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**FILED**

SID J. WHITE

MAY 23 1985

CLERK, SUPREME COURT

By   
Chief Deputy Clerk

Clerk, Supreme Court of Florida  
Tallahassee, Florida 32301

Re: Trust Fund Disbursements Rule 11.02(4)(f)

Dear Sir:

The proposed rule modification has a couple of areas of concern to me.

Subsection 6 addresses the deposit of a check issued by an insurance company. Most insurance company checks issued in settlement of personal injury claims are "sight drafts" that are not collected until accepted by the insurance company at the issuing bank. I personally do not believe it to be good practice to disburse on such checks until receipt of notification that they have been accepted and the money authorized to be transferred to the attorney's trust account.

Subsections 3, 4 and 6 require that the lawyer have a "reasonable and prudent belief that the instrument will clear". That should be very simple to determine without any possibility of disagreement. After all, I am sure that all other lawyers in the state agree with me as to just what is reasonable and prudent.

Very truly yours,

  
JOHN M. THOMSON

JMT/ch

cc: Staff Counsel  
The Florida Bar