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FILED  
SID J. WHITE  
NOV 21 1994  
CLERK, SUPREME COURT  
By \_\_\_\_\_  
Chief Deputy Clerk

IN THE SUPREME COURT OF FLORIDA  
CASE NUMBER 84,572

Re: Proposed Amendment to Florida Rules  
of Judicial Administration 2.070(a)-  
Court Reporting

\_\_\_\_\_/

Have read the proposed new Rule and find that it is heading  
in the right direction but in the wrong way.

Before I started to practice law in the State of Florida  
I practiced in the State of Ohio. In Ohio, as in the State of  
Florida, when a person is indigent one can file a poverty  
affidavit and all costs etc are waived. This would include  
filing fees, fees for service upon defendants and all other  
costs that might be associated with proceedings for hearings  
and the eventual trial of a case.

However, certain proceedings in Ohio are different than  
we find in Florida. Court reporters are furnished to cover  
all hearings and trials at government expense. However,  
if it is necessary to have any hearing or trial transcribed  
the person requesting it must pay for it. However, again  
if a person can file a poverty affidavit they would not  
have to pay for the transcript.

Here in Florida if an attorney wants to have a hearing  
or a trial covered by a court reporter he must pay for the  
reporter and then in addition must pay to have it transcribed.  
It is found that having a court reporter present at a hearing  
or during a trial can go a long way to make sure the Court acts  
properly in its rulings, orders and decisions.

Under the present system of having the parties pay for a court reporter we find those who can file a poverty affidavit are penalized since they can't advance the money to pay for the court reporter. Those in the middle class can come up with the money to pay for a court reporter to be present; but that raises the cost of the litigation. Many times an attorney will not hire a court reporter to cover a hearing because of the increased cost to his client. However, those attorneys who represent corporations and/or rich clients can hire a court reporter for all hearings and trials.

To protect the indigent and the middle class litigants in the state of Florida, court reporters should be required at all hearings and trials at government expense. However, if it is necessary to have the proceedings transcribed a litigant must pay for it unless they can file a poverty affidavit.

Your proposal again favors those who have money and can afford to hire a court reporter. I propose the following instead of the proposed rule.

#### Rule 2.070 Court Reporting

- a. It shall be required, if a request is made by any litigant, that all judicial proceedings be reported by a court reporter or electronic method, at public expense. If any transcript is requested by a litigant, that litigant must initially pay for such transcript but this requirement shall not preclude the taxation of costs of the transcript as authorized by law.

Grand jury proceedings, except deliberations and voting, shall be reported stenographically or by an electronic recording device; However, no transcript may be made unless required by a court of competent jurisdiction. The stenographic records, electronic recordings and transcripts of grand jury proceedings shall be filed with the clerk of the court who shall keep them in a sealed container not subject to public inspection.

Many attorneys, who represent middle class America, are constantly faced with the costs that must be advanced in order to file a case, the costs that should be paid out to protect a client before a judge on all hearings and the actual trial.

In an ordinary Dissolution of Marriage case, that is not complicated the costs a client must put up might equal the total legal fee that might be charged.

I urge your consideration of the proposed substitute set forth above.

Respectfully submitted,



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