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March 21, 1989

[Handwritten signature]
Clerk of Court

Mr. Sid J. White
Clerk of the Supreme Court
of Florida
Supreme Court Building
Tallahassee, Florida 32399-1925

Re: Judicial Council Legislative Activity Recommendation

Dear Sid:

Pursuant to the invitation by the Court to comment on recommendations concerning Florida Bar legislative activities of the Judicial Council, please communicate the contents of this letter to the justices.

I object to the recommendations concerning a "...proposed legislative initiative..." that falls outside the five criteria justifying legislative activities by the Bar. The three exceptions are listed in The Florida Bar News edition of March 15, 1989 as:

1. The issue is recognized as being of great public interest.
2. Lawyers are especially suited by their training and experience to evaluate and explain the issue.
3. The subject matter affects the rights of those likely to come into contact with the judicial system.

I have rarely read a more complete exception to any set of principles. I doubt if the Legislature ever considers or has considered a bill that would not justify the Bar in taking a position under one or more of these three exceptions.

The fact that an issue is controversial or of great public interest does not justify Bar participation. It is precisely on these controversial matters that most lawyers object to the Bar participating. For example, there will be widely divergent views on the pending worker's compensation changes in the 1989 session. It is a matter of great public interest. Nevertheless, I do not want the Bar to participate in that legislative activity. The same thing applies to any proposed tort reform. Members of the Bar will certainly be participating on both sides of those public interest proposals. That is appropriate. What is not appropriate is for

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The Florida Bar to participate using members's fees on one side or the other.

The second exception provides the most flexibility for participation by the Bar. The special training of lawyers should give them the ability to evaluate and explain legislative bills. under this exception The Florida Bar could participate on any proposal made to the Legislature.

It is a rare legislative bill that does not affect the rights of someone who is likely to come into contact with the judicial system as a result of the legislation. There is a penchant in the Legislature at present to make every prohibited act a criminal offense as well as sometimes giving rise to a civil cause of action. Even the budget comes within this exception because the allegation of funds effects those persons described in the exception.

Accordingly, I object to any exception permitting The Florida Bar to participate in legislative activity with members's fees beyond the five listed subjects.

Respectfully submitted,



Henry P. Trawick, Jr.

HPT/jam