>> HEAR YE, HEAR YE.
THE SUPREME COURT OF FLORIDA IS IN SESSION.
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.
>> GOOD MORNING.
WELCOME TO THIS SESSION OF THE FLORIDA SUPREME COURT.
THE FIRST CASE ON OUR DOCKET IS FLORIDA RULES OF CIVIL PROCEDURE ETC.
A LOT OF PROCEDURAL RULES ARE IN THIS RULE'S CASE BEFORE WE GET STARTED AND I RECOGNIZE JUDGE AT ANTHONY MUSTO I WANT TO THANK EVERYONE WHO HAS PARTICIPATED IN A SUBMITTING COMMENTS FOR THIS RULES CASE APPEARED I ALSO WANT TO THANK THE WORKGROUP THAT PUT TOGETHER THE PACKAGE AND RESPONDED TO THE COMMENTS PARTICULARLY THANK JUDGE MUSTO-- JUDGE MUNYAN FOR HER LEADERSHIP WORK IS AN IMPORTANT SUBJECT AND I WOULD ASK AS WE GO THROUGH THIS THAT WE HAVE IN OUR.
IF WE NEED A LITTLE MORE, WE WILL TAKE A LITTLE MORE, BUT EVERYONE TRIED TO FOCUS ON THE MOST RECENT VERSION OF WHAT WE ARE TALKING ABOUT HERE WHICH ARE-- IS THE VERSION THAT THE WORKGROUP HAS COME BACK WITH IN RESPONSE TO COMMENTS BECAUSE I THINK SOME CONCERNS HAVE BEEN ADDRESSED IN THAT AND YOU CAN SAY WHATEVER YOU WANT TO AND FOCUS ON WHAT YOU WANT TO, BUT I THINK WOULD BE MORE PRODUCTIVE TO FOCUS ON THAT RATHER THAN THE HISTORY OF HOW IT DEVELOPED EXCEPT TO THE EXTENT THAT IT'S RELEVANT TO SOME CONCERN, REMAINING CONCERN YOU HAVE, BUT WITH THAT I WANT TO RECOGNIZE JUDGE MUNYON.
>> THANK YOU.

IF IT PLEASES THE COURT, CHIEF JUDGE-- CHIEF JUSTICE KENNEDY, JUSTICES GOOD MORNING.
THANK YOU FOR THE OPPORTUNITY TO ADDRESS YOU THIS MORNING.
MY COPETITIONER AND I WOULD REQUEST EIGHT MINUTES IN REBUTTAL.
I WILL TAKE 10 MINUTES OF THE PETITIONER'S TIME IN THIS INITIAL ARGUMENT AND JUDGE MICHAEL ORFINGER WILL TAKE FIVE.
BECAUSE OF THE AREAS COVERED BY THIS RULE IF IT PLEASES THE COURT I WILL BEGIN WITH A VERY BRIEF OVERVIEW OF HOW THE WORKGROUP STRUCTURED THE PROPOSED RULES.
I WILL THEN CONCENTRATE ON AREAS THAT SEEM TO BE MOST IN CONTROVERSY.
THE PETITION SPANS SEVEN REMOTE SETS AND 26 RULES.
MANY ARE TECHNICAL OR CONFORMING CHANGES BECAUSE OF THE CHANGE IN TERMINOLOGY, BUT THERE ARE SUBSTANTIVE CHANGES IN THESE RULES.
IN A PROPOSING CHANGES TO THE RULES OF GENERAL PRACTICE OF JUDICIAL ADMINISTRATION, WE STRIVE TO KEEP THIS RULE SET AS RULES OF GENERAL APPLICATION.
IF A PARTICULAR CASE TYPES NEED EXEMPTIONS FROM THE GENERAL RULES AND THE OUR GP JA, WE ENCOURAGE THOSE EXEMPTIONS OR EXCEPTIONS TO BE CODIFIED IN THE APPLICABLE RULE SET.
WE CONSIDERED THE COMMENTS VERY CAREFULLY AND TRIED TO MAKE ADJUSTMENTS TO THE PROPOSALS TO ADDRESS THE CONCERNS EXPRESSED WHERE WE COULD DO SO AND MAINTAIN THE FIDELITY OF THE RULES THAT WE WERE PROPOSING.
I WILL FIRST-- BE THE FIRST TO ACKNOWLEDGE THESE RULES AREN'T PERFECT.
THE WORKGROUP DID THE BEST THEY COULD WITH THIS COMPLICATED SUBJECT AND I WOULD LIKE TO THANK STATE COURT ADMINISTRATOR ALLIE SACKETT AND THE OFFICE OF

STATE BOARD ADMINISTRATION FOR
ALL THEIR HARD WORK IN ASSISTING
THE WORKGROUP AND COMING UP WITH
THE PETITION AND THESE RULE
CHANGES.
THE FIRST AREA OF CONTROVERSY
DEALS WITH HOW THESE RULES
IMPACT SELF REPRESENTED
LITIGANTS.
THE WORKGROUP RECOMMENDED RULE
2.516B1 SE ANDY BE AMENDED TO
REQUIRE SELF REPRESENTED
LITIGANTS TO DESIGNATE A PRIMARY
E-MAIL ADDRESS FOR SERVICE BY
ELECTRONIC MAIL UNLESS THE SRL
DECLARES UNDER PENALTY OF
PERJURY THAT THEY ARE IN
CUSTODY, DO NOT HAVE AN E-MAIL
ACCOUNT OR DO NOT HAVE REGULAR
ACCESS TO THE INTERNET.
REFORMS WERE CREATED.
ONE FORM TO REQUEST TO BE
EXCUSED FROM E-MAIL SERVICE THAT
PROVIDES FOR THE CLERK TO
MINISTERIAL THE DETERMINE IF THE
SRL HAD FILLED OUT THE FORM
CORRECTLY AND IS THEREFORE
EXCUSED FROM E-MAIL SERVICE AND
THE FORM ALSO PROVIDES FOR
JUDICIAL REVIEW IF THE SELF
REPRESENTED LITIGATE DISAGREES
WITH THE CLERK'S DETERMINATION.
ONE OF THE FORMS IS TO DESIGNATE
THE E-MAIL ADDRESS AND ONE FORM
FOR CHANGING A PHYSICAL OR AN
E-MAIL ADDRESS.
OPPOSITION HAS BEEN RAISED BY
GROUPS REPRESENTING SELF
REPRESENTED LITIGANTS ARGUING
THE PROPOSALS WOULD VIOLATE AN
SRL'S RIGHT TO ACCESS TO THE
COURTS, PLACE SRL'S WITHOUT
REGULAR ACCESS TO THE INTERNET
AT A DISADVANTAGE TO THOSE WITH
IMMEDIATE ACCESS, THAT THE
SERVICE SHOULD BE OPT IN, NOT
OPT OUT AND WILL EXPOSE SELF
REPRESENTED LITIGANTS AND
LAWYERS TO GREATER CYBERSECURITY
RISK, WILL INCREASE DEFAULT AND
DISMISSALS, WILL DELEGATE
JUDICIAL DUTIES TO THE CLERK.
THE WORKGROUP MADE-- MADE
CHANGES AND PROVIDED FORMS BASED

ON THEIR FEEDBACK.
HOWEVER, WORKGROUP DOES DISAGREE WITH MANY OF THE COMMENTS ON THIS ISSUE.
BECAUSE A STRAIGHTFORWARD PROCESS IS PROVIDED FOR SELF REPRESENTED LITIGANTS TO BE EXCUSED--
>> JUDGE MUNYON CAN I ASK A QUESTION?
>>
>> BASED ON YEAR-LONG SERVICE WHERE YOU AND THE OTHER GROUP OF FOLKS THAT SERVED FAITHFULLY THERE LOOK AT THE SECURITY OF OUR RECORDS AND OUR SYSTEMS, DO YOU THINK THERE IS A LEGITIMATE CONCERN ABOUT SECURITY FROM THIS?
>> THERE IS NOT A LEGITIMATE CONCERN ABOUT SECURITY.
>> THANK YOU.
>> THE E PORTAL RECENTLY PASSED ITS 10TH ANNIVERSARY.
THERE ARE MORE THAN 350,000 ACCOUNTS AT THE PORTAL AND OF THOSE, MORE THAN 243,000 ACCOUNTS ARE SELF REPRESENTED LITIGANTS.
IF THERE WERE SECURITY CONCERNS, WE WOULD KNOW IT BY NOW.
IT WOULD HAVE SHOWN UP IN THE LAST FEW YEARS.
I WILL TELL YOU THAT WHILE E-MAIL SERVICE AS PROPOSED DOES NOT PLACE SELF REPRESENTED LITIGANTS WITHOUT REGULAR ACCESS TO THE INTERNET AT A DISADVANTAGE OVER THE PRESENT--
OVER THEIR PRESENT STATUS QUO, SRL'S WHO DO NOT HAVE E-MAIL SERVICE ARE PRESENTLY AT A DISADVANTAGE TO OTHER LITIGANTS ON THE SAME CASE WHO RECEIVE THE SERVICE.
MANY TIMES THE SELF REPRESENTED LITIGANTS DON'T GET THAT E SERVICE NOT BECAUSE THEY DON'T HAVE ACCESS TO AN E-MAIL ADDRESS OR THE INTERNET, BUT BECAUSE THEY LACK THE KNOWLEDGE ABOUT HOW TO SIGN UP FOR AN ACCOUNT AT THE E PORTAL.
THIS GOES A LONG WAY TOWARDS

LEVELING THE PLAYING FIELD.
I WOULD ENCOURAGE THE COURT, IF YOU SEE FIT TO REQUIRE SRL'S TO PROVIDE AN E-MAIL ADDRESS OR FILL OUT ONE OF THE FORMS INDICATING WHY THEY COULD NOT PROVIDE AN E-MAIL ADDRESS.
IT WILL ASSIST THEM IN GETTING COURT DOCUMENTS MUCH MORE QUICKLY AND WILL NOT REQUIRE THEM AT THIS STAGE TO E FILE THROUGH THE PORTAL.
ONE OF THE OTHER RULES THAT AFFECT SELF REPRESENTED LITIGANTS IS RULE 2.530.
WE RECOMMENDED THE RULE BE AMENDED TO ALLOW VIRTUAL NON-EVIDENTIARY AND EVIDENTIARY HEARINGS EVEN OVER THE OBJECTION OF A PARTY.
RIGHT NOW RULE 2.530 REQUIRES TESTIMONY THAT IS TAKEN VIA ELECTRONIC COMMUNICATION.
THE ONLY PERMITTED UPON STIPULATION BY BOTH PARTIES.
THE SELF REPRESENTED LITIGATE COMMUNITY HAS ARGUED THAT IF A SELF REPRESENTED LITIGATE DOES NOT HAVE REGULAR ACCESS TO THE INTERNET THEY SHOULD BE PER SE EXCUSED OR IT SHOULD BE PER SE GOOD CAUSE FOR NOT HAVING A VIRTUAL HEARING IN A CASE, WHETHER IT BE NON- EVIDENTIARY OR EVIDENTIARY.
I BELIEVE THIS WOULD BE SHORTSIGHTED.
RIGHT NOW MANY COURTS, AS THIS COURT IS DOING TODAY, HAS HIGHBRED HEARINGS AND IF THE SELF REPRESENTED LITIGANTS DOESN'T HAVE REGULAR E-MAIL ACCESS AND WANTS TO GO TO COURT, AN OBJECTION BY THEM IF THE PROPOSAL IS ACCEPTED THAT HAS BEEN-- THAT HAS BEEN ADVANCED BY THE SELF REPRESENTED LITIGATE COMMUNITY, IF THE PROPOSAL IS ACCEPTED, HIGHBRED HEARINGS WOULD BE A THING OF THE PAST IF ONE PERSON OBJECTS AND EVERYONE HAS TO COME TO COURT.
WELL, IF A SELF REPRESENTED LITIGATE IN A HYBRID HEARING

WANTS TO COME TO COURT AND HEAR
WHAT'S GOING ON TO BE THERE
PERSON, THAT IS GREAT, BUT IT
SHOULD NOT STOP OTHERS WHO CAN
EFFECTIVELY PARTICIPATE
VIRTUALLY FROM PARTICIPATING
VIRTUALLY.
I WOULD ALSO LET THE COURT KNOW
HIM AS I'M SURE YOU ALREADY
KNOW, MANY COURTS-- WE HAVE HAD
TO BE VERY CREATIVE DURING THE
PANDEMIC AND MANY COURTS HAVE
SET UP KIOSKS WHEN WE COULD NOT
HAVE A CENTRAL HEARING IN PERSON
TO ALLOW THOSE WITHOUT INTERNET
ACCESS OR WITHOUT EQUIPMENT OR
WITHOUT THE SKILLS TO
PARTICIPATE IN NONESSENTIAL
PROCEEDINGS VIRTUALLY BY COMING
TO THE COURTHOUSE AND BEING IN A
SAFE ROOM BY THEMSELVES WHERE
THEY CAN PARTICIPATE VIA
ELECTRONIC EQUIPMENT.
>> MAY I ASK ONE QUESTION?
A FEW YEARS BACK IN THE STATE WE
DEALT WITH THE BAKER ACT
PROCEEDINGS.
>> I WAS GOING TO GET TO THAT
ONE.
>> YOU WERE?
>> THAT IS THE BIG CONTROVERSY
AS WELL.
>> WHY DON'T I DO THIS OR WHY
DON'T I LET YOU FOLLOW YOUR
SCRIPT AND WHEN WE GET TO IT, WE
WILL TALK ABOUT IT.
>> I WAS ACTUALLY FINISHED WITH
THAT PART AND I WILL TURN--
>> BEFORE YOU LEAVE, I JUST HAVE
SOME TECHNICAL QUESTIONS ABOUT
2.530 THAT DON'T REALLY ADDRESS
THE PER SE SELF REPRESENTED
PARTIES, BUT IS IT KIND OF THE
UNDERSTANDING THAT A PARTY WOULD
BE REQUIRED TO FILE A MOTION FOR
VIRTUAL HEARING, LET'S SAY WE
HAVE TWO ATTORNEYS.
FOR EVERY SINGLE HEARING THEY
WANTED VIRTUAL OR WOULD THIS BE
SOMETHING THAT WOULD BE FILED AT
THE BEGINNING AND APPLIED
THROUGHOUT THE CASE?
>> I DON'T KNOW IF WE CONSIDER
THAT, QUITE FRANKLY.

I THINK THE RULE IS PROPOSED
ENVISIONS THAT THE MOTION OR
NOTICE OF HEARING INDICATE THAT
IT IS IN FACT VIRTUAL.
THAT WOULD GIVE A PARTY THE
RIGHT TO OBJECT TO THAT
PARTICULAR HEARING BEING
VIRTUAL, BUT IS QUITE FRANKLY
SOMETHING I DON'T RECALL.
>> AND THEN, IS THIS SOMETHING
THAT, LET'S SAY-- WAS THERE ANY
TALK THAT BASED ON THE PAST TWO
YEARS, THAT WHEN YOU HAD TO
REPRESENTED PARTIES, AGAIN, TWO
ATTORNEYS NOT DEALING WITH THE
SELF REPRESENTED, WHICH IS A
WHOLE OTHER ISSUE, THAT THE
AUTOMATIC WOULD BE VIRTUAL AND
THEN THEY WOULD BE AN OPT OUT ON
GOOD CAUSE?
IT JUST SEEMS LIKE BASED ON-- A
LOT OF CASE MANAGEMENT THINGS
HAPPENING NOW, A LOT OF MOTIONS,
WE HAVE A LOT OF A MOTION
PRACTICE AND FOR EVERY SINGLE
ONE OF THIS IS-- AN ATTORNEY HAS
TO FILE SOMETHING-- LET'S SAY
THEY ARE WORKING WITH A
DIFFICULT COCOUNSEL WHO WANTS TO
OBJECT EVERY TIME, DOES THIS
MEAN THE COURT AS TO HAVE A
HEARING EACH TIME JUST ON THE
REQUEST FOR VIRTUAL BOX WOULD BE
SOMETHING DECIDED IN CHAMBERS?
I MEAN, WAS ANY OF THAT KIND OF
PART OF THE DISCUSSION OF WHAT
THAT WOULD PLAY OUT LIKE BETWEEN
ATTORNEYS ON THAT ISSUE?
>> THE PRESUMPTION UNDER THE
PROPOSED RULES IS THAT IF THE
HEARING IS 30 MINUTES OR LESS
AND NON- ENDED-- NON-
EVIDENTIARY THAT VIRTUAL WOULD
BE PERMITTED.
OTHER QUESTIONS BEFORE I MOVED
TO BAKER ASK AND DOA?
IN THE PETITION THE WORKGROUP
DID ASKED THE COURT TO REVISIT
DOA VERSUS STATE AS PART OF AND
FOR MANY OF THE CHANGES TO RULE
2.530.
I CAN TELL YOU IT GIVES ME A BIT
OF THANKS TO BE UP HERE ASKING
THE COURT TO REVISIT SOMETHING

LIKE THAT IN A RULES PETITION.
HOWEVER, BAKERS AND MARGINS DO NOT HAVE THEIR OWN RULES SET.
WE DID NOT CARVE OUT AN EXCEPTION.
RULE 2.5302 BAKER AND MANAGEMENT ACT PROCEEDINGS AND WE WON IN THE COURT TO BE AWARE OF THAT.
I BELIEVE THERE ARE GOOD REASONS FOR THE COURT TO REVISIT BAKER ENDO VERSUS STATE IN THE PHYSICAL PRESENCE OF THE JUDGE AND BAKER AND MARCHMAN ACT HEARINGS.
I WILL TELL YOU THAT THE FACTS AND DOE ARE PRETTY BRIEF AND SO IT IS DIFFICULT TO GLEAN EXACTLY WHAT HAPPENED IN DOE, BUT IT APPEARS THAT JUDGE AND MAGISTRATE WERE HEARING CASES IN ONE COUNTY IN THE SOUTHWEST PART OF THE STATE, SENT AN E-MAIL TO ALL PARTICIPANTS WITH VERY SHORT NOTICE THAT ALL HEARINGS WOULD BE VIRTUAL FROM NOW ON, ALL OF THE PARTICIPANTS WOULD BE AT THE FACILITY AND THE JUDGE WOULD BE ELSEWHERE.
THERE WAS NO OPPORTUNITY TO BE HEARD, NO PROVISION FOR OBJECTING TO THE JUDGES DECISION THAT THE HEARINGS WOULD BE VIRTUAL AND IS SO RITZ WERE FILED I BELIEVE IN THE SECOND DCA AND EVENTUALLY MADE IT UP TO THIS COURT IN WHICH THE RESPONDENTS ARGUED THAT THEY HAD A SUBSTANTIVE RIGHT TO HAVE THE JUDGE PRESENT IN COURT WITH THEM.
MUCH OF DOE RELIES UPON A 1999 REPORT THAT CAME OUT OF A WORKGROUP THAT WAS PART OF THE COMMISSION ON FAIRNESS THAT WAS INSTITUTED BY THIS COURT.
MANY OF THOSE RECOMMENDATIONS IN THAT 1999 REPORT HAVE NEVER BEEN REALIZED, AND A LOT HAS HAPPENED IN THE TECHNOLOGY ARENA OVER THE PAST 23 YEARS.
SO, TECHNOLOGY IS NOW VERY DIFFERENT THAN TECHNOLOGY WAS IN 1999.
ACCESSIBILITY TO TECHNOLOGY NOW

IS VERY DIFFERENT.
THERE HAVE BEEN MANY TECHNICAL ADVANCES THAT PERMIT HIGHBRED HEARINGS.
NOW, I WILL TELL THE COURT THAT I ONLY HAVE 10 MINUTES.
MANY--
>> YOU HAVE ABOUT SIX MINUTES REMAINING.
YOU ARE ACTUALLY I THINK MOVING INTO YOUR REBUTTAL.
>> OH, I AM MOVING INTO MY REBUTTAL?
ALL RIGHT.
>> YOU ARE WELL INTO IT, ACTUALLY.
>> THEN I'M GOING TO STOP HERE AND ANSWER ANY QUESTIONS YOU HAVE, JUSTICE.
>> WHEN WE CONSIDERED DOE, THAT WAS BACK IN 2017, LONG BEFORE THE PANDEMIC CAME AROUND AND WE STARTED USING ZOOM IN ALL THESE TECHNOLOGY AND THINGS SEEM TO BE A LOT BETTER NOW, LIKE YOU SAID TECHNOLOGY HAS COME A LONG WAY.
I'M JUST WONDERING-- YOUR COMFORT LEVEL, WITH DEALING WITH SOMEONE, BAKER ACTED SOMEONE THROUGH A TELEVISION SET.
>> IT WILL DEPEND UPON THE FACILITY AND THE TECHNOLOGY AVAILABLE AT THE FACILITY.
IF THE FACILITY HAS A LAPTOP THAT THEY HAVE PASSED AROUND FROM ONE PERSON TO THE NEXT, WOULD I FEEL COMFORTABLE WITH THAT?
NO, BUT IF IT IS A COURTROOM TYPESETTING WHERE I COULD SEE EVERYONE, EVERYONE CAN SEE EVERYONE ELSE, THEN IT MIGHT BE ACCEPTABLE.
BUT, I THINK WE WOULD HAVE TO TAKE IT SLOWLY AND IT HAS TO BE IN A FACILITY BY FACILITY BASIS.
>> WOULD IT HAVE TO BE SOMETHING THAT SUBSTANTIAL?
>> WOULD I LIKE THAT?
I WOULD ABSOLUTELY LIKE THAT.
WOULD BE REQUIRED?
MAYBE NOT, BUT I BELIEVE THESE APPROVALS PROVIDE A VERY ROBUST FRAMEWORK FOR MAKING A DECISION

ABOUT WHETHER A VIRTUAL
APPEARANCE IS IN THE INTEREST OF
JUSTICE.
>> THANK YOU.
>> THANK YOU.
>> MAY IT PLEASE THE COURT.
JUSTICE KENNEDY, YOUR HONORS,
I'M MICHAEL OR FIGURE, CHAIR OF
ALTERNATIVE DISPUTE RESOLUTION
AND POLICY COMMITTEE AND I'M
HERE THIS MORNING TO SPEAK IN
FAVOR OF THE WORKGROUP'S
PROPOSED AMENDMENTS TO FLORIDA
RULES OF CIVIL PROCEDURE
1.700720750730.
IF I FORGOT THAT WHEN AN RULE,
1.830 AS WELL AS RULES OF
APPELLATE PROCEDURE 9.700720740.
THEY ALL DEAL WITH THE USE OF
COMMUNICATION TECHNOLOGY AND
MEDIATION AND ARBITRATION.
IF THE TRIAL-- AT THE TRIAL AND
APPELLATE LEVEL.
IF THE APPELLATE USE PROPOSED
DEFINITION OF COMMUNICATION
TECHNOLOGY IN THE PROPOSED
AMENDMENT TO RULE OF GENERAL
PRACTICE AND JUDICIAL
ADMINISTRATION 2.530.
SOME OF THE PROPOSED AMENDMENTS
WERE NOT CHANGED IN THE
RESPONSE, SO YOU CAN FIND THE
ORIGINAL VERSION AND APPENDED A
TO THE ORIGINAL PETITION AND THE
ONES THAT WERE REVISED ARE IN
RESPONSE TO COMMENTS ARE PAGE
ONE THROUGH 13 OF EXHIBIT A OR
APPENDIX A THROUGH THE WORK
GROUPS RESPONSE SO TO A LARGE
EXTENT THE REVISED RULES ARE
INTENDED TO MEMORIALIZE WHAT'S
BEEN HAPPENING IN ADR DURING THE
PANDEMIC WITH THE NECESSITY
BEING THE MOTHER OF INVENTION.
AS A GENERAL MATTER THE
AMENDMENTS ARE INTENDED TO ALLOW
VIRTUAL ADR TO CONTINUE BEYOND
THE PANDEMIC AND TO GIVE THE
PARTIES THE MAXIMUM FLEXIBILITY
TO DECIDE THAT INITIAL PROCESS
ISSUED, THAT INITIAL SHAPE OF
THE TABLE ISSUE OF WHETHER
MEDIATION OR VOLUNTARY BINDING
ARBITRATION WILL BE CONDUCTED IN

PERSON OR VIA COMMUNICATION
TECHNOLOGY OR AS WE ARE DOING
TODAY WITH A DOMINATION OF THE
TWO.
THAT TUKEY RULES WOULD BE RULE
1.700 A AND RULE 9.700B.
THE FIRST WHEELS WITH CIRCUIT
AND COUNTY COURT MEDIATION AND
ARBITRATION.
THE SECOND WITH APPELLATE
MEDIATION.
IN BOTH OF THOSE RULES MAKE
APPEARANCE IN PERSON BUT A FAULT
UNLESS THE PARTIES STIPULATE TO
USE REMOTE TECHNOLOGY OR A
COMBINATION OR UNLESS THE COURT
ORDERS, EVEN OVER PARTY
OBJECTION THAT THE PROCEEDINGS
BE CONDUCTED WITH COMMUNICATION
TECHNOLOGY OR IN THAT HIGHBRED
COMBINATION.
THE RULES ARE STRUCTURED SO THAT
THE COURT CAN DANCE, IF HE
CHOOSES TO DO SO.
THERE MAY BE DIFFICULT CLIENTS
IN THE TRIAL COURT HAS
EXPERIENCED PRIOR PROCEEDINGS
AND SEIZED THAT HEY, THEY NEED
TO BE TOGETHER.
THEY NEED TO BE IN PERSON.
THEY NEED TO EXPERIENCE THE
DISCOMFORT IN PERSON DISPUTE
JUST LIKE THEY WOULD EXPERIENCE
THE DISCOMFORT OF A TRIAL.
THERE MAY OR-- MAYBE SAFETY
CONCERNS WHICH WARRANT REMOTE
APPEARANCE IN ADR, BUT IT ALSO
RECOGNIZES FOR BOTH OF THESE
RULES RECOGNIZE ADR WILL BE LESS
FORMAL THAN A TRIAL.
LESS FORMAL THAN AN APPEARANCE
BEFORE A COURT OF APPEAL AND
THAT THERE IS A BENEFIT TO
GIVING THE PARTIES CONTROL OVER
THE PROCESS.
I THINK THAT'S ESPECIALLY TRUE
IN MEDIATION BECAUSE IF THEY CAN
CONTROL THE PROCESS, SINCE THEY
ALSO CONTROL THE OUTCOME, THEY
ARE MORE LIKELY TO BE WILLING TO
SETTLE AND THERE IS SOME AT
LEAST ANECDOTAL EVIDENCE FROM
THE CIVIL PROCEDURE COMMITTEE
AND THE SURVEY-- I'M SORRY, ADR

COMMITTEE SECTION OF THE BAR IN
THE SURVEY THAT THEY CONDUCTED
AND THAT'S IN THEIR RESPONSE.
THERE IS ALSO SOMEWHAT SIMILAR
PROVISION IN RULE 1.830824
VOLUNTARY BINDING ARBITRATION
WHICH WOULD ALLOW THE PARTIES TO
DECIDE ON THE PROCEDURES TO BE
USED INCLUDING WHETHER
COMMUNICATION TECHNOLOGY WOULD
BE USED AND IF THE PARTIES DON'T
REACH AN AGREEMENT ONE WAY OR
THE OTHER, THEN THE REFERRING
COURT ESTABLISHES THOSE
PROCEDURES.
>> I DID NOT WARN JUDGE MUNYON
THAT SHE MOVED IN HER REBUTTAL,
BUT I WILL WARN YOU.
YOU ARE NOW IN YOUR REBUTTAL
TIME.
>> AND SHE SPEAKS MORE QUICKLY
THAN I DO SO UNLESS YOU HAVE
QUESTIONS ABOUT WHAT I'VE
COVERED THUS FAR, I WILL RESERVE
MY REMAINING TIME.
THANK YOU, YOUR HONOR'S.
>> MAY IT PLEASE THE COURT,
CHIEF JUSTICE CANADY AND
JUSTICES, MY NAME IS SANDY
SOLOMON AND I HAVE THE HONOR OF
BEING THE CHAIR OF THE RULES OF
GENERAL PRACTICE AND JUDICIAL
ADMINISTRATION COMMITTEE.
WE STAND HERE IN SUPPORT OF
JUDGE MUNYON'S WORKGROUP
VIRTUALLY ON ALL THE ISSUES AS
JUSTICE CANADY POINTED OUT, THE
REVISION IN NOVEMBER ADOPTS MANY
OF THE CHANGES THAT WE HAD A
SUGGESTED.
WE HAVE BEEN WORKING ON THIS
RULE FOR ABOUT THREE AND HALF
YEARS, THIS RULE BEING 2.530 IN
PARTICULAR.
IT IS COMPLEX AND THE QUESTION
THAT JUSTICE GROSSMAN, IF I
PRONOUNCED IT CORRECTLY, RESUME
RAISED AS A MATTER OF DEBATE IN
OUR COMMITTEE AND IT REALLY
BOILS DOWN TO WHETHER OR NOT THE
ISSUE IS TO BE PRESENTED BY
MOTION OR BY INFORMAL REQUEST
AND THERE WAS A SPLIT AMONG THE
COMMITTEE.

WE DECIDED THAT BY A MAJORITY,
BY A SLIM MAJORITY THAT THE
DETERMINATION OF HOW NON-
EVIDENTIARY PROCEEDING AND AN
EVIDENTIARY PROCEEDING WOULD BE
HANDLED WOULD BE ADDRESSED BY
EMOTION WITH A FORMAL OBJECTION
PROCEDURE.
IN JUST-- JUDGE MUNYON'S
EXPLANATION OF THAT AS TO WHY
THE OBJECTION PROCEDURE WAS
NECESSARY WAS TO ASSIST PEOPLE
WHO WERE SRL'S OR OTHERWISE HAD
DIFFICULTY ACCESSING THE SYSTEM
AND WE ADOPTED THAT BY A
MAJORITY, BUT THERE WAS STILL
THIS UNDERCURRENT OF HOW MANY
TIMES DO YOU HAVE TO ASK THE
TRIAL JUDGE WHAT CONSTITUTES AN
EMERGENCY, WHICH DIVISION OF THE
COURT ARE YOU IN WHETHER IT'S A
FAMILY LAW CASE THAT HAS
EMERGENCY MOTIONS FILED BY THE
BUCKET LOAD EVERY DAY THAT SOME
DUTY JUDGE HAS TO ADDRESS AND
THAT'S A VERY DIFFICULT PROCESS,
SO WE THOUGHT THAT THE BALANCE
BETWEEN THE MOTION PROCESS AND
THE DISCRETION AFFORDED TO THE
JUDGE OR TO THE COURT OFFICIAL
WAS A SUFFICIENT TO DILUTE ANY
INCONVENIENCE THAT WAS
ASSOCIATED WITH THAT, BUT IT IS
AN ISSUE AND IT'S AN ISSUE THAT
WE THOUGHT SHOULD BE ADDRESSED
IN GRADATIONS, BUT THAT WAS
BASICALLY REJECTED BECAUSE OF
THE SRL ISSUE AND BECAUSE OF THE
NEED FOR A FORMAL OBJECTION.
LET ME DIGRESS.
I WANT TO ADDRESS THAT ISSUE.
BECAUSE I THINK THAT WAS ONE OF
THE KEY ISSUES THAT WE
CONFRONTED AND ON WHICH WE HAD A
SUBSTANTIAL DIVERGENCE OF
OPINION, BUT WE'VE BEEN
WORKING-- I PRESENTED TO THIS
COURT ABOUT FIVE YEARS AGO A SET
OF RULES THAT WOULD HAVE ALLOWED
THE RULES OF GENERAL PRACTICE
AND JUDICIAL ADMINISTRATION TO
BE DUBBED THE RULES OF GENERAL
AND COMMON APPLICATION AND TO BE
BROADENED OF ALL OF THE RULE

SETS.
WE HAVE NOT SEVEN RULE SETS, WE REALLY HAVE 11 RULE SETS AND ALL OF THEM HAVE COMMONALITIES BECAUSE ALL-- THEY ALL GO TO THE COURTHOUSE AND THEY ALL HAVE JUDGES OR COURT OFFICIALS ATTENDING TO THEM.
WE HAD SUCH--
[INAUDIBLE]
FROM THE VARIOUS RULE COMMITTEES THINKING WHO DIED AND LEFT THE RULES OF GENERAL PRACTICE OF THE BOSS AFTER EVERYTHING WAS DONE, AND WHAT WE DID WAS WE PROVIDED FOR A CARVEOUT IN EACH OF THE RULES THAT WE HAVE PROVIDED SAYS SOMETHING TO THE EFFECT OF UNLESS GOVERNED BY ANOTHER RULES SET AND JUDGE MUNYON'S DESCRIPTION OF WHY WE DON'T NEED A DOUBLE CARVEOUT FOR CRIMINAL OR A DOUBLE CARVEOUT FOR JUVENILE OR A DOUBLE CARVEOUT FOR CIVIL COMMITMENT CONVINCED US THAT THAT WAS THE WAY TO GO.
THE STRUCTURE OF THE RULE SUBSTANTIALLY CHANGED BETWEEN THE ORIGINAL PRESENTATION AND THE TIME THAT JUDGE MUNYON'S COMMITTEE CAME UP WITH THEIR NOVEMBER RESPONSE OR RETORT THAT RESTRUCTURING WE WOULD LIKE TO TAKE A LITTLE CREDIT FOR BECAUSE WE THOUGHT THAT WAS THE BETTER WAY TO GO TO DIVIDE INTO NON-EVIDENTIARY, PROCEEDINGS AND EVIDENTIARY PROCEEDINGS.
WE HAVE A DEBATE-- ONE OF THE OTHER ISSUES WE CONSIDERED WAS WHETHER OR NOT THERE SHOULD BE VIRTUAL PARTICIPATION IN WATER YEAR-- WHAT AIR AND THE MAJORITY OF THE COMMITTEE THOUGHT OF THE THREE PHASES IN WHICH THE CRIMINAL COURT, FOR EXAMPLE WOULD OPERATE, THE QUALIFICATIONS OF THE JURORS, THE WATER YEAR AND THE TRIAL ITSELF AND SOME OF OUR MEMBERS HAD A CONCERN ABOUT WHETHER OR NOT IT MADE SENSE IF WE WERE GOING TO INCLUDE THE TRIAL PRESENTATION BUT THERE WAS SUCH

A VERY VERBAL, VOCAL GROUP AMONG
OUR MEMBERS THAT SAID IT SHOULD
NOT BE INCLUDED, THAT THEY
SHOULD HAVE-- LAWYER SHOULD HAVE
AN OPPORTUNITY TO INCLUDE-- TWO
QUESTION THE PROSPECTIVE JURORS
LIVE AND IN PERSON.
THE WORKGROUP ADOPTED OR
ACCEPTED OUR RECOMMENDATION IN
THAT REGARD, BUT AGAIN IT WAS A
CLOSE CALL THAT WE HAD AS TO
WHETHER THERE WAS A
JUSTIFICATION FOR THE
ADMINISTRATIVE EXCUSABLE NOT
BEING LIMITED TO IN-PERSON AND
THE TRIAL PRESENTATION NOT BEING
LIMITED TO IN PERSON, BUT
SOMEHOW THE VOIR DIRE, THE
MIDDLE PIECE OF IT HAD TO BE
LIMITED TO IN-PERSON.
>> COUNCIL, I'M GOING TO LET YOU
KEEP GOING, BUT YOU ARE ABOUT
TWO MINUTES OVER.
>> I APOLOGIZE.
I WANTED TO MAKE SURE--
>> TAKE A LITTLE MORE TIME.
I JUST WANT TO MAKE YOU AWARE
THERE IS A CLOCK.
>> THANK YOU.
WE AGREED WITH VIRTUALLY WITH
ALL OF THE OTHER COMMENTS AND
QUESTIONS THAT THE WORKGROUP HAD
AND I THINK I'M FINISHED.
UNLESS THE COURT HAS SOME
QUESTIONS, WE TOOK GREAT PAINS
TO ADDRESS THIS MATTER AND IT
APPEARS THE WORKGROUP ACTUALLY
STARTED WITH SOME OF OUR WORK
PRODUCT AND WE ARE PROUD OF THAT
AND WE THANK THE COURT.
>> THANK YOU.
>> NOW, WE GO TO THOSE WHO ARE
PARTICIPATING VIRTUALLY.
MR. STEARNS.
>> THANK YOU.
GOOD MORNING, CHIEF JUSTICE
CANADY IN MAY IT PLEASE THE
COURT.
MY NAME IS JASON STEARNS AND I
AM HERE ON BEHALF OF THE CIVIL
PROCEDURE RULE COMMITTEE IS THE
CHAIR.
I WANT TO ECHO COMMENTS OF
MR. SOLOMON.

JUDGE MUNYON AND HER GROUP DID A
REMARKABLE JOB WITH THE TASK
THEY HAD BEFORE THEM.
WE SUBMITTED SOME COMMENTS IN
THE MAJORITY OF OUR COMMENTS
WERE INCORPORATED BY THE
WORKGROUP IN ITS FINAL REPORT.
THERE IS ONE RULE THAT REMAINS
AND I AM HERE TO DISCUSS JUST
THAT ONE RULE, THAT IS 1.430D.
THIS IS THE RULE REQUIRING OR
PERMITTING PARTICIPATION BY
JURORS IN A VOIR DIRE PROCESS
AND TRIAL PROCESS AND THE ISSUE
THE CIVIL PROCEDURE RULES
COMMITTEE HAS, THE SPECIFIC
ISSUE IS THE TIMING COMPONENT.
THE CURRENT WORKGROUP PROPOSAL
AND THIS IS PAGE 39 OF THE
APPENDIX A, REQUIRES THAT THE
WRITTEN STIPULATION OF THE
PARTIES AND MOTION BE FILED
WITHIN 60 DAYS OF A JURY TRIAL--
>> COUNSEL, EXCUSE ME FOR A
SECOND.
WE NEED TO TRY TO GET THE VOLUME
UP ON THIS IF WE CAN.
>> I CAN SPEAK UP, CHIEF JUSTICE
IF YOU LIKE.
>> I DON'T KNOW THAT THAT'S
GOING TO DO IT.
I THINK THE PROBLEM IS HERE AND
IT'S NOT WITH YOU AND IT MAY BE.
>> IS THIS ANY BETTER, CHIEF
JUSTICE?
>> NO.
AGAIN, IT'S NOT YOUR PROBLEM.
WE ARE GOING TO TRY.
GOING TO TRY TO ADDRESS IT.
BEAR WITH US A COUPLE SECONDS.
THIS IS THE FIRST TIME.
WE WILL JUST HAVE TO PROCEED
AND-- OKAY, GO AHEAD, COUNSEL.
>> THANK YOU, CHIEF JUSTICE.
AS I WAS SAYING THE ISSUE CIVIL
RULES HAS WITH THE CURRENT
PROPOSAL IS THE TIME REQUIREMENT
60 DAYS AFTER A JURY TRIAL
DEMAND, WITHIN THE FIRST THREE
MONTHS OF LITIGATION AND OUR
PROPOSAL IS TO LEAVE THE TIMING
TO THE DISCRETION OF THE COURTS
TO REMOVE TO THE VERY LAST
SENTENCE OF 1.430D, ULTIMATE

SUTTONS OF THAT SECTION REQUIRES
BOTH A STIPULATION AND
AUTHORIZATION BY THE COURT--
>> COULD YOU REPEAT THAT AGAIN,
PLEASE?
COULD YOU REPEAT WHAT YOU JUST
SAID?
>> YES, YOUR HONOR.
THE SECOND TO LAST--
[INAUDIBLE]
REQUIRES THE MOTION AND
AUTHORIZATION BY THE COURT, SO
THE CONCERNS OF THE WORKGROUP,
LOGISTICS OF REMOTE PROCEEDINGS,
GETTING THINGS SET UP AT MY
TIMING CAN BE HANDLED ON A
CASE-BY-CASE BASIS WITHIN THE
TRIAL COURT'S DISCRETION, SO WE
WOULD RECOMMEND REMOVING AND
STRIKING THE LAST SENTENCE OF
1.430D AS PROPOSED UNLESS THERE
ARE OTHER QUESTIONS BY THE
COURT, THAT IS ALL I HAVE TO SAY
TODAY.
THANK YOU FOR YOUR TIME.
>> THANK YOU, COUNSEL.
SORRY FOR THE INTERRUPTION.
>> MS. ROWE.
>> GOOD MORNING.
ARE YOU ABLE TO HEAR ME OKAY.
>> WE HEAR YOU VERY WELL.
>> EXCELLENT.
I MADE SURE MY MICROPHONE WAS
TURNED UP ALL OF THE WAY.
MAY IT PLEASE THE COURT, MY NAME
IS LAURA RAO AND I'M HERE ON
BEHALF OF THE APPELLATE COURT
RULES COMMITTEE OF THE FLORIDA
BAR.
THE COMMITTEE AGREES WITH THE
WORKGROUP LIKE MANY OTHER
PARTICIPANTS HERE TODAY.
ON MOST OF THEIR PROPOSED
AMENDMENT TO THE APPELLATE RULES
ESPECIALLY THOSE GOVERNING
REMEDIATION AND I'M HERE TO
ADDRESS RULE 9.320 GOVERNING
ORAL ARGUMENTS.
THE COMMITTEE AND THE WORKGROUP
BOTH AGREE THAT THE RULES SHOULD
BE AMENDED TO INCORPORATE THE
DEFINITIONS OF COMMUNICATIONS
TECHNOLOGY AS IT'S INCLUDED IN
ULTIMATE RULE 2.530 IS ADOPTED

BY THE COURTS AND TO PROVIDE
THAT WHEN SUCH TECHNOLOGY IS
USED THE APPELLATE COURTS SHOULD
MAKE THE ARGUMENT AVAILABLE BY
LIVE BROADCAST AND BY POSTING
THE REPORTING TO THE COURTS
WEBSITE.
THE PRIMARY DIFFERENCE BETWEEN
THE CONTINUITY WORKGROUPS
CONCURRENT PROPOSED AMENDMENTS
AND COMMITTEES PROPOSED
AMENDMENTS IS THE INCLUSION OF
SPECIFICS REGARDING MOTION
PRACTICE BEFORE THE COURT.
IN PARTICULAR, THE WORKGROUPS
PROPOSAL DO INCLUDE A
SUBDIVISION WHICH SETS FORTH A
PROCEDURE FOR REQUESTING USE OF
COMMUNICATIONS TECHNOLOGY
SUBDIVISION AT E3 WHICH ESTATES
A COURT HAS THE AUTHORITY TO
GRANT OR DENY A PARTY'S REQUEST
MADE UNDER E TO OR IT MAY ORDER
THE USE OF COMMUNICATION
TECHNOLOGY ON ITS OWN MOTION AND
SUBDIVISION E5, WHICH PROVIDES A
LIST OF OPTIONS THE COURT MAY
EMPLOY TO ADDRESS TECHNOLOGICAL
MALFUNCTION SHOULD ONE OCCUR.
BECAUSE APPELLATE COURTS ALREADY
POSSESS THE DISCRETION OVER THE
DETAILS OF CONDUCTING ORAL
ARGUMENT AND HAS SUCCESSFULLY
DISSEMINATED EMPLOY THEIR OWN
PRACTICE PREFERENCES AND
PROCEDURES OVER THE LAST TWO
YEARS, THE PROPOSED LANGUAGE IS
BOTH UNNECESSARY TO ALLOW REMOTE
ORAL ARGUMENTS TO CONTINUE AND
IT MAY HAVE THE UNINTENDED
CONSEQUENCE OF CREATING A
PROCEDURAL BAR OR OTHERWISE
LIMITING APPELLATE COURTS IN
RESPONDING TO NEW OR DEVELOPING
TECHNICAL CHALLENGES AS THEY
ARISE.
A MAJORITY OF THE COMMITTEE--
>> -- COUNSEL, I'M NOT FOLLOWING
THE PROCEDURAL BAR.
WHAT WOULD BE THE PROCEDURAL
BAR?
>> SURE.
>> BAR TO WHAT?
>> MAJORITY OF THE COMMITTEE

SHARED A CONCERN THAT TOO MUCH DETAIL REGARDING THE MOTIONS PRACTICE BEFORE THE COURT AND THE OPTIONS AVAILABLE TO ADDRESS TECHNOLOGICAL MALFUNCTIONS ESPECIALLY MIGHT CREATE A PROCEDURAL BAR TO CERTAIN MODIFICATION OF REMOTE APPEARANCES THAT MAY BE NECESSARY AND AGREEABLE TO THE PARTIES DEPENDING ON THE CIRCUMSTANCE.
I FOR ONE AM AWARE OF NO OTHER APPELLATE RULE THAT PROVIDES THE LEVEL OF DETAIL REGARDING MOTIONS PRACTICE AS THAT CURRENTLY PROPOSED BY THE WORKGROUP.
RULES GOVERNING APPELLATE MOTIONS DO NOT CONTAIN SUFFERED-- SEPARATE PROVISIONS STATING THE COURT HAS DISCRETION TO GRANT OR DENY THEM, FOR EXAMPLE, OR THAT DESCRIBE WHAT ACTION THE COURT MIGHT TAKE TO ADDRESS AN ISSUE OR A TECHNOLOGICAL MALFUNCTION AFTER THE COURT ISSUES A SUCH A RULING AND FOR EXAMPLE, HOPEFULLY THIS WILL HELP, THE CURRENT PROPOSAL FROM THE WORKGROUP PROVIDES THAT PARTIES MIGHT MAKE A REQUEST FOR REMOTE APPEARANCE IN THEIR REQUEST FOR ORAL ARGUMENT MADE UNDER SUBDIVISION A OF THE CURRENT RULE.
THIS IS ACTUALLY INCONSISTENT WITH CURRENT PRACTICE.
MOST INCLUDING THIS PERMIT PARTIES TO SEEK REMOTE APPEARANCE BY MOTION AFTER FILING A REQUEST FOR ORAL ARGUMENT WITH THE COURT AND THIS FLEXIBILITY, OUR COMMITTEE BELIEVES, IS CONSISTENT WITH THE USE OF REMOTE ORAL ARGUMENT TO ACCOMMODATE THE NEEDS OF THE COURT, THE PARTIES AND THE PARTIES COUNSEL.
FURTHERMORE, THE CONTINUITY WORKGROUPS SUBSECTION ON TECHNOLOGICAL MALFUNCTIONS AS PROPOSED LIMITS THE COURT TO EITHER RECESS OF THE

PROCEEDINGS, GRANTING ADDITIONAL
TIME FOR ARGUMENT OR DISPENSING
WITH ARGUMENT ALTOGETHER.
HOWEVER, DEPENDING ON THE NATURE
OF THE MALFUNCTION, THE PARTIES
MAY WISH AND SAID TO PROCEED
WITH ORAL ARGUMENT IN SPITE OF
THE ISSUE OR THE COURTS IT STAFF
MAY NEVERTHELESS BE ABLE TO
ACCOMMODATE THE PARTIES THROUGH
A REASONABLE MODIFICATION OF THE
PROCEEDINGS AS WE JUST SAW HERE
TODAY DURING THIS ARGUMENT.
SO, WITHOUT THE ADDITION OF THIS
OVERLY SPECIFIC LANGUAGE, COURTS
RETAIN THE DISCRETION TO MODIFY
ARGUMENT BASED ON THE
MALFUNCTION OR BASED ON THE
INDIVIDUAL CIRCUMSTANCES OF THE
PARTIES AND AT THIS EARLY STAGE
IN REMOTE APPELLATE ARGUMENTS
COURTS SHOULD RETAIN THE
DISCRETION AND FLEXIBILITY
NECESSARY TO ADDRESS ANY PROBLEM
THAT MAY ARISE DURING ARGUMENT.
DOES THAT ANSWER YOUR QUESTION,
JUSTICE?
>> THANK YOU.
>> THANK YOU.
A MAJORITY OF THE COMMITTEE
BELIEVES THAT IN NO RULE
AMENDMENT IS CURRENTLY NECESSARY
TO PERMIT APPELLATE COURTS TO
CONTINUE USING COMMUNICATIONS
TECHNOLOGY.
APPELLATE COURTS ALREADY POSSESS
THE DISCRETION TO ALLOW
APPEARANCES AT ORAL ARGUMENT AND
HAVE BEEN DISPOSING OF ORAL
ARGUMENT AS I STATED EARLIER
OVER THE LAST TWO YEARS WHILE
DEALING WITH THE ONGOING
PANDEMIC AND WHILE APPLYING THIS
COURTS ADMINISTRATIVE ORDER
2117.
CONSISTENT WITH THE OBSERVATIONS
OF SEVERAL OTHER COMMONERS
INCLUDING THE FLORIDA BAR
BORROWED OF GOVERNORS, THE
COMMITTEE BELIEVES THAT JUDGES
ARE THE BEST POSITION TO BALANCE
THE INTEREST OF THE PARTIES IN
THE INTEREST OF JUSTICE AND
SETTING REMOTE APPEARANCES BOTH

AT TRIAL AND THE APPELLATE
LEVELS.
WE AGREE WITH THE CONTINUITY
WORKGROUP THE COMMUNICATION
TECHNOLOGY SHOULD BECOME A
PERMANENT FIXTURE OF APPELLATE
PRACTICE.
HOWEVER, ANY AMENDMENT TO RULE
9.320 REGARDING APPELLATE ORAL
ARGUMENT SHOULD PRESERVE THE
DISCRETION OF THE JUDICIAL PANEL
IN ORDER TO PRESERVE THE ORAL
ARGUMENT IS A SET AND CONDUCTED
WITH THESE INTERESTS IN MIND.
AT THIS TIME, A MAJORITY OF THE
COMMITTEE BELIEVES THAT IT IS
STILL PREMATURE TO IMPOSE
RULE-BASED INFORMALLY--
CONFORMITY ON THE PRACTICES AND
PREFERENCES OF FLORIDA'S
APPELLATE COURTS ESPECIALLY
GIVEN THE WIDE VARIETY
DEVELOPING CIRCUMSTANCES WHICH
THEY MUST RESPOND IN SETTING AND
ADMINISTERING DETAILS OF ORAL
ARGUMENT AND REMOTE ORAL
ARGUMENT.
TAKE YOU, YOUR HONORS.
IF NO ONE HAS ANY QUESTIONS,
THANK YOU VERY MUCH.
>> THANK YOU.
>> MR. ANTHONY MUSTO.
>> THANK YOU MR. CHIEF JUSTICE
AND MAY IT PLEASE THE COURT,
ANTHONY MUSTO ON BEHALF OF THE
FLORIDA CIVIL LEGAL AID
ASSOCIATION, WHICH IS A GROUP
MADE UP OF THE EXECUTIVE
DIRECTORS OF EACH OF THE MAJOR
LEGAL AID PROVIDERS IN THIS
STATE.
INITIALLY I WOULD LIKE TO THANK
THE COURT FOR ALLOWING ME TOO
APPEAR VIRTUALLY.
THAT WAS A VERY IMPORTANT TO ME
AND IT IS MUCH APPRECIATED.
AS FAR AS THAT PROPOSAL THAT IS
BEFORE THE COURT, IT IS A GOOD
ONE.
WE SUPPORT IT IN PRINCIPLE.
IT WILL HELP OUR LAWYERS JUST AS
IT WILL HELP OTHER LAWYERS
THROUGHOUT THE STATE AND JUDGES
THROUGHOUT THE STATE.

WE DO HAVE SOME CONCERNS, HOWEVER, ABOUT THE IMPACT OF THE PROPOSAL ON PRO SE LITIGANTS AND WE SUGGEST IN OUR PLEADING SEVERAL TWEAKS TO THE PROPOSAL THAT WE BELIEVE WILL ADDRESS THESE CONCERNS.
YOUR HONORS, THOSE OF US WHO ARE ON ONE SIDE OF THE DIGITAL DIVIDE, THE SIDE WHERE INTERNET IS INEXTRICABLY WOVEN INTO THE FABRICS OF OUR LIVES CAN VERY EASILY LOSE SIGHT OF THE FACT THAT THERE ARE MILLIONS OF PEOPLE, FROM WHICH OUR PRO SE LITIGANTS ARE MOSTLY DRAWN, ON THE OTHER SIDE OF THE DIVIDE.
PEOPLE WHO FACE SIGNIFICANT HURDLES IN THEIR LIVES BECAUSE OF THEIR LACK OF ACCESS TO THE INTERNET.
AND THE BIGGEST HURDLE THAT IS PRESENTED BY THE PROPOSAL THAT IS BEFORE YOU IS THE REQUIREMENT THAT THESE INDIVIDUALS FILE A FORM IN ORDER TO OPT OUT OF E-SERVICE.
THIS PROPOSAL CREATES A CATCH 22 LITIGANTS BECAUSE THE ONLY ONES WHO ARE GOING TO WANT TO OPT OUT ARE THE ONES WHO DON'T HAVE INTERNET ACCESS, BUT HOW DO YOU GET THE FORM?
YOU GO TO THE WEBSITE.
IF THEY DON'T HAVE INTERNET ACCESS, THEY CAN'T GO THERE TO GET THE FORM.
YES, THEY CAN GO TO THE COURTHOUSE, BUT THAT IMPOSES A BURDEN OF TIME, EXPENSE AND TROUBLE FOR THESE INDIVIDUALS.
THE GOAL OF THE FORM, WHICH IS TO OBTAIN INFORMATION NECESSARY TO KNOW WHETHER E-SERVICE WILL WORK CAN BE MET IN A MUCH SIMILAR MANNER.
IT IS THE MANNER THAT WE SUGGEST IN OUR REPLY.
WE SUGGEST THAT THE SAME INFORMATION CAN BE OBTAINED WITHOUT IMPOSING THIS BURDEN ON THE PRO SE LITIGANTS BY SIMPLY AMENDING RULE 2.515B, WHICH DEALS WITH THE INFORMATION THAT

LITIGANTS-- SELF REPRESENTED
LITIGANTS ARE REQUIRED TO PUT IN
THEIR PLEADINGS.
THEY HAVE TO PUT THEIR NAME,
THEIR ADDRESS AND THEIR PHONE
NUMBER.
THAT'S FINE.
IF WE ADD TO THAT A REQUIREMENT
THAT IF THEY HAVE AN E-MAIL
ADDRESS AND INTERNET ACCESS,
THEY MUST INCLUDE THAT
INTERNET-- E-MAIL ADDRESS, THEN
THE INFORMATION THAT IS TAKEN UP
AND REQUIRED BY THE FORM IS
GOING TO BE PROVIDED TO
EVERYONE.
IF THERE IS AN ADDRESS THERE, IT
CAN BE CERTIFIED-- E-SERVICE THE
SAME AS A LAWYER.
IF THERE IS NOT ONE THERE, THEN
EVERYBODY KNOWS IT HAS TO BE
DONE THROUGH MORE TRADITIONAL
NEEDS.
WE DO NOT--
[INAUDIBLE]
FORM TOTALLY, IT WOULD BE
HELPFUL IN SITUATIONS WHERE
CIRCUMSTANCES CHANGE.
THEY MAY HAVE E-MAIL ACCESS AT
THE BEGINNING AND THEN LOSE IT
DUE TO FINANCIAL SETBACKS AND
THEY MAY NEED TO FILE SOMETHING
ABOUT BUT WE DO SUGGEST THAT THE
FORM WHATEVER ITS BREATH WHETHER
IT'S THE NARROW ONE I SUGGEST
FOR THE BROADER ONE SUGGESTED BY
THE COMMITTEE, WHATEVER IT IS,
THE RULES SHOULD BE CHANGED TO
SAY THAT IT IS THE FORM OR AN
EQUIVALENT PLEADING CONTAINING
THE INFORMATION, WHICH WOULD GET
RID OF THE CATCH-22 AND THE TRIP
TO THE COURT.
IN MY REMAINING SECONDS I'M
GOING TO TOUCH ON TWO OTHER
SUGGESTIONS WE MAKE RELATING TO
RULE 2.530, OBJECTION TO A
HEARING HELD ONLINE.
IT IS AS WRITTEN, AN
OBJECTION MUST BE MADE WITHIN 10
DAYS.
IT DOESN'T SAY WHETHER IT NEEDS
TO BE FILED OR SERVED WITHIN 10
DAYS.

WE SUGGEST IT SHOULD SAVE
SERVED.
WITH TODAY'S MAIL SERVICE BEING
SO SPOTTY AND THE FACT THAT THE
ORDER WILL INHERENTLY BE
SERVED-- WILL BE SENT BY MAIL
AND THE OBJECTION WILL BE SENT
BY MAIL, EVEN THE 10 DAYS EVEN
WITH THE FIVE DAYS FOR MAILING,
THERE WILL BE A LOT OF TIMES
WHERE IT WILL BE DIFFICULT TO
COMPLY.
FINAL POINT I WILL MAKE TODAY,
IN RULING ON THESE OBJECTIONS,
THE TERM GOOD CAUSE IS SHOWN
WHILE WE CANNOT HAVE AN EXACT
DEFINITION OF GOOD CAUSE, WE DO
SUGGEST THAT LACK OF ACCESS TO
THE INTERNET SHOULD BE
CONSIDERED INHERENTLY GOOD CAUSE
AND THAT IT SHOULD BE PUT INTO
THE RULES.
WITH THESE CHANGES AND THE
OTHERS WE MENTIONED IN OUR
PLEADING, WE FEEL THIS WILL BE A
FAIRER PROCESS FOR PRO SE
LITIGANTS AND A BETTER PROCESS
FOR THE JUDICIAL SYSTEM.
THANK YOU SO MUCH, YOUR HONORS.
>> THANK YOU.
>> MAY IT PLEASE THE COURT, MY
NAME IS MEAH TELL, FORMER CHAIR
OF THE ALTERNATIVE DISPUTE
RESOLUTION SECTION OF THE
FLORIDA BAR.
CHIEF JUSTICE, ARE YOU ABLE TO
HEAR ME?
>> I AM.
>> THANK YOU AND THANK YOU FOR
ALLOWING ME TO APPEAR VIRTUALLY.
OUR SECTION WHOLEHEARTEDLY
SUPPORTS THE CONTINUED USE OF
COMMUNICATION TECHNOLOGY IN
COURT CONNECTED MEDIATIONS AND
ARBITRATIONS FEAR HOWEVER, I'M
GOING TO DISCUSS THREE PROPOSED
RULE CHANGES.
ONE APPEARANCE RULES FOR
MEDIATION IN COURT CONNECTED
ARBITRATION WHICH SET PURPLE--
PERSONAL APPEARANCE AS A DEFAULT
AND WHICH NEED FURTHER
CLARIFICATION.
NUMBER TWO ADDING LANGUAGE TO

THE APPEARANCE RULES TO ALLOW
PARTIES TO CHANGE THE MANNER OF
ATTENDANCE AT THE ACTUAL
MEDIATION OR ARBITRATION
HEARING.
THREE, REVISING THE NOTICE
LANGUAGE IN RULE 1.70082 DIRK AS
TO THE MATTER OF ATTENDANCE, OUR
SURVEY RESULTS DO NOT SUPPORT A
DEFAULT OR PREFERENCE FOR IN
PERSON APPEARANCE.
ABSENT AGREEMENT BY PARTICIPANTS
THE COURT SHOULD HOLD A HEARING
AND DETERMINE WHAT IS THE MANNER
BY WHICH PARTIES AND THE
MEDIATOR WILL BEST BE ABLE TO
PARTICIPATE IN THE MEDIATION
PROCESS.
WE ADVOCATE FOR FAIRNESS AND
EQUAL ACCESS TO JUSTICE BEING
THE PRIMARY CONSIDERATIONS GIVEN
THE FACTS IN EACH INDIVIDUAL
CASE.
MEDIATION APPEARANCE RULES
1.700, 1.7020, 1.750E AND 9.700
AND THE PROPOSED FAMILY LAW OR
RULE 12.70D AS PROPOSED ARE NOT
CONSISTENT AND ARE UNCLEAR.
FOR EXAMPLE, WE REQUEST RULE
1.700 BE CLARIFIED SO THAT IT IS
CLEAR THAT IT RELATES SOLELY TO
MANDATORY NONBINDING ARBITRATION
AND NONVOLUNTARY BINDING
ARBITRATION, WHICH CANNOT BE
ORDERED BY THE COURT.
THE RULES SHOULD ALSO MAKE IT
ABSOLUTELY CLEAR THAT THE
WRITTEN STIPULATIONS TO
MEDIATION MUST BE FILED IN THE
COURT FILE.
THIS IS IMPORTANT BECAUSE
PARTIES AND THE MEDIATOR NEEDED
TO KNOW IF BY SIGNING HIM
WRITTEN AGREEMENT TO MEDIATION
THAT'S NOT FILED WHETHER IT IS
IN THE SCOPE OF THE 1.700 RULES
WHICH TRADITIONALLY DO NOT APPLY
TO THEM, SO THE WRITTEN
STIPULATION SHOULD BE THROUGHOUT
RULE 1.700 THAT IS FILED WITH
THE COURT.
THAT SHOULD BE CLEAR.
RULE 1.700 SHOULD INCLUDE A
PROVISION THAT AT THE TIME OF

THE CONFERENCE OR HEARING QUOTE SUBJECT TO AGREEMENT OF THE PARTIES DURING THE PROCESS, THE PARTIES IN THE NEUTRAL MAY AGREE TO A CHANGING COMMUNICATION TECHNOLOGY AS THE NEED MAY ARISE TO ASSURE EQUAL ACCESS TO THE PROCESS.
THIS LANGUAGE IN OUR COMMENT WILL AVOID DELAY IN HAVING TO GO BACK AND OBTAIN ADDITIONAL COURT ORDERS OR FILE ADDITIONAL WRITTEN STIPULATIONS.
IT IS UNCLEAR WHETHER THE NOTICE WHICH MEDIATORS HAVE TO SEND IN RULE 1.700A2 SB FILED WITH THE COURT.
WE RESPECTFULLY REQUEST THAT THIS BE CLARIFIED AND PROPOSED 1.700K TO BE CHANGED SO WE ARE NOT REQUIRED TO CONTAIN INSTRUCTIONS FOR ACCESS TO COMMUNICATION TECHNOLOGY IN COURT ORDERS, FILED WRITTEN STIPULATIONS OR FILED NOTICES TO PROTECT PRIVACY AND MEDIATION CONFIDENTIALITY, WE DO NOT BELIEVE THAT INFORMATION REGARDING LINKS, TELEPHONE NUMBERS, PASSCODES OR OTHER INFORMATION REGARDING ELECTRONIC COMMUNICATION SHOULD BE FILED IN THE COURT FILE.
IN CONCLUSION, MEDIATION APPEARANCE RULES SHOULD BE CONSISTENT FOR ALL TYPES OF MEDIATION WITH AN EMPHASIS ON PARTY SELF-DETERMINATION.
WITHOUT A/D FORM OR PREFERENCE FOR IN PERSON APPEARANCE.
WE BELIEVE IT IS IMPORTANT TO CLARIFY WHAT TYPES OF MEDIATION AND ARBITRATIONS ARE GOVERNED BY THE 1.70 RULES AND THAT THERE BE LANGUAGE WHICH PERMITS FLEXIBLY IN CHANGING THE COMMUNICATION PROCESS AS THE NEED ARISES AGREED TO BY THE PARTICIPANTS.
WE URGE THE COURT TO PROTECT THE PRIVACY AND SECURITY OF COURT CONNECTED MEDIATIONS AND NONBINDING-- NONBINDING ARBITRATION USING ELECTRONIC MUNICATION BY AMENDING THE 1.700

NOTICE RULE TO DELETE HAVING TO
PUT FORTH THE INFORMATION
REGARDING ACCESS TO THE
COMMUNICATION TECHNOLOGY.
THANK YOU SO MUCH FOR YOUR TIME.
>> THANK YOU.
>> I DON'T KNOW IF YOU HAVE ANY
QUESTIONS OF ME.
>> THANK YOU.
MR. ALAN APTE.
>> THANK YOU, CHIEF JUSTICE.
MAY IT PLEASE THE COURT, I'M A
ALAN APTE, CHAIR OF CRIMINAL
PROCEDURE RULE COMMITTEE.
I AM HERE IN SUPPORT OF THE WORK
GROUPS 3.116, 3.130, 3.160,
3.180, 3.91, 3.22 AND 3.351
SUGGESTED REVISIONS TO THOSE
RULES.
OUR COMMITTEE, IF THE COURT DOES
NOT KNOW, THE COMMITTEE IS
BROKEN INTO BASICALLY ONE THIRD,
ONE THIRD, ONE THIRD.
PROSECUTORS, DEFENSE ATTORNEYS
AND JUDGES AND OUR COMMITTEE
GENERALLY HAS SPIRITED DEBATES
ON ALL OF THE PROPOSED RULES.
SPECIFICALLY, THE COMMITTEE
ADDRESSED ADDITIONAL-- EDITION
TO 3.116 WHICH WOULD BE A
REQUIREMENT FOR NON- EVIDENTIARY
HEARINGS TO HAVE REMOTE
TECHNOLOGY TO BE USED.
THE WORKGROUP DECLINED TO ADOPT
OR TO SUGGEST THAT IT BE
INPUTTED IN THEIR AMENDED RULES
AND SUGGEST THAT IT BE DONE IN
THE REFORM OF A REFERRAL TO MY
COMMITTEE AND WHEN MY COMMITTEE
RECEIVED SUCH A REFERRAL WE
WOULD TAKE IT UP IF THAT'S WHAT
THE JUSTICES DECIDE IN THEIR
OPINION.
I HAVE YIELDED MOST OF MY TIME
TO THE CRIMINAL LAW SECTION AND
I WILL BE AVAILABLE FOR ANY
QUESTIONS FROM THE COURT.
>> THANK YOU.
ALL RIGHT.
NOW, WE COME BACK.
AWAY FROM THE SCREEN.
MR. BLANK.
>> GOOD MORNING MR. CHIEF
JUSTICE MAY IT PLEASE THE COURT,

JASON BLY, CHAIR OF THE CRIMINAL LAW SECTION AND MEMBER OF THE CRIMINAL PROCEDURE RULES COMMITTEE AND TODAY I ARGUE ON BEHALF OF ALL THREE.
DURING THE COURSE OF THE PANDEMIC THROUGH THE WAIVES, THIS COURT BY WAY OF CHIEF JUSTICE HAS ADMINISTERED MULTIPLE OR-- MULTIPLE ORDERS TO THE TRIAL COURTS DICTATING TO THEM OR ADVISING THEM THAT THEY WERE FAVORED THE USE OF REMOTE TECHNOLOGY IN THE CRIMINAL COURTS FOR NON- EVIDENTIARY PROCEDURES AND DESPITE THOSE ORDERS AND FURTHER GUIDANCE GIVEN--
>> COULD YOU SLOW DOWN A LITTLE BIT FOR ME, MR. BLANK.
>> I WOULD BE HAPPY TO.
WITH ONLY FOUR MINUTES--
>> I WILL BE GENEROUS.
>> THANK YOU.
>> DESPITE THE ADMINISTRATIVE ORDERS BY THE CHIEF JUSTICE, WHAT WE'VE SEEN THROUGHOUT FLORIDA IS THAT THERE ARE JUDGES WHO ARE DISPENSING WITH THE USE OF THIS REMOTE TECHNOLOGY FOR THESE TYPES OF NON- EVIDENTIARY NONESSENTIAL PROCEDURES.
WE ARE SEEING THE USE OF ZOOM OR GO TO MEETINGS OR GOOGLE HANGOUTS AS THIS VARIOUS CIRCUITS MAY USE ARE NO LONGER USED AND THE COURTS ARE ORDERING THE LAWYERS AND THE LITIGANTS TO BE PRESENT BEFORE THEM FOR ALL MATTERS MINISTERIAL OR NOT.
THAT IS WHY THIS COURT SHOULD ADOPT THE AMENDED-- PROPOSED AMENDMENT SET FORTH BY THE CRIMINAL PROCEDURE RULES COMMITTEE AND THE CRIMINAL LAW SECTION, WHICH IT DIFFERS FROM THE WORKGROUP PROPOSAL IN THAT IT MANDATES WHEN A REQUEST IS MADE BY ONE OF THE LAWYERS BEFORE A COURT FOR NON-EVIDENTIARY HEARINGS THAT THE COURT SHOULD AND REALLY MUST GRANT THAT REQUEST UNLESS GOOD CAUSE IS SHOWN.

>> WHY ARE WE IN A BETTER WORLD IF WE TAKE AWAY THAT DISCRETION FROM JUDGES?
>> THE KEY HERE IS THAT THESE TYPES OF REMOTE PROCEEDINGS IN ALLOWING THE LITIGANTS TO LITIGATE THEIR TASK-- CASE IN A FASHION THEY SEE FIT BY APPEARING REMOTELY MUCH AS-- EXCUSE ME, MUCH AS JUDGE MUNYON NOTED IF THE LAWYERS WISH TO BE REPRESENTED REMOTELY WHY SHOULD THEY NOT?
IT'S A MORE EFFICIENT, MORE EFFECTIVE AND MORE JUSTICE SYSTEM TO ALLOW--
>> 'S SO WHY WOULDN'T YOU BE ABLE TO PERSUADE A JUDGE TO EXERCISE HIS OR HER DISCRETION THAT WEIGHT?
>> THE IDEA BEHIND THE PROPOSAL BY THE COMMITTEE IS AT THE REQUEST OF THE MOTION, SHOULD IT BE SUCH TO JUSTICE GROW SINS EARLIER QUESTION WOULD BE THE INITIAL PERSUASION.
HOWEVER, IT WOULD BE INCUMBENT ON THE COURT TO FIND GOOD CAUSE NOT TO.
WHAT WE SEE IS THAT THERE ARE SOME JUDGES WHO JUST DON'T LIKE CHANGE.
SOME JUDGES DON'T LIKE CHANGE.
THEY DON'T NECESSARILY WANT TO USE THIS REMOTE TECHNOLOGY, MAYBE THEY ARE COMFORTABLE WITH IT AND MAYBE THEY JUST LIKE TO HAVE THE SOCIAL ASPECT OF HAVING LAWYERS BEFORE THEM AND THAT'S UNDERSTANDABLE, BUT NONETHELESS--
>> COUNSEL, IN FAIRNESS AT LEAST I HAVE BEEN HEARING A LOT OF BEHAVIORAL PROBLEMS, LAWYERS APPEAR ON A ZOOM ADDRESS PROBLEMS, ADDRESSING THE COURT IMPROPERLY.
THIS SEEMS TO BE THIS ATTITUDE THAT ALL FORMALITY OF THE COURT PROCEEDINGS ARE JUST OUT THE WINDOW, SO HOW DO YOU ANSWER THAT.
>> I WOULD ARGUE TO THAT, JUSTICE LABARBERA, THAT WHILE

THERE MAY BE CERTAIN INSTANCES WHERE DECORUM OR DISCRETION OF THE LAWYER MAY NOT BE WHAT IT SHOULD BE AND THAT MAY BE AN ISSUE, THAT'S NOT SEEN IN THE MAJORITY OF REMOTE APPEARANCES.
>> THAT ALSO HAPPENS IN COURT, DOESN'T IT?
>> IT DOES ALSO HAVE INCORPORATED I WOULD ALSO ARGUE, JUSTICE LABARBERA, THAT AT ANY POINT IN TIME A JUDGE CAN SAY I AM ORDERING YOU BEFORE ME AT 9:00A.M. TOMORROW A BEER WITH YOUR CLIENT JUST LIKE AT ANY POINT IN TIME A JUDGE CAN SAY I FIND GOOD CAUSE THAT YOU APPEAR BEFORE ME BECAUSE I'VE SEEN YOU WEARING SHORTS ON ZOOM AND I DON'T BELIEVE THAT'S APPROPRIATE FOR GOOD CAUSE PROVISION IN THE PROPOSAL BY THE COMMITTEE AND AS SUGGESTED BY THE CRIMINAL LAW SECTION ALLOWS FOR THE COURT TO STILL HAVE DISCRETION TO ORDER THE LAWYERS AND LITIGANTS BEFORE IT AT ANY GIVEN TIME.
THE MAIN CONCERNS-- I SEE MY TIME RUNNING OUT SO I WILL CONCLUDE.
>> I WILL GIVE YOU A LITTLE MORE TIME.
>> THANK YOU.
THE MAIN CONCERNS OF THE WORKGROUP AND CANDIDLY OF THE MINORITY POSITION OF THE CRIMINAL PROCEDURE RULES COMMITTEE TO SOME EXTENT IN OPPOSITION TO THE PROPOSAL, AND THE CRIMINAL PROCEDURE RULES COMMITTEE THE MINORITY SAID WE BELIEVE IN THIS GAME FROM THE JUDGES RELATE THAT WE BELIEVE THE APPEARANCE OF THE LAWYERS BEFORE US ARE THE FINAL PRE-TRIAL CONFERENCE BEFORE TRIAL IS IMPORTANT TO HASH OUT ANY REMAINING MOTIONS, ANY REMAINING ISSUES AND POSSIBLY EVEN RESOLVE THE CASE.
WE CERTAINLY AND I SAY WE BECAUSE I WAS A MEMBER OF THE MAJORITY ON THE COMMITTEE, WE UNDERSTAND THAT AND THAT IS WHY

WE HAVE THE GOOD CAUSE PROVISION
ON THE GOOD CAUSE SAFETY VALVE,
IF YOU WILL, IN THE PROPOSAL.
WERE A TRIAL COURT TO FEEL IT'S
NECESSARY THAT THE FINAL
PRETRIAL CONFERENCE BE HELD IN
PERSON FOR THOSE REASONS, OUR
POSITION IS THAT WOULD ALSO DO
GOOD CAUSE.
THE OTHER OBJECTIONS TO THE
PROPOSAL REALLY TO TAKE THE
LANGUAGE SET FOR EARLY OR ARE
LEGITIMATE CONCERNS.
THE REASON WHY IS THAT THE
WORKGROUP AND LET ME BE VERY
CLEAR HERE, I APPRECIATE THE
WORKGROUP.
IS A VERY LARGE UNDERTAKING, OF
WHAT JUDGE MUNYON HAD IN HER
GROUP AND THEY DID A GREAT JOB,
BUT IN RESPONDING TO THE
AMENDMENT SUGGESTED BY THE
CRIMINAL PROCEDURE RULES
COMMITTEE THE OBJECTION WAS
BASED ON THE FACT THAT SOMETIMES
THESE NON- EVIDENTIARY HEARINGS
SOMEHOW MAGICALLY CONVERT INTO A
EVIDENTIARY HEARING.
CANDIDLY, THAT'S A PHALLUS.
I CAN THINK OF NO TIME WHEN A
MATTER SET A NOTICE STATUS
HEARING TURNED INTO AN
EVIDENTIARY HEARING AND THAT
COURT ALLOWED IT TO MOVE
FORWARD.
MORE LIKELY AND WHAT MOSTLY
HAPPENS, THE JUDGES AS COUNSEL
IT'S NOT WHAT THIS IS NOTICED
FOR, CALL MY JA AND GET A
HEARING ON THE CALENDAR, SHOW UP
TOMORROW AT 9:00A.M. WITH THE
LITIGANTS OR WITH YOUR CAULK--
CLIENT AND WITNESSES AND WE WILL
ADDRESS IT THEN.
TO THE EXTENT THAT'S THE
OBJECTION OF THE WORKGROUP TO
THE ADOPTION OF THE PROPOSAL I
WOULD ARGUE IT SHOULD NOT BE
GIVEN WEIGHT.
LASTLY, THE WORKGROUP SUGGEST
THAT IT SHOULD BE AND I
APOLOGIZE IF I'M GOING TO FAST,
I'M TRYING TO FINISH UP YOUR
LASTLY, THE WORKGROUP SUGGEST

THEY SHOULD BE SENT BACK TO THE CRIMINAL PROCEDURE RULES MANY TO BE CONSIDERED AND THAT'S BASED ON THE SECONDARY CARVEOUT SET FORTH BY THE RULES OF GENERAL PRACTICE AND JUDICIAL DEMONSTRATION ALSO TO RULE 2.530, HOWEVER, THAT'S BEEN DONE.
TO SEND IT BACK TO THE CRIMINAL COMMITTEE WOULD BE REDUNDANT.
IT'S BEEN DISCUSSED, VETTED AND PROPOSED TO THE WORKGROUP AND THE COURT AS AN AMENDMENT TO RULE 3.116 OR PROPOSED RULE 3.116 AS A NEW SUBSECTION AND WE URGE THE COURT TO ADOPT THAT SUBSECTION FOR THE BETTERMENT OF THE COURT.
HE VERY MUCH.
>> MR. RAVEL MORRISON.
>> JOHN RAVEL MORRISON ON BEHALF OF THE FLORIDA PUBLIC DEFENDER ASSOCIATION.
THANK YOU FOR ALLOWING US TO APPEAR HERE TODAY.
GIVEN THE WORKGROUP AMENDED PROPOSALS WE WILL ADDRESS ONLY ISSUES TWO AND THREE IN OUR WRITTEN COMMENTS.
BOTH OF THEM TURN AROUND THE SAME PRINCIPLE, WHICH IS THAT ALTHOUGH VIDEO HEARINGS ARE OFTEN USEFUL AND HELPFUL, A GOOD OPTION, THEY SHOULD NEVER BE THE ONLY OPTION ONE LIBERTY IS AT STAKE.
THAT IS THE FUNDAMENTAL PART OF THIS DECISION.
THIS IS HOW WE HAVE DONE JURISPRUDENCE SINCE THERE HAS BEEN JURISPRUDENCE AND THAT HAS NOT CHANGED WITH TECHNOLOGY PARTICULARLY FOR OUR MENTALLY ILL CITIZENS.
BY SHEER COINCIDENCE, YESTERDAY I WAS READING THROUGH A TRANSCRIPT OF A SCHIZOPHRENIC YOUNG MAN WHO WAS EXPLAINING TO A JUDGE IN ALL SINCERITY THAT THE WITNESSES AND THE LITTLE BOXES ON ZOOM COULD HAVE BEEN ANYBODY.
HE SPECULATED THAT THEY WERE HIS

MOTHER TOOK THIS IS NOT A
PROBLEM TECHNOLOGY WILL EVER
SOLVE.
THIS IS A SITUATION WITH OUR
MENTALLY ILL CLIENTS.
THEY SHOULD BE THE VERY LAST
PEOPLE WHOSE LIBERTY SHOULD BE
SUBJECTED TO CURTAILMENT BASED
ON A VIDEO HEARING WHEN THEY
WALK INTO A SMALL ROOM WITH A
DESK AND A COMPUTER AND THE
HOLLYWOOD SQUARES OF THESE ZOOM
MEETINGS.
LET'S JUST BE HONEST, MANY OF
THESE GUYS HAVE SCHIZOPHRENIA,
PARANOIA, ALL SORTS OF SYMPTOMS
OF THEIR DISEASES.
THEIR GRASP ON REALITY IS OFTEN
SLIPPERY AND IT IS NOT HELPED AS
JUSTICE LABARBERA SUGGESTED,
SOMEONE DOES ZOOM HEARINGS ARE
SIMPLY MORE INFORMAL BY THE
SHEER NATURE OF THE TECHNOLOGY
EVEN AS WE SAW THIS MORNING
HIGHBRED PART OF THIS
PROCEEDING.
TECHNOLOGY IS JUST CLUNKY.
IT DOESN'T FEEL THE SAME.
IT DOESN'T FEEL REAL, AND WE ALL
KNOW THE DIFFERENCE.
WE ALL KNOW THE DIFFERENCE
FROM-- YOU WILL REMEMBER THE
FIRST TIME WE GOT TO SEE OUR
RELATIVES IN PERSON AGAIN AFTER
ONLY SEEING THEM IN THE VIDEO.
THERE IS A DIFFERENCE.
IT MATTERS AND IT'S IMPORTANT.
WE ARE GRATEFUL FOR THE
WORKGROUPS UNDERSTANDING OF THIS
PRINCIPLE IN RULE 3.116.
WHEN THE WORKGROUP AMENDED IT TO
PROVIDE THAT IN CRIMINAL CASES
DEFENDANTS SHOULD ALWAYS HAVE
THE RIGHT TO APPEAR IN PERSON
BEFORE A LIVE JUDGE UNLESS THEY
WAY THAT IN MANY TIMES WILL BE
CONVENIENT AND USEFUL FOR
EVERYONE TO WAIVE, BUT WHEN IT'S
NOT, WHEN A DEFENDANT WANTS TO
APPEAR FOR WHATEVER TYPE OF
HEARING AND OFTEN IT'S IMPORTANT
CRIMINAL CASES, THIS COURT KNOWS
VERY FEW CRIMINAL CASES GO TO
TRIAL, PERCENTAGEWISE A MINOR

FRACTION.
THE IMPORTANT HEARINGS ARE THE MOTIONS TO DISMISS FOR STAND YOUR GROUND, MUSTN'T TO SUPPRESS, BOND HEARINGS AND THE DEFENDANTS ALWAYS HAVE THE RIGHT UNDER THE WORKGROUPS AMENDED PROPOSAL.
WE APPRECIATE THAT.
WE BELIEVE IT'S THE CORRECT PRINCIPAL, AND WE BELIEVE THAT THAT SHOULD BE APPLIED BOTH IN CRIMINAL CASES AND IN THE BAKER ACT MARCHMAN ACT.
THOSE ARE MY COMMENTS.
I WILL TAKE ANY QUESTIONS FROM THE COURT IN WHICH CASE I WILL SEE MY 24 SECONDS TO THE FLORIDA DISABILITY RIGHTS.
>> GOOD MORNING.
MAY PLEASE THE COURT, I'M CAITLYN CLIBBON WITH DISABILITY RIGHTS FLORIDA.
>> COULD YOU SPEAK UP JUST A LITTLE BIT?
>> I WILL DO MY BEST.
I'M CAITLYN CLIBBON WITH DISABILITY RIGHTS FLORIDA.
DISABILITY RIGHTS FLORIDA IS THE DESIGNATED VOICE FOR THE MENTAL ILLNESS IN FLORIDA AND HAS A LONG-STANDING INTEREST IN MAKING SURE PROCEEDINGS RELATED TO THE BAKER ACT ARE FAIR AND PROTECT THE RIGHT TO THOSE INDIVIDUALS WITH MENTAL ILLNESS.
DISABILITY RIGHTS FLORIDA URGES THIS COURT NOT TO ADOPT THE CHANGES TO RULE 2.530 AS THEY RELATE TO BAKER ACT PROCEEDINGS.
WE URGE YOU NOT TO OVERTURN DOE AND ALLOW REMOTE BAKER ACT PROCEEDINGS AT THE COURT'S DISCRETION AND OVER OBJECTION OF THE PERSON SUBJECT TO THE HEARING.
JUSTIFICATIONS OFFERED TO HAVE REMOTE HEARINGS IN BAKER ACT PROCEEDINGS IGNORE THE INCREDIBLE VULNERABILITY OF THOSE WHO ARE SUBJECT TO THE BAKER ACT.
AS MY COLLEAGUE JUST DISCUSSED, THOSE WITH MENTAL ILLNESS

IGNORES THE INCREASED SCRUTINY
THAT IS DUE TO THEM ANY TIME
THERE RIGHTS ARE AT STAKE.
IN DOE IN 2017, THIS COURT GAVE
THAT CAREFUL SCRUTINY TO THIS
QUESTION.
IN DOE THE COURT CONSIDERED
REPORTS FROM THIS COURT'S OWN
SUBCOMMITTEE AND WORKGROUPS,
FROM THE DEPARTMENT OF CHILDREN
AND FAMILIES, FROM BAKER ACT
EXPERTS, FROM LEGAL SERVICE
PROVIDERS WHO WORK WITH THOSE
WITH MENTAL ILLNESS AND A FAILED
PILOT PROGRAM FOR DELINQUENT--
REMOTE DELINQUENCY HEARINGS,
CHILDREN BEING SIMILARLY
VULNERABLE GROUP.
IN DOE, THIS COURT BALANCE ALL
OF THOSE, THAT EVIDENCE AGAINST
COST AND EFFICIENCY OF
TECHNOLOGY AND DECIDED THAT--
IS.
>> GIVEN THE STATE OF TECHNOLOGY
TODAY DO YOU THINK IT WOULD BE
POSSIBLE TO PUT TOGETHER A BAKER
ACT HEARING ROOM ON BOTH ENDS
THAT WOULD PROVIDE A BETTER
ENVIRONMENT FOR THE POPULATION
THAT YOU SERVE BECAUSE
COURTROOMS CAN BE REALLY
INTIMIDATING.
SOME OF THE ROOM WITH BAKER ACT
HEARINGS HAPPENING WITH ALL THE
CHAOS GOING ON ARE REALLY NOT
GOOD NOW.
IT SEEMS LIKE GIVEN THE SAVINGS
OF HAVING JUDGES DRIVE ACROSS
COUNTY AND ALL THE DISRUPTION
THAT WE MIGHT BE ABLE TO FIND
SOMETHING ON A CASE-BY-CASE,
COURTROOM BY COURTROOM BASIS TO
COME UP WITH SOMETHING THAT
WOULD EVEN BE BETTER THAN WHAT
WE HAVE.
DO YOU THINK THAT'S POSSIBLE?
>> I THINK THAT'S RIGHT AND WHAT
YOU SAID ON A CASE-BY-CASE BASIS
I THINK IS KEY.
I THINK FOR THOSE LIKE MY
COLLEAGUE JUST DESCRIBED WHO ARE
HAVING SEVERE PARANOIA, DELUSION
AND EVEN A NICELY SET UP
COURTROOM MAY NOT BE SUFFICIENT

TO ALLOW THEM TO MEANINGFULLY ENGAGE AND MAY CAUSE THEM TO HONESTLY JUST OPT OUT AND REFUSED TO APPEAR AT ALL AND NOT HAVE ANY PARTICIPATION IN THEIR HEARING.
LIKE YOU SAID, I THINK IT'S A CASE-BY-CASE CONSIDERATION THAT NEEDS TO BE MADE, BUT COURTS SHOULD NOT BE ALLOWED TO OVER THE OBJECTION OF THAT PERSON OR THEIR ATTORNEY FORCE THEM INTO REMOTE PROCEEDING WHEN THEY ARE SAYING MY MENTAL HEALTH WILL NOT ALLOW THIS TO GO WELL.
>> THANK YOU VERY MUCH.
>> SO, IN DOE THIS COURT CAREFULLY CONSIDERED ALL OF THE POTENTIAL IMPACTS THAT PEOPLE SUBJECT TO THE BAKER ACT PROCEEDING AND IN THIS PETITION HERE TODAY, THAT CAREFUL METHODICAL CONSIDERATION IS NOT REFLECTED.
I DON'T SEE SURVEYS OF MENTAL HEALTH EXPERTS, SURVEY SUB FOLKS WHO ARE SUBJECT TO THE BAKER ACT PROCEEDING WHETHER IT'S FAMILIES TO FIND OUT IF THEY EXPERIENCE NEGATIVE-- NEGATIVE IMPACTS, WE ARE NOT SEEING-- AND DURING THE PANDEMIC AND BECAUSE IT'S STILL ONGOING THERE HASN'T BEEN A REASONABLE BASIS FOR ATTORNEYS TO OBJECT TO REMOTE PROCEEDINGS AND DESCRIBE THESE NEGATIVES--
>> HAVE WE EVER OVERTURNED A CONSTITUTIONAL RULING IN A RULES CASE?
I'M NOT TALKING ABOUT CHANGING A RULE BECAUSE WE DECIDED THE POLICY AND THE ROLE NEEDED TO BE CHANGED, BUT-- THERE IS A DUE PROCESS HOLDING.
HAVE WE EVER CHANGED A CONSTITUTIONAL HOLDING LIKE THAT THROUGH A PROCEDURAL RULE?
>> MR. CHIEF JUSTICE, I'M NOT AWARE OF THIS COURT HAVING DONE THAT.
>> HAS IT BEEN CITED ANYWHERE IN THIS PROCEEDING?
>> NO, NOT THAT I HAVE SEEN IN ANY OF THE MATERIALS PROVIDED.

NO EVIDENCE FOR THAT HAPPENED
BEFORE.
I KNOW I'M OUT OF TIME OVER HERE
SO I WILL WRAP IT UP AND DECIDE
THAT THE CAREFUL METHODICAL
CONSIDERATION GIVEN IN DOE IS
WET DUE TO PEOPLE WITH MENTAL
ILLNESS, INCREDIBLY VULNERABLE
FOLKS WHO ARE OFTEN UNABLE TO
ADVOCATE FOR THEMSELVES
EFFECTIVELY AND WE SIMPLY ASK
THAT THIS COURT RECOGNIZE THAT
BAKER ACT PROCEEDINGS ARE UNIQUE
AND THEY ARE SPECIFICALLY
DESIGNED BY THE LEGISLATURE TO
PROTECT THE RIGHTS OF THE
INDIVIDUALS SUBJECT TO THEM.
THEY ARE NOT JUST ANY HEARING
AND WE ASK YOU NOT TO LUMP THEM,
NOT TO TREAT THEM AS JUST ANY
HEARING.
THANK YOU.
>> THANK YOU.
JUDGE MUNYON.
>> THANK YOU, CHIEF JUSTICE.
UNLESS MEMBERS OF THE COURT HAVE
ANY QUESTIONS, WE WOULD RELY ON
OUR PETITION AND RESPOND TO.
>> CAN YOU ADDRESS THE LEGAL AID
ORGANIZATIONS CONCERN ABOUT THE
OPT OUT FOR THOSE WHO HAVE NO
INTERNET SERVICE?
>> JUSTICE, ARE YOU TALKING
ABOUT OPTING OUT OF A VIRTUAL
PROCEEDING TO AS I UNDERSTOOD,
HIS CONCERN WAS THAT THE DEFAULT
IS ELECTRONIC UNLESS YOU OPT OUT
IN SOME WAY AND HE EXPRESSED
THAT WOULD BE DIFFICULT FOR SOME
PEOPLE WHO HAVE NO INTERNET.
AS I UNDERSTOOD HIS ARGUMENT.
>> YES, OPT OUT OF E-MAIL
SERVICE USING THE FORM, PRO SE
LITIGANTS FIND THE FORMS THAT
HAVE BEEN INSTITUTED BY THIS
COURT PURSUANT TO RULES
PETITIONS.
THEY ARE READILY AVAILABLE AT
THE COURTHOUSE, ON THE INTERNET,
AND A LOT LIBRARIES AND THEY
FIND THEM BECAUSE WE SEE THAT
THEY FIND THEM.
THEY FILED THEM.
>> I WAS TRYING TO PICTURE THE

GROUP OF PEOPLE HE MIGHT BE
TALKING ABOUT AND IN MOST PLACES
IN CITIES AND STUFF, I MEAN, YOU
FIND THE NEAREST MCDONALD'S AND
YOU CAN GO IN OR FAST FOOD
PLACE, AT LEAST IN MY NECK IN
THE WOODS WHERE I COME FROM
THERE'S NO MCDONALD'S, SO VERY
RURAL AREAS IN THE STATE, WHICH
EXIST, I SEE THOSE AS PERHAPS
THE MOST PROBLEMATIC OF HAVING
ACCESS TO INTERNET, SO THAT'S
THE POPULATION THAT I THINK
WOULD PERHAPS STRUGGLE THE MOST
DATED BEING ABLE TO FIND SOME
TYPE OF ACCESS.
IS THERE SOME MEANS FOR THEM TO
EASILY DEAL WITH THAT SITUATION
HE DESCRIBED?
>> I BELIEVE THEY COULD FIND THE
FORMS AT THE COURTHOUSE, THE LAW
LIBRARY-- THE LIBRARY, OTHER
PLACES THAT THEY MIGHT EITHER
HAVE INTERNET ACCESS OR ACCESS
TO ACTUALLY WRITTEN MATERIALS,
BUT THE SAME ISSUE ARISES EVEN
IF YOU JUST CHANGE THE RULE.
WITHOUT SOME ACCESS TO THE
RULEBOOK, THEY ARE NOT GOING TO
KNOW THAT THE RULE CHANGED AND
THAT THEY HAVE TO PROVIDE THEIR
E-MAIL ADDRESS AS PART OF THE
CERTIFICATE OF BOUT-- OR BELOW
THEIR SIGNATURE, SO I DON'T
BELIEVE THAT IT IS A REAL
OBSTACLE TO PEOPLE.
PROVIDING--
>> WHAT IS WRONG WITH WHAT HE
SUGGESTED?
WHY WOULD THAT NOT WORK?
THEY GIVE THE E-MAIL-- ARE YOU
AFRAID PEOPLE THAT ACTUALLY HAVE
E-MAIL ADDRESSES WILL JUST
DECIDE THEY DON'T WANT TO PLAY
IN THE E-MAIL WORLD?
>> ABSOLUTELY.
WE SEE THAT HAPPEN NOW.
WE SEE THAT HAPPEN, I THINK, I'M
VERY RETICENT TO GIVE MY E-MAIL
ADDRESS OUT TO MANY PEOPLE.
THEY ASK FOR AND I SAY WHY DO
YOU NEED IT, I'M NOT GOING TO
PUT MY E-MAIL ADDRESS IN THIS
FORM BECAUSE I DON'T WANT YOU TO

SEND ME JUNK.
I DO HAVE CONCERNS THAT THERE WILL BE GAMESMANSHIP AND IT IS ONE THING NOT TO PUT YOUR E-MAIL ADDRESS IN YOUR CERTIFICATE.
IT'S QUITE ANOTHER TO SAY UNDER PENALTY OF PERJURY, I DON'T HAVE E-MAIL OR I DON'T HAVE ACCESS TO INTERNET.
>> HELP ME UNDERSTAND THE GAMESMANSHIP.
SO, I PURPOSEFULLY DECLINED TO PROVIDE MY E-MAIL ADDRESS BECAUSE I WOULD LIKE THE PROCEEDING TO HAPPEN PERSON.
>> NO.
I DON'T PROVIDE MY E-MAIL ADDRESS BECAUSE I DON'T WANT TO EITHER-- I DON'T WANT TO RECEIVE COURT DOCUMENTS OR DOCUMENTS FROM THE ATTORNEY ON THE OTHER SIDE OR THE LITIGANT ON THE OTHER SIDE VIA E-SERVICE.
I WANT TO SLOW DOWN THE PROCEEDINGS AND HAVE THE FIVE DAY MAIL RULE APPLICABLE TO EVERY DOCUMENT IN THE CASE.
>> KIND OF AN OBSTRUCTIONIST TACTIC.
>> IT'S SOMETHING THAT REARED ITS UGLY HEAD IN THE FORECLOSURE CRISIS.
WE DID SEE THOSE SORTS OF GAMES PLAYED AT TIMES.
THANK YOU.
>> ME PLEASE THE COURT, YOUR HONORS I WANT TO TOUCH BRIEFLY ON THE COMMENTS THAT WERE RAISED BY MIA TELL REGARDING THE MEDIATION RULES.
THE FIRST COMMENT SHE MADE WAS THAT SHE WANTED THE PARTIES TO BE ABLE TO STIPULATE MIDWAY THROUGH THE PROCESS TO CHANGE THE FORMAT OF REMOTE TECHNOLOGY IF THAT BECAME NECESSARY AS OPPOSED TO HAVING TO ADJOURN THE PROCEEDINGS, GO BACK TO THE COURT AND GET A NEW ORDER OR HAVE AN ORDER INCORPORATE A NEW STIPULATION.
I THINK THE RESPONSE TO THAT IS THAT FIRST OFF THE RULE IS WRITTEN AS IT IS TO ALLOW THE

TRIAL COURT TO RETAIN THE
ULTIMATE AUTHORITY OVER HOW THE
PROCEEDING WILL GO IF IT WANTS
TO, BUT ABSENT THAT SORT OF
CONTROL BY THE TRIAL COURT THERE
IS NOTHING THAT WOULD PRECLUDE
IN THIS RULE THE PARTIES FROM
MAKING WHATEVER STIPULATION THEY
WANT UPFRONT, WHICH CAN INCLUDE
A STIPULATION THAT SHOULD IT BE
NECESSARY TO CHANGE THE FORMAT
OF COMMUNICATION TECHNOLOGY,
SOMEONE IS GOING TO BE IN A
REMOTE LOCATION AND THEY MAY NOT
HAVE RELIABLE INTERNET SERVICE.
WE CAN SWITCH JUST TO AUDIO
TECHNOLOGY FOR THAT PERSON IF
THE PARTIES AGREE TO THAT.
THE NEXT THING SHE MENTIONED WAS
THAT APPEARANCE REQUIREMENTS
SHOULD NOT HAVE A DEFAULT IN
PERSON REQUIREMENT.
WELL, RIGHT NOW PHYSICAL
APPEARANCE IS THE DEFAULT
REQUIREMENT UNLESS THE PARTIES
OR THE COURT-- UNLESS THE
PARTIES STIPULATE WHERE THE
COURT ORDERS TO THE CONTRARY.
THE WORKGROUP DID NOT CHANGE
THAT.
ALL THE WORKGROUP IS DONE IS TO
MEMORIALIZE THAT REMOTE
COMMUNICATION TECHNOLOGY CAN BE
USED EITHER IN WHOLE OR IN
COMBINATION.
FINALLY, THE NOTICE CONCERN,
THAT ACTUALLY IS A LEGITIMATE
CONCERN IF THE NOTICE HAS TO BE
FILED WITH THE COURT AND IF THE
NOTICE THAT'S FILED WITH COURT
GIVES AWAY SAY THE PASSWORD FOR
A ZOOM LINK.
THERE IS USUALLY A MEETING ID
AND A PASSWORD.
IF THE MEDIATOR IS DESIGNATED TO
GIVE NOTICE AND CAN GIVE THAT
INFORMATION IN AN ENGAGEMENT
LETTER THAT IS NOT FILED WITH
THE COURT OR CAN PROVIDE IT IN A
SEPARATE NOTICE IN ADDITION TO
THE NOTICE THAT MUST BE FILED
WITH THE COURT, THEN I THINK
THAT ALLEVIATES THE CONCERN, BUT
IF NOTICE IS CONSTRUED AS AN

ENGAGEMENT TO PUT THE PARTIES ON
WRITTEN NOTICE, THAT'S NOT FILED
AND I THINK THOSE SECURITY
CONCERNS GO AWAY.
THANK YOU VERY MUCH.
>> THANK YOU.
WE THANK YOU ALL FOR YOUR
PARTICIPATION IN TODAY'S
ARGUMENT.
AGAIN, WANT TO THANK THE
WORKGROUP AND ALL THE
COMMENTATORS INCLUDING THOSE WHO
NOT PARTICIPATE IN ARGUMENT FOR
YOUR PARTICIPATION IN THIS
PROCESS.
THANK YOU VERY MUCH.
THE COURT WILL NOW STAND IN
RECESS FOR ABOUT 10 MINUTES.