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FILED

SID J. WHITE

JUN 4 1995

CLERK, SUPREME COURT

In The Supreme Court
of Florida

Case No. 81, ⁶⁴⁵~~865~~

By _____
Chief Deputy Clerk

In re: Proposed
Judicial Code.

Comments of Joseph W. Little

Respondent is an active member of The Florida Bar in good standing.

In general, I believe the proposed revision to constitute an improvement and deserves to be adopted. Nevertheless, I commend two specific points to the attention of the Court.

First, I note that the revision proposes to revise current Cannon 3 para (5) in a manner that I believe to be undesirable. Paragraph (5) now reads "A judge should dispose promptly of the business of the Court." The proposed revision (redesignated paragraph (8)) reads: "A judge should dispose of all judicial matters promptly, efficiently, and fairly." My concern is that the proposed revision could have the effect of attenuating the perceived need for and value of prompt disposition. In my opinion, judges are not unaware of the need for fairness; but many seem to be unaware of the great need for promptness. Indeed, if there is one aspect of judging that could be improved with little cost, it would be in fostering the practice of prompt decision-making. This Court is well aware of the frequent truth of the maxim, "Justice delayed is justice denied." Nothing should be done to undervalue promptness.

Promptness, of course, does not imply precipitousness.

"Prompt" may sometimes not be "quick" because the foundation of a decision has not been adequately laid. Hence, I agree that the canons may properly include "fairness," and "efficiency" as goals. I urge the Court, however, to place those attributes in a separately designated paragraph and leave "promptness" its own.

My second comment has to do with gender neutrality. For the most part the revisors have done a commendable job in this regard. I think the key to this in all legal writing is to eschew the use of singular personal pronouns except when there is a particular person as an antecedent. Hence, *she*, *he*, *her*, *his*, *hers*, and especially "*his or her*" should be eliminated except in the unusual circumstance (for rules) in which a particular person is indicated. To this end, I recommend that the following two sentences be modified as follows.

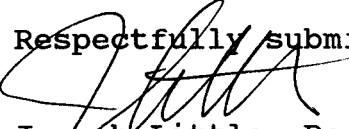
Commentary, Canon 7 B(4), first sentence: "Although a candidate for judicial office should encourage family members of ~~his or her~~ family to adhere to the same standards.... "

Effective Date of Compliance, first sentence:

"A person to whom this Code becomes applicable should arrange ~~his or her~~ affairs as soon as reasonably possible to comply with it as soon as reasonably possible."

Any other residual "*his*," "*her*," or "*his or her*" terminology, should be similarly recast.

Respectfully submitted,


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