.

I CAN'T ARGUE WITH THAT. BUT, YOU KNOW, PART OF THE PURPOSE OF US BEING HERE AS AMICI IN THIS CASE IS WE DO HAVE A LITTLE REAL WORLD EXPERIENCE BOTH WITH TIKD AND WITH DEFENDING TRAFFIC TICKETS. AND WHEN THE SYSTEM IS SET UP AND THE WEB SITE KEEPS SAYING

HERE'S HOW THIS IS GONNA WORK,
WE'RE GUARANTEEING YOU ONLY--
IF YOU DON'T USE US, YOU'RE
GOING TO GET POINTS ON YOUR
LICENSE, ALL THESE OTHER
TERRIBLE RESULTS.

YOU'VE BASICALLY ALREADY BEEN
TOLD THROUGH THE LEGAL ADVICE OF
TIKD THIS IS THE BEST WAY TO
HANDLE A TICKET.

TIKD HAS GOT ME COVERED.

>> SO BUT IF THAT'S THE ISSUE,
THEN IT SEEMS LIKE WE'VE GOT TWO
THINGS GOING ON HERE.

WE'VE GOT SORT OF THE
FUNDAMENTAL QUESTION ABOUT
WHETHER THE BUSINESS MODEL IS
INHERENTLY THE PRACTICE OF LAW,
AND THEN WE'VE GOT SOMETHING
THAT'S REALLY, I MEAN, YOU
COULD-- I'M NOT SURE WHAT, I
DON'T KNOW ABOUT WHETHER THAT
CONSTITUTES LEGAL ADVICE OR NOT,
BUT THAT'S EASILY FIXABLE.

IF THAT'S THE ISSUE, YOU KNOW,
IF THE WEB SITE SAID, HEY, WE'RE
GOING TO CONNECT YOU WITH A
LAWYER AND WE ENCOURAGE YOU TO
TALK TO THEM, TO TALK THROUGH
ALL YOUR OPTIONS, THEN ALL OF A
SUDDEN MAGICALLY THAT'S NOT--
THAT'S NO LONGER THE PRACTICE OF
LAW, RIGHT?

>> BUT I DON'T THINK SO, YOUR
HONOR.

I THINK IF YOU READ THROUGH THAT
WEB SITE--

>> WELL, NO, BUT I'M JUST
SAYING.

I MEAN, LET'S ASSUME THAT THE
WEB SITE CAN BE CHANGED.

IF THE POINT IS IF YOU'RE SAYING
THAT IT'S, QUOTE-UNQUOTE, LEGAL
ADVICE THAT THIS DISCOURAGES
PEOPLE FROM ACTUALLY TALKING TO
LAWYER, THAT'S SOMETHING THAT'S
EASY FIXABLE.

AND THEN YOU WOULD BE LEFT WITH
THE QUESTION OF WHETHER THE
BUSINESS MODEL IS INHERENTLY THE

PRACTICE OF LAW WHICH, I THINK, IS WHAT THE CHIEF WAS SUGGESTING WITH HIS QUESTION.

>> I SUPPOSE IT'S FIXABLE IN THE SENSE YOU'VE MENTIONED THAT YOU COULD SIMPLY REVISE THE LANGUAGE ON THE WEB SITE.

BUT I THINK IF WE'RE LOOKING AT THIS FROM A REAL WORLD PERSPECTIVE, TIKD'S BUSINESS MODEL, WHAT IT'S DOING CAN'T WORK IF THE LAWYERS HAVE TO SPEND TIME WITH THE CLIENTS. THEY PAY THEM SO LITTLE, THIS IS ALL ABOUT RUNNING THROUGH THE NUMBERS AND GENERATING AS MANY OF THESE AS YOU POSSIBLY CAN. THAT'S THE REASON WHY TIKD'S BUSINESS MODEL WILL ONLY WORK IN A HANDFUL OF COUNTIES IN FLORIDA.

IT WILL WORK IN MIAMI-DADE BECAUSE THE COURT IS OVERWHELMED, AND SO A LOT OF TICKETS GET DISMISSED.

IF YOU GO TO A SMALL COUNTY, MANATEE COUNTY, IT'LL NEVER WORK BECAUSE THE LAWYERS ARE GOING TO HAVE TO SPEND TOO MUCH TIME, AND THEY'RE NOT GOING TO WIN ENOUGH OF THE CASES.

THIS IS ALL BASED ON, TO TAKE THE BAR'S ANALOGIES, IT'S A CASINO SORT OF PROCESS.

THE HOUSE HAS TO FIGURE OUT THE ODDS.

AND IF THE ODDS ARE IN THE HOUSE'S FAVOR, THEN BLACKJACK IS FINE, WE CAN PLAY THAT.

IF THE ODDS ARE NOT IN THE HOUSE'S FAVOR, THEN THAT GAME'S NOT GOING TO BE AVAILABLE.

>> YOU'RE NOW ABOUT A MINUTE OVER.

SO SUM UP IN 15 SECONDS.

>> I APOLOGIZE.

I GUESS I WOULD JUST LEAVE YOU WITH THIS THOUGHT.

IF I AS AN ATTORNEY SAY THAT MY OWN BUSINESS, CALL IT JIMMY'S

TICKET DEFENSE, AND DID ALL THE THINGS THAT TIKD IS DOING, I'D BE IN SIGNIFICANT TROUBLE WITH THE BAR.

AND THE ODD THING IS IF I ENDED UP IN FRONT OF THIS COURT AND GOT DISBARRED, IN TIKD'S WORLD, HOORAY, EVERYTHING'S NOW RESOLVED.

I'M NOT A LAWYER.

I DON'T HAVE TO ABIDE BY ANY OF THE RULES THAT GOVERN LAWYERS. I'M BETTER OFF BEING A DISBARRED LAWYER AND DOING THIS THAN BEING A LAWYER AND TRYING TO RUN THE EXACT SAME BUSINESS THEY ARE. AND I THINK IN THAT WORLD WHAT THEY'RE DOING MAKES NO SENSE.

>> WELL, BUT IF THE LAWYER-- I MEAN, TIKD IS CONTRACTING WITH LAWYERS.

LAWYERS ARE ENTERING THESE CONTRACTUAL LAWYERS.

IF THEY'RE NOT SERVING THE PEOPLE WELL, THEY'RE SUBJECT TO THE DISCIPLINE OF THIS BAR, RIGHT?

>> THEY ARE, YOUR HONOR.

I GUESS WHAT I WOULD SAY TO THAT IS, YOU KNOW, TRAFFIC TICKETS OCCUR AT THAT SORT OF MARGIN, THE EXPENSE INVOLVED, YOU'RE NOT GOING TO GET SENT TO PRISON, GET A MILLION DOLLAR JUDGMENT AGAINST YOU, THE SORT OF THINGS WHERE PEOPLE WILL SPEND THEIR LIVE SAVINGS TO DEFEND THEMSELVES.

IF THINGS DON'T GO SO WELL FOR TIKD, THOSE PEOPLE WILL PROBABLY LOOK AT THE WEB SITE AND SAY I'M LIMITED TO \$100, PLUS I'VE GOT TO PAY AN ARBITRATOR.

WHAT AM I GOING TO DO?

I'M GOING TO WALK AWAY.

THE PEOPLE WHO ARE USING TIKD TO HELP THEM WITH TICKET DEFENSE, ARE THEY GOING TO HIRE A PRIVATE PRACTICE CIVIL ATTORNEY TO SUE THE FIRST LAWYER ABOUT HOW THE

TICKET WAS DEFENDED--

>> BUT THAT'S PROBABLY TRUE IF THEY HAD WALKED IN OFF THE STREET TO ANOTHER LAWYER OFFERING THE SERVICE.

I MEAN, THE INCENTIVES DON'T REALLY MATTER IN TERMS OF HOW YOU GOT CONNECTED TO THE LAWYER YOU ENDED UP USING.

>> I AGREE.

BUT I CANNOT LIE TO MY CLIENTS OR POTENTIAL CLIENTS ONLINE IN ORDER TO GET THEM IN THE DOOR. TIKD CAN--

>> WE'RE GOING TO NEED TO MOVE ON HERE.

[INAUDIBLE CONVERSATIONS]

>> I APOLOGIZE.

THANK YOU.

OBVIOUSLY, WE SUPPORT THE BAR'S POSITION.

>> THANK YOU.

>> MAY IT PLEASE THE COURT, CHRISTOPHER KISE ON BEHALF OF THE RESPONDENTS.

THE FOCUS OF UPL REGULATION IS ON PREVENTING HARMING, NOT PROTECTING MONOPOLIES.

TIKD REPRESENTS THE EFFICIENT INTERSECTION OF TECHNOLOGICAL INNOVATION AND ACCESS TO COUNSEL.

THERE IS NO EVIDENCE OF HARM IN THIS RECORD DESPITE EVERYTHING YOU'VE HEARD.

IT'S ALL HYPERBOLE.

THERE'S NO ACTUAL EVIDENCE OF HARM IN THIS RECORD, AND IT IS UNDISPUTED THAT ALL LEGAL SERVICES DELIVERED TO TIKD CUSTOMERS ARE PROVIDED BY LICENSED, INDEPENDENT FLORIDA ATTORNEYS.

THIS IS WHAT AN ACCESS TO JUSTICE SOLUTION LOOKS LIKE.

THE BAR SPENDS A LOT OF TIME AND HAS A LOT OF COMMITTEES TO TALK ABOUT ACCESS TO JUSTICE.

LET'S FIND A WAY TO MAKE LEGAL SERVICES MORE ACCESSIBLE TO THE

AVERAGE INDIVIDUAL.
AND THE ONLY PEOPLE THAT HAVE AN
INCENTIVE TO DO THAT ARE NOT THE
BAR, THEY'RE NOT THE AMICUS.
THEY'VE GOT THEIR OWN
MONOPOLY--

>> I'M SORRY--

>> TECHNOLOGICAL INNOVATORS.

>> I'M SORRY TO INTERRUPT YOU,
BUT COULD YOU ADDRESS THE ISSUE
THAT THE CHIEF RAISED ABOUT
WHETHER WE WOULD BE EXTENDING
THE LOGIC OF THE CASE THAT HE
MENTIONED BY APPLYING IT HERE,
OR ARE THERE-- ESSENTIALLY, HE
WAS SUGGESTING IN HIS QUESTION
THAT THE BUSINESS MODEL ISSUE
HAS ALREADY BEEN ADDRESSED BY
THAT CASE, AND I'D BE CURIOUS TO
HEAR WHAT YOUR ANSWER--

>> AND I'D RESPECTFULLY DISAGREE
WITH THAT, MR. CHIEF JUSTICE,
BECAUSE TIKD IS IN THE BUSINESS
OF SELLING AN ADMINISTRATIVE
PLATFORM AND IN THE BUSINESS OF
SELLING THE FINANCIAL GUARANTEE.
THAT'S WHAT THE REFEREE FOUND.
THE REFEREE FOUND THAT'S THE
BUSINESS THEY'RE IN-- AND THE
REFEREE FOUND IT DOESN'T PROVIDE
OR OFFER TO PROVIDE LEGAL
SERVICES.

IT PROVIDES ACCESS NOT THE
SERVICES.

AND SO THE FACT THAT IT IS
CONNECTED IN SOME WAY TO THE
LEGAL PROFESSION DOESN'T THEREBY
RENDER IT--

>> LET ME ASK YOU ABOUT THAT.
IF SOMEONE IS STOPPED BY A LAW
ENFORCEMENT OFFICER OF A
GOVERNMENTAL AGENCY AND IS
CHARGED WITH TRAFFIC OFFENSE AND
GIVEN A NOTICE TO APPEAR IN
COURT, YOU WOULD AGREE THAT THEY
HAVE A LEGAL PROBLEM AND ONLY A
LEGAL PROBLEM, CORRECT?

>> THEY DO HAVE A LEGAL PROBLEM.
YES, YOUR HONOR.

>> OKAY.

AND WOULDN'T YOU AGREE THAT YOU'RE OFFERING TO SOLVE THAT LEGAL PROBLEM FOR ANYBODY IN THAT CIRCUMSTANCE?

>> WE ARE OFFERING TO PROVIDE THE ADMINISTRATIVE SUPPORT, TO PROVIDE THEM A FINANCIAL GUARANTEE AND TO PROVIDE THEM ACCESS TO A LICENSED, INDEPENDENT FLORIDA ATTORNEY WITH WHOM THEY CONTRACT SEPARATELY.

>> YOU SAY IN THE ADVERTISEMENT THAT'S ATTACHED AS EXHIBIT 3A TO THE BAR'S RESPONSE TO THE MOTION FOR SUMMARY JUDGMENT THAT YOU GET ALL THE BENEFITS OF A COURT CHALLENGE IF YOU RESOLVE YOUR WITH LEGAL PROBLEM WITH TIKD, BUT YOU'LL GET POINTS ON YOUR LICENSE IF YOU GO WITH AN ATTORNEY.

YOU WON'T GET POINTS ON YOUR LICENSE IF YOU DON'T GO WITH AN ATTORNEY.

YOU GIVE ALL THE BENEFITS OF HOW COMING TO YOUR CLIENT TO SOLVE THIS LEGAL PROBLEM IS A BETTER IDEA THAN GOING TO A LAWYER, IS THAT ACCURATE?

>> I WOULD, I WOULD DISAGREE TO THIS EXTENT, YOUR HONOR, AND THAT IS IT'S NOT THAT YOU'RE GETTING ALL THE BENEFITS COMING TO TIKD AND NOT GOING TO THE LAWYER, YOU'RE COMING TO TIKD OR AND YOU'RE GETTING THE ADMINISTRATIVE PLATFORM, YOU'RE GETTING THE PAYMENT IN ONE PLACE.

YOU'RE GETTING THE ADMINISTRATIVE DETAILS, ALL OF THE PUBLIC DETAILS ABOUT YOUR CASE ON THE DASHBOARD IN A CONVENIENT CASE.

YOU'RE GETTING THE OPPORTUNITY TO ACCESS A LAWYER IN ONE PLACE.

YOU'RE GETTING THE FINANCIAL GUARANTEE IN ONE PLACE.

BUT YOU'RE STILL GETTING---

>> A LAW FIRM CAN SAY ALL OF
THOSE THINGS.
BUT IF A LAW FIRM ADVERTISED THE
OPPORTUNITY TO ADDRESS SOMEONE'S
LEGAL PROBLEM, THEY WOULD HAVE
TO HAVE THAT ADVERTISEMENT
APPROVED BY THE FLORIDA BAR, AND
IT WOULD BE SUBJECT TO
REGULATION SO THAT IT COULD NOT
BE MISLEADING, CORRECT?
>> YES, YOUR HONOR.
>> OKAY.
>> IT WOULD.
>> WHY DOES IT MAKE SENSE THAT A
LAWYER, ISN'T THAT NECESSARY FOR
THE PROTECTION OF THE PUBLIC
THAT A LAWYER CANNOT MISLEAD THE
PUBLIC IN ADVERTISING TO SOLVE A
LEGAL PROBLEM?
>> WELL, THERE IS NO LAWYER
THAT'S MISLEADING PUBLIC, ONE.
TWO--
>> RIGHT, BUT YOU ARE --
>> I DON'T--
>> I MEAN, YOUR CLIENT IS IN
THIS ADVERTISEMENT THAT'S
ATTACHED AS EXHIBIT 3A.
>> I WOULD RESPECTFULLY
DISAGREE.
I WOULD AGAIN SAY WHAT WE'RE
DOING IS WE'RE CONNECTING THEM
TO A LAWYER, AND THAT LAWYER CAN
GIVE THEM LEGAL ADVICE.
AND IF THEY'RE--
>> IT SAYS WITH TIKD YOU AVOID
POINTS ON YOUR LICENSE AND
THOUSANDS IN HIGHER INSURANCE
CLAIMS.
WITHOUT TIKD, YOU WILL GET
POINTS ON YOUR LICENSE.
ISN'T THAT MISLEADING?
>> [INAUDIBLE]
>> IT SAYS THAT, DOESN'T IT?
DOES IT SAY THAT?
IT'S NOT A QUESTION OF WHETHER
YOU WOULD SAY SOMETHING
DIFFERENT, THAT IS WHAT YOUR
CLIENT HAS SAID.
ISN'T THAT CORRECT?
>> THAT'S CORRECT, YOUR HONOR.

>> OKAY.

SO IF WE REGULATE LAWYER ADVERTISING TO PROTECT THE PUBLIC BECAUSE IT IS DAMAGING AND HARMFUL TO THE PUBLIC TO MISLEAD THEM IN OFFERING TO SOLVE A LEGAL PROBLEM, WHY IS IT OFFERING LEGAL SERVICES TO THE PUBLIC AN INTEGRAL PART OF THE PRACTICE OF LAW THAT NEEDS TO BE REGULATED IN ORDER TO PROTECT THE PUBLIC.

>> I JUST DON'T KNOW WHERE THAT PROPOSITION WOULD END THEN. BECAUSE ANYTHING THEN THAT'S CONNECTED TO THE PRACTICE OF LAW, ANY SORT OF ADVERTISEMENT, ANY SORT OF BUSINESS MODEL THAT PROVIDES GREATER ACCESS TO COUNSEL IS GOING TO BE SUBJECT TO THAT THEORY.

AND SO IF WE'RE HERE ABOUT WHAT IS IN THE ADVERTISEMENT AND CHANGING THE ADVERTISING WILL CHANGE THE OUTCOME, THEN THAT'S SOMETHING THAT COULD BE READILY ADDRESSED.

BUT THAT DOESN'T MAKE THE BUSINESS MODEL SOMETHING THAT CONSTITUTES THE PRACTICE OF LAW. THE FOCUS OF THIS COURT'S CASES, THE CORE OF UPL REGULATION IS WHO IS GIVING THE LEGAL ADVICE, WHO IS ACTUALLY RENDERING THE LEGAL ADVICE.

AND HERE IT'S AN INDEPENDENT, LICENSED FLORIDA ATTORNEY THAT CONTRACTS SEPARATELY WITH THE CLIMATE.

>> AND, COUNSEL, YOU WOULD AGREE THAT IT DOESN'T MATTER WHAT BUSINESS YOU'RE IN, WHETHER IT'S THE LEGAL BUSINESS OR ANY BUSINESS IN FLORIDA, YOU CAN'T, A COMPANY CAN'T ENGAGE IN MISLEADING ADVERTISING.

I MEAN, ISN'T THE QUESTION WHAT REGIME, WHAT LEGAL REGIME THAT THE ADVERTISING WOULD BE SUBJECT TO, NOT WHETHER-- IT'S NOT AS

IF WE SAY THIS IS NOT THE PRACTICE OF LAW, THEN THESE ADS CAN SAY WHATEVER THEY WANT AND THERE'S NO LEGAL RECOURSE, ISN'T THAT RIGHT?

>> I THINK THAT'S EXACTLY RIGHT, YOUR HONOR.

AND I THINK THAT'S EXACTLY WHAT THE BAR RECOGNIZES IN ITS COMMENTS ON THE RULE 23 THAT IT'S PROPOSED.

IN RESPONSE NUMBER ONE THAT WE'VE ATTACHED AS OUR, IN OUR NOTICE OF SUPPLEMENTAL AUTHORITY, THE BAR HAS PROPOSED RULE 23 WHICH ESSENTIALLY ADOPTS EXACTLY WHAT TIKD IS DOING.

IT SAYS YOU CAN HAVE AN ONLINE SERVICE PROVIDER THAT MATCHES LAWYERS WITH CLIENTS THAT SETS THE FEE AND COLLECTS THE FEE. THAT'S REALLY WHAT WE'RE DOING. IN THE CONTEXT OF ADVERTISING, YES, AS YOU POINTED OUT, JUSTICE MUNIZ, THERE'S THE--

>> WELL, BUT ISN'T THE, ONE THING THAT SETS THIS APART FROM OTHER THINGS THAT-- AND I UNDERSTAND YOU DON'T THINK IT'S MISLEADING, BUT ASSUME IT'S MISLEADING.

IT IS MISLEADING IN PROVIDING LEGAL ADVICE.

IT PROVIDES MISLEADING LEGAL ADVICE WHICH SEEMS TO ME TO GET US OVER INTO THE UNAUTHORIZED PRACTICE OF LAW.

>> AGAIN, YOUR HONOR, I RESPECTFULLY DISAGREE BECAUSE THE REFEREE FOUND THAT TIKD DOES NOT-- I MEAN, THESE ARE THE FACTS IN THE RECORD THAT'S FULLY DEVELOPED.

AND UNLESS THIS COURT IS PREPARED TO SAY-- WHICH THEY MIGHT BE, IT'S YOUR PREROGATIVE-- THAT THEY'RE CLEARLY ERRONEOUS OR WHOLLY CONTRARY TO THE EVIDENCE, TIKD IS NOT PRACTICING LAW.

THEY'RE PROVIDING THE ACCESS.
AS SOON AS THE CLIENT GETS TO
THE INDEPENDENT LAWYER, THE
INDEPENDENT LAWYER HAS AN
OBLIGATION AS A MEMBER OF THE
BAR TO PROVIDE LEGAL ADVICE.

>> DOES TIKD REJECT CASES?

>> A LOT OF CASES, YES, YOUR
HONOR.

>> SO WHAT IS THE---

>> TO ANSWER THE QUESTION YOU
BEGAN WITH, JUSTICE LABARGA, I
GET STOPPED.

I GET A TRAFFIC CITATION.
I DON'T HAVE MY IPHONE SINCE
THEY TOOK IT AT THE FRONT, BUT I
WOULD GO ON THAT DEVICE, AND I
WOULD TAKE A PICTURE OF THE
TICKET, AND I WOULD UPLOAD THAT
TO TIKD.

AND THEN TIKD WOULD RECEIVE IT,
THEY WOULD RUN IT THROUGH THEIR
RISK ASSESSMENT MODEL.

THEY'RE MATHEMATICIANS.

THEY'RE INNOVATORS.

THEY FIGURED OUT HOW TO HARNESS
DATA, AND THEY RUN IT THROUGH
THEIR BUSINESS MODEL, AND THEY
DETERMINE THAT THAT IS A RISK
TRANSACTION THEY'RE WILLING TO
ACCEPT.

AND THAT IS WHAT I'M SAYING.

THE ADMINISTRATIVE PLATFORM AND
THAT RISK TRANSACTION, THAT'S
WHAT THEY'RE GETTING PAID FOR,
NOT LEGAL SERVICES.

IF THEY ACCEPT THE TICKET, THEN
THEY PROVIDE---

>> SO WHAT IS THE CLIENT TOLD?

LET'S SAY I CALL YOUR SERVICE
BECAUSE I GOT A TICKET, AND AM I
TOLD, WELL, WE NEED TO ANALYZE
THIS AND THEN WE'LL LET YOU KNOW
WHETHER WE TAKE THE CASE OR NOT?

>> IT TAKES SECONDS IN THE
COMPUTER WORLD.

YOU GET YOUR ANSWER WITHIN A
MINUTE OR LESS.

>> BUT IS THERE ANYTHING IN A
BROCHURE OR IN THE ADVERTISEMENT

OR ANYTHING TO THE EXTENT THAT YOU'RE GOING TO BE SELECTIVE ABOUT THE CASES THAT YOU TAKE?

>> YES, I BELIEVE SO, YOUR HONOR.

>> SO IF I'M A CLIENT AND I'M A PERSON WITH A TRAFFIC-- NOT THAT I'VE EVER GOTTEN ONE OR ANYTHING LIKE THAT-- AND I SEE AN ADVERTISEMENT THAT SAYS WITHOUT TIKD, YOU'LL GET POINTS, WITH US YOU WON'T, AND THEN YOU'RE BEING SELECT SELECTIVE ABOUT WHETHER YOU TAKE MY CASE OR NOT, WHY WOULD NOT MY RATIONALE BE, WELL, THEY'VE ALREADY PRETTY MUCH DONE THEIR THING, AND I'M LOOKING PRETTY GOOD.

THEY'RE GOING TO SEND IT TO A LAWYER, AND I'M GOING TO BEAT THIS.

>> WHAT WE'RE SAYING TO THE CUSTOMER IS WE ARE WILLING TO TAKE ON THE RISK ASSOCIATED WITH THE TRANSACTION.

THAT'S NOT RENDERING LEGAL ADVICE.

AND IT'S VERY CLEAR.

IN THIS RECORD THERE IS NOT A SINGLE-- THE BAR'S HAD TWO YEARS PLUS TO INTRODUCE A SINGLE INSTANCE WHERE ANY TIKD CUSTOMER THOUGHT TIKD WAS A LAW FIRM OR RENDERED LEGAL ADVICE.

THERE'S NOT A SINGLE INSTANCE OF THAT ANYWHERE IN THIS RECORD.

AND ALL OF THE HOBGOBLINS IN ALL OF THE ADVERTISING, WHY IS THERE NO EVIDENCE IN THE RECORD OF HARM?

THAT IS SORT OF THE CORE OF UPL REGULATION, HARM BEING VISITED UPON A CONSUMER BASE ON UNSKILLED OR UNQUALIFIED PRACTITIONERS.

AND SO THE LANGUAGE OF THE ADVERTISEMENT?

AGAIN, WE CAN DISAGREE AS TO ITS IMPORT, BUT THERE'S NO RECORD OF

HARM, THERE'S NO RECORD OF MARKET CONFUSION, THERE'S NO RECORD OF ANYONE THINKING TIKD IS A LAW FIRM, THERE'S NO RECORD OF A COMPLAINT BY ANY TIKD CUSTOMER.

>> BUT LET ME ASK YOU THIS. IF THIS IS PERFECTLY FINE AND NOT THE PRACTICE OF LAW, WHAT WOULD BE DIFFERENT FROM COMING UP WITH AN AD THAT OFFERED TO HANDLE A DIVORCE?

FOR A FLAT FEE?

AND THEN CONTRACTING WITH THE LAWYERS, YOU HAVE THEM PUT IN THE INFORMATION, HOW MUCH IS AT STAKE, ARE THERE CHILDREN, AND YOU FIGURE OUT THAT, YOU KNOW, YOUR FIRM CAN HANDLE THIS AND MAKE A PROFIT BECAUSE YOU KNOW THAT YOU HAVE LAWYERS YOU CAN CONTRACT WITH THAT'LL HANDLE IT FOR A FLAT FEE.

SO ISN'T THAT EXACTLY THE SAME THING?

>> I THINK THAT THE HYPOTHETICAL-- NO.

>> WHY NOT?

>> AND I THINK BECAUSE, BECAUSE THE HYPOTHETICAL DOESN'T INCLUDE ENOUGH FACTS TO MAKE THAT DECISION.

AND I'M NOT DODGING YOU, I'M NOT.

WHAT I'M SAYING IS, IS THAT EACH UPL CASE, AND THIS IS PART OF THIS COURT'S JURISPRUDENCE, HAS TO BE MEASURED ON ITS PRECISE FACTS.

>> THE PRECISE FACTS ARE YOU'RE ADVERTISING TO SOLVE LEGAL PROBLEMS FOR CITIZENS, AND YOU'RE TAKING THE MONEY, AND YOU'RE CONTRACTING WITH LAWYERS TO DO IT.

IF THAT IS A MODEL THAT'S OKAY, WHY CAN'T ANY PRIVATE COMPANY ADVERTISE TO SOLVE LEGAL PROBLEMS FOR CITIZENS, HIRE A LAWYER TO HANDLE IT FOR THE

CLIENT AND MAKE A PROFIT
AND AVOID THE ADVERTISING RULES,
THE TRUST ACCOUNTING RULES AND
EVERY OTHER REGULATION THAT WE
HAVE THAT OTHERWISE WOULD APPLY
TO A LAW FIRM IF IT CAN DID THE
SAME THING?

>> SO TWO THINGS.

ONE, THEY COULD AS LONG AS
THERE'S NO ACTUAL LEGAL ADVICE
BEING GIVEN AND THERE'S A
SEPARATE INDEPENDENT CONTRACT
WITH A LICENSED, INDEPENDENT
FLORIDA ATTORNEY.

>> OBVIOUSLY, THERE'S LEGAL
ADVICE BEING GIVEN.

THEY'RE FACILITATING IT.

THEY'RE NOT GIVING IT, THEY'RE
JUST FACILITATING IT.

>> CORRECT.

>> BUT I DON'T-- I'M STRUGGLING
WITH THIS ISSUE, AND I'M GOING
TO ASK YOU TO GO BACK TO THE
POINT IN CONSOLIDATED BUSINESS
AND LEGAL FORMS.

NOW, I REALIZE THERE'S A LOT OF
TALK THERE ABOUT THE EXERCISE OF
LAY CONTROL OVER WHAT THE
LAWYERS ARE DOING.

BUT AT THE END OF THE ANALYSIS,
THE JUDGE SAYS THAT REALLY
DOESN'T MATTER.

THIS CAN'T BE FIXED.

SO EVEN IF YOU PUT-- WHAT WE
SAID THERE IS EVEN IF YOU PUT IN
MEASURES TO INSURE THAT THE
LAWYERS EXERCISE THEIR
INDEPENDENT JUDGMENT, BECAUSE
THIS ENTITY EXISTS TO PROVIDE
LEGAL SERVICES OR TO FACILITATE
THE PROVISION OF LEGAL SERVICES,
HOWEVER YOU WANT TO CHARACTERIZE
IT, THIS ENTITY IS THERE
DERIVING ALL THIS INCOME FROM
THE GIVING OF LEGAL SERVICES.
IT IS THE UNAUTHORIZED PRACTICE
OF LAW.

I MEAN, I'M STRUGGLING TO SEE
HOW WE COULD-- AND LET ME SAY
THIS, I AM NOT ENTIRELY

UNSYMPATHETIC WITH YOUR CLIENT'S POSITION.

I THINK WE NEED TO BE LOOKING AT THINGS THAT WE CAN DO THAT WILL INNOVATE AND PROVIDE ACCESS.

BUT I'M STRUGGLING WITH HOW WE CAN AUTHORIZE THIS WITHOUT BACKING AWAY FROM WHAT WE SAID IN CONSOLIDATED BUSINESS.

>> BECAUSE I THINK THERE'S A BIG DIFFERENCE, MR. CHIEF JUSTICE, BETWEEN PROVIDING THE SERVICES AND FACILITATING THE SERVICES, TO USE YOUR WORDS.

I THINK THAT'S THE REAL KEY DISTINCTION HERE.

IN CONSOLIDATED BUSINESS, THEY WERE IN THE BUSINESS OF ACTUALLY OFFERING LEGAL SERVICES.

THE EMPLOYEES WERE ATTORNEY EMPLOYEES DIRECTED AND CONTROLLED.

WHAT TIKD IS DOING IS NO DIFFERENT THAN WHAT AN INSURANCE COMPANY DOES ALL DAY LONG.

THE ARCH CASE COMING UP AFTER THIS, AN INSURANCE COMPANY THAT HIRED A LAWYER FOR INSURED.

ANYONE KNOWS INSURANCE COMPANIES ARE QUITE INVOLVED IN REPRESENTATION.

UNLIKE TIKD, THEY'RE VERY MUCH INVOLVED IN THE REPRESENTATION AND SOMETIMES BECOME QUITE ONEROUS, AT LEAST IN MY LIMITED EXPERIENCE.

IT'S BACK TO THIS QUESTION OF FACILITATION VERSUS PROVIDING THE SERVICES.

AND IN CONSOLIDATED BUSINESS, THERE WERE 17 SPECIFIC FINDINGS OF CONTROL.

THERE WERE SPECIFIC INSTANCES OF HARM.

THIS WASN'T SOME HYPOTHETICAL. IF THIS SORT OF ACCESS TO JUSTICE SOLUTION DOESN'T WORK, IF FACILITATION DOESN'T WORK HERE IN ONE OF THE MOST BASIC LEGAL SERVICES DELIVERY

MECHANISMS THAT WE HAVE AT THE BAR, I DON'T SEE HOW ANYTHING, RESPECTFULLY, IS GOING TO WORK. BECAUSE ANYTHING THAT GETS ANYWHERE CLOSE TO THE BAR IS GOING TO BE DEEMED, WELL, YOU'RE TOO CLOSE.

AND AS JUSTICE GORSUCH OBSERVED IN THE ABA RESOLUTION MATERIALS THAT WE PROVIDED, IT'S TIME TO THINK DIFFERENTLY ABOUT THIS. WE ALLOW THIS WITH INSURANCE COMPANIES.

WE DO THIS WITH INSURANCE COMPANIES, AND WE DO THAT BECAUSE AS A BAR IT BENEFITS THE BAR.

IT HIRES A LOT MORE LAWYERS. SO WHY DO WE LOOK AT THE RULES DIFFERENTLY WHEN WE'RE TALKING ABOUT THE CONSUMER?

THE OLD WAYS RAISE PRICES AND RESTRICT COMPETITION.

AND HERE THIS IS, THIS IS THE PERFECT MODEL OF AN INNOVATIVE SOLUTION.

AND I, AGAIN, I RESPECTFULLY DISAGREE THAT YOU'VE BEEN TAKING YOUR VIEWS ON THE ADVERTISING. THERE'S MANY WAYS TO DEAL WITH THE ADVERTISING.

THAT DOESN'T MAKE IT THE PROBLEMS OF LAW.

IT DOESN'T MEAN THAT WE'RE PRACTICING LAW.

ALL OF THE CASES, ALL OF THE CASES FOCUS ON WHO IS DELIVERING THE LEGAL ADVICE, WHAT ADVICE ARE THEY RENDERING.

AND HERE THE RECORD ESTABLISHES THAT IT'S NOT TIKD.

THE TERMS OF SERVICE MAKE IT CLEAR.

ALL LEGAL ADVICE AND REPRESENTATION IS PROVIDED BY LICENSED, INDEPENDENT FLORIDA ATTORNEYS.

NOT EMPLOYED, CONTROLLED OR DIRECTED BY TIKD.

THAT'S A FINDING OF FACT THAT'S

IN THE RECORD.

IT'S NOT AN INFERENCE, LIKE THE BAR CALLED IT, IT'S A FINDING OF FACT.

THAT IS WHAT'S HAPPENING HERE IN REALITY.

THERE'S NO EVIDENCE OF HARM. THEY'VE BEEN GIVEN TWO YEARS. THE BAR IS COMING BEFORE THIS COURT WITH THE EXACT SAME ARGUMENTS IT MADE ALMOST TWO YEARS AGO.

IN ALL OF THAT TIME, THERE HASN'T BEEN ANY INTRODUCTION OF ANY EVIDENCE TO THE CONTRARY. AND THE RULE 23, THE PROPOSED RULE 23 IS, TO ME, THE BIGGEST CURIOSITY, TO PUT IT MILDLY.

RULE 23, THE BAR IS PROPOSING THAT, INTERESTINGLY, AMICUS IS AGAINST THAT AS WELL, AUTHORIZES EXACTLY WHAT TIKD DOES.

IT ALLOWS THE ONLINE SERVICE PROVIDER, WHICH TIKD WOULD BE, TO MATCH A LAWYER AND A CLIENT TOGETHER.

IT ALLOWS THEM TO SET THE FEE, AND IT ALLOWS THEM TO COLLECT AND REMIT THE FEE.

THAT'S WHAT TIKD IS DOING.

NOW, THE ONLY DIFFERENCES ARE THAT THE BAR HAS INSERTED AT THE END, AND THIS WOULD BE OUR ISSUE WITH RULE 23, THAT THEY HAVE THE ABSOLUTE DISCRETION TO SAY, YES, YOU QUALIFY OR, NO, YOU DON'T. AND SO THAT SEEMS PROBLEMATIC IN A FREE MARKETPLACE.

AND TO JUSTICE MUNIZ, YOUR POINTS ABOUT THE CONSTITUTIONAL LIMITS OF THE AUTHORITY ON THE BAR, THE BAR-- THE POINT OF RULE 23 AND WHAT IT DEMONSTRATES AND WHY WE BROUGHT IT BEFORE THIS COURT IS THAT IT'S DEMONSTRATING THAT THE BAR THINKS THIS CONDUCT, WHAT TIKD IS DOING, IS OKAY.

AND, AGAIN, IF THERE'S ISSUES

WITH THE ADVERTISING, WELL, THEN
SO BE IT.

WE'LL DEAL WITH THOSE EITHER ON
AN INDIVIDUALIZED BASIS, OR THE
ATTORNEY GENERAL'S CIVIL
ENFORCEMENT OFFICE WILL DEAL
WITH IT OR SOME OTHER MECHANISM.
THAT'S EXACTLY WHAT THE BAR HAS
SAID AGAIN IN ITS RESPONSE TO
THE COMMENTS BY AMICUS IN THIS
CASE.

THAT THIS IS OPENING THE DOOR TO
FALSE ADVERTISING.

THIS IS REALLY A SPEEDY,
EFFICIENT AND RELATIVELY
PAINLESS WAY TO DEAL WITH A
TICKET JUST AS THE REFEREE
FOUND.

THE UNITED STATES, ACCORDING TO
THE ABA RESOLUTION, RANKS 103RD
OUT OF 126 COUNTRIES IN TERMS OF
AFFORDABILITY AND ACCESSIBILITY
OF LEGAL SERVICES.

I WOULD URGE THIS COURT TO ADOPT
THE POSITION OF THE REFEREE, TO
THINK DIFFERENTLY.

TIKD IS AN ACCESS TO JUSTICE
SOLUTION.

IT ALLOWS ACCESS TO LICENSED,
INDEPENDENT FLORIDA LAWYERS WHO
ARE GOVERNED BY THE BAR, THEY
HAVE PROFESSIONAL
RESPONSIBILITIES TO THOSE
CLIENTS.

THE CLIENT CONTRACTS SEPARATELY
FROM THEM.

TIKD PROVIDES ACCESS, IT
PROVIDES EVERYTHING IN ONE
PLACE.

THE PUBLIC HATES DETAILS.
IT MAKES IT SIMPLE.

I MEAN, ANYONE THAT'S HAD A
TRAFFIC TICKET KNOWS THAT IT CAN
BE A CHALLENGING PROCESS
IRRESPECTIVE OF HOW YOU DEAL
WITH IT.

I MEAN, I JUST GOT A TRAFFIC
TICKET IN GEORGIA NOT THREE OR
FOUR WEEKS AGO, AND IT TOOK ME
SEVEN PHONE CALLS JUST TO PAY

IT.

I MEAN, IT'S A DIFFICULT,
TIME-CONSUMING PROCESS.
AND SO THERE ARE, THERE ARE WAYS
TO MAKE THE ACCESSIBILITY OF
LEGAL COUNSEL EASIER AND MORE
AFFORDABLE FOR THE CONSUMER, AND
THERE ARE WAYS TO REDUCE THE
BURDEN AND TIME AND EXPENSE.
SO I WOULD URGE THIS COURT,
BASED ON THE UNCONTROVERTED
RECORD, TO ADOPT THE REPORT OF
THE REFEREE AND DISMISS THE
PETITION.

THANK YOU.

>> LET ME COVER AT LEAST THREE
THINGS VERY QUICKLY.

FIRST OF ALL, THE NOTION THAT
YOU, THAT THIS COMES TO YOU WITH
FINDINGS OF FACT THAT YOU CAN'T
RECONSIDER, THE REFEREE IN THIS
CASE CONSIDERED SUMMARY
JUDGMENTS, IN FACT, DIDN'T EVEN
HAVE AN ARGUMENT LIKE THIS.
JUST I RULED ON THE PAPER AND
ANNOUNCED IT IN OPEN COURT.
SO YOU'RE HERE ON A SUMMARY
JUDGMENT, NOT ON SOMETHING
THAT'S BEEN TO TRIAL WITH
FINDINGS OF FACT BY THIS
REFEREE.

>> WELL, BUT THE REASON THAT'S
TRUE IS BECAUSE THE BAR ASKED
FOR-- IT GOT SENT TO A REFEREE,
BUT THEN THE BAR DIDN'T
INTRODUCE ANY EVIDENCE, RIGHT?
I MEAN, WE HAVE THE RECORD THAT
WE HAVE BECAUSE--

>> WE HAVE THE RECORD WE HAVE,
BUT ON OUR MOTION WE HAD TO
PROVE THAT THERE WAS NO QUESTION
OF FACT THEY WERE PRACTICING
LAW.

ON THEIRS THEY HAD TO PROVE THE
CONTRARY, FRANKLY.

AND SO THAT SHIFTS ME THEN, I
THINK, TO THIS NEXT ISSUE ABOUT
HARM.

AND YOUR PETITIONS UNDER 10.7 OF
THE RULES DO NOT REQUIRE AN

ALLEGATION THAT SPECIFIC HARM HAS TAKEN PLACE.

THERE'S NOT A CASE THAT SAYS THAT IS AN ELEMENT OF UNAUTHORIZED PRACTICE OF LAW. IT'S BEEN AN UNDERLYING POLICY THAT WE LOOK TO TO SEE WHETHER THERE IS A PROBABILITY THAT THERE WILL BE HARM TO THE PUBLIC.

IN WE THE PEOPLE, FOR EXAMPLE, THERE'S NO DISCUSSION AT ALL THAT ROBERT DID ANYTHING THAT WAS MALPRACTICE OR THAT THAT ORGANIZATION DID ANYTHING HARMFUL TO ANYONE, AND YET WE STILL DECLARED IT WAS UNAUTHORIZED PRACTICE OF LAW. IF YOU WANT TO PUT AN ELEMENT OF HARM IN THIS, YOU NEED TO TELL THE BAR THAT SO WE CAN PLEAD IT. THE DEMONSTRATIONS WE'VE SHOWN, THERE ARE PEOPLE WHO SHOULD BE PAYING THE CLERK WHO ARE LOSING THEIR LICENSES UNDOUBTEDLY IF YOU DO THE STATISTICS.

NOT EVERYONE, BUT ON AVERAGE SOMEONE'S GOING TO HAVE THAT HAPPEN TO THEM HERE.

SO THERE IS, FOR SUMMARY JUDGMENT PURPOSES, ENOUGH TO ESTABLISH HARM HERE.

AND THEN FINALLY, THE COMPARISON TO INSURANCE.

INSURANCE POLICY IS A REGULATED INDUSTRY.

IRONICALLY, THIS CAME OUT OF MY PRINTER YESTERDAY SO I PICKED IT UP.

THIS IS THE STATEMENT OF INSURANCE RIGHTS.

WE SEND OUT 100 OF THEM EVERY WEEK.

IT'S DETAILED AND ALLOWS THE CLIENT TO HAVE INFORMED CONSENT TO THIS ARRANGEMENT.

>> THAT HAS NOTHING TO DO WITH THE QUESTION OF WHETHER ESSENTIALLY PRESELLING LEGAL SERVICES IS THE, QUOTE-UNQUOTE,

PRACTICE OF LAW.
WHICH I THINK IS THEIR-- I
THINK THAT'S THE POINT OF THEIR
ANALOGY.

>> BUT WHAT THEIR SYSTEM DOES IS
CONCEALS THEIR CONTRACTUAL
ARRANGEMENT WITH THE LAWYER.
AND SO THEY KNOW AND THE LAWYER
KNOWS THAT THEY HAVE-- IF
THEY'RE SPLITTING FEES AND
THEY'RE SPLITTING FEES, THEY
HAVE TO GET INFORMED CONSENT TO
THIS ARRANGEMENT FROM THE
CLIENT.

AND THOSE CONTRACTS ARE SEALED
IN YOUR RECORD.
THERE'S NO WAY THAT THIS IS
INFORMED CONSENT FROM A CLIENT.
THEY ARE GIVING LEGAL ADVICE,
AND THAT LEGAL ADVICE IS SIMPLY
UNAUTHORIZED.

>> THAT SOUNDS LIKE, IF THAT'S
AN ISSUE, THEN IT SOUNDS LIKE
THERE SHOULD BE AN OBLIGATION ON
THE PART OF THIS LAWYER TO
DISCLOSE THAT.

IT SEEMS LIKE THERE'S A LOT OF
THIS, A LOT OF THINGS THAT ARE
BEING RAISED AS POTENTIAL
PROBLEMS WITH IN THAT, IF IT'S A
PROBLEM, COULD BE ADDRESSED
THROUGH IMPOSING-- I MEAN,
THERE IS A LAWYER HERE.

NOTHING IS BEING CONCEALED IN
THE SENSE THAT THE WHOLE POINT
OF THIS IS IN ADDITION TO
GETTING THE TECHNOLOGICAL HELP
AND THE GUARANTEE IS THAT YOU'RE
BEING CONNECTED TO A LAWYER WHO
IS SUBJECT TO THIS HOST OF
DUTIES THAT THE BAR IMPOSES ON
PEOPLE.

>> GOING BACK THEN TO
CONSOLIDATED BUSINESS, THE
REASON YOU MADE IT UNLAWFUL
PRACTICE OF LAW WAS THE INHERENT
DANGER OF LAYPERSONS INTO THE
ATTORNEY/CLIENT RELATIONSHIP.
AND THIS BUSINESS MODEL OF TIKD
DOES THAT.

IT IS INDEPENDENT ONLY ON THE SURFACE BECAUSE IT ENDS UP WITH A CLIENT WHO DOES NOT KNOW THAT THEIR LAWYER CAN'T REALLY DEFEND THEM.

THEY DO NOT REALLY KNOW THAT THEY'RE PLEADING GUILTY WHEN THEY ENTER THE CONTRACT WITH TIKD BEFORE THEY EVER TALK TO A LAWYER.

THIS IS UNAUTHORIZED PRACTICE OF LAW, AND THIS COURT SHOULD GRANT THE FLORIDA BAR'S MOTION FOR SUMMARY JUDGMENT, OR IF YOU THINK THERE'S A QUESTION OF FACT, REMAND IF IT TO THE TRIAL COURT FOR FURTHER EVIDENTIARY HEARINGS.

THANK YOU.

>> ALL RIGHT.

WE THANK YOU ALL FOR YOUR ARGUMENTS.