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TABLE OF CITATIONS

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## ARGUMENT

The Family/Juvenile Workgroup of Florida Legal Services, Inc. [FLS], as an Interested Party to the Unlicensed Practice of Law proceedings before this Court, files this Answer Brief in response to the Department of Health and Rehabilitative Services [HRS] filing of its Response to the Report and Recommendations of the Supreme Court's Ad Hoc Committee on HRS Non-Lawyer Counselors. FLS urges this Court to reject the Response of HRS.

Almost two years ago the Family/Juvenile Workgroup entered this case as an Interested Party and filed a brief, pursuant to Fla. Rules Reg. Fla. Bar 10-7.1 (g)(2), supporting the position of the UPL Committee of the Florida Bar. In that brief, the Workgroup suggested that the Chief Justice might wish to appoint a Study Commission or a special master to further clarify the problems which gave rise to the UPL proceedings. [FLS Brief at 13 citing Supreme Court of Florida, Manual of Internal Operating Procedures Section I, B. (1988)]. In its written decision in The Florida Bar re Advisory Opinion HRS Non-Lawyer Counselors, 518 So.2d 1270 (Fla. 1988), the Court stated, "we are not convinced that such practice is the cause of the alleged harm." 518 So.2d at 1272. Thereafter the Court appointed the Ad Hoc Committee to "study the problem and make recommendations to this Court". Id.

That Ad Hoc Committee met, collected data and issued a report. Upon reflection, the Committee reached the same conclusions as the

UPL Committee: the lack of legal representation of HRS significantly contributes to the delay of proceedings in Juvenile Court. As the Report plainly states,

[f]or all of these reasons, the Committee concludes that, as specifically described below, a lawyer representing HRS must be responsible for every significant step in dependency proceedings, whether contested or uncontested, where the rights of dependent children may be affected.

Report of the Supreme Court Committee on HRS Nonlawyer Counselors

24 (1989) [emphasis added].

Despite its substantial involvement with the Ad Hoc Committee process, HRS now comes back to this Court to ask it to reject both its earlier decision and the Recommendations of the Ad Hoc Committee. In its approximately 40 page brief the Department offers no new factual or legal arguments in support of its position. Indeed, the Department seems to agree with every Recommendation of the Ad Hoc Committee except those which pertain to the need to provide legal counsel to HRS to prevent the continued incompetent and time-delaying representation it has practiced in the past. Instead, the Department attempts to relitigate the same issues which this Court rejected in its written decision.

The Family/Juvenile Workgroup of Florida Legal Services, Inc. therefore, requests this Court to reject the Department's Response to the Recommendations of the Ad Hoc Committee. In so doing, FLS respectfully adopts the positions enunciated in the briefs of the Unlicensed Practice of Law Committee of the Florida Bar and the

eight members of the Supreme Court's Ad Hoc Committee. These two briefs eloquently present a rebuttal to the Department's attempt to disregard its legal obligation to protect the public and abused and neglected children. As the UPL Brief poignantly states,

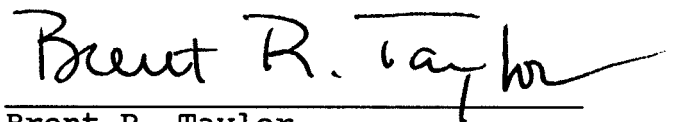
Abused and neglected children come into the system, never having committed any offense, and helpless to protect their own interests. It is a continuing tragedy that the State inflicts further harm on these children when they languish in shelter care and foster care beyond the maximum time permitted by federal and state statutes.

UPL Committee Brief at 9-10.

For these above stated reasons, the Family/Juvenile Workgroup of Florida Legal Services, Inc. respectfully requests this Court to reject the Department's response and to specifically adopt the Recommendations of the Ad Hoc Committee.

Respectfully submitted,

THE FAMILY/JUVENILE WORKGROUP  
OF FLORIDA LEGAL SERVICES, INC.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the Interested Party's Answer Brief was mailed, postage paid, to the below listed persons this 10th day of April, 1989:

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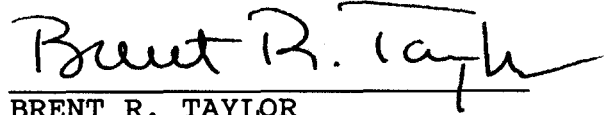
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