

O.A. 5-31-96

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May 14, 1996

FILED

SID J. WHITE
MAY 17 1996

CLERK, SUPREME COURT
By _____
Chief Deputy Clerk

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Holiday, FL 34691
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Honorable Sid J. White
Clerk
Supreme Court of Florida
500 S. Duval Street
Tallahassee, FL 34399-1927

RE: In re: Amendments to Rules of Judicial Administration, case no. 87,678

Dear Mr. White:

The committee has proposed changing Rule 2.055 to require a three-inch blank square in the top right corner of the first page of all papers filed with the clerk of the court. I oppose this drastic change, which would alter the form of virtually every court document filed in this state.

In my experience, practitioners place the name of the court in one of two places, either in the center of the page at the top or in a block in the top right hand corner of the page. These two formats are reflected in the forms included in this Court's rules. For example, Florida Rule of Civil Procedure 1.901 and Florida Family Law Rule of Procedure 12.901(a) center the court's name at the top of the page. On the other hand, Florida Rule of Appellate Procedure 9.900(a) uses the right-side block format.

Clearly, the right-side block would no longer be valid under the new rule, unless the practitioner was willing to waste paper by dropping the the name of the court several lines lower on the page. The top-center approach, however, also would no longer work because even a short court name such as "Supreme Court of Florida" would encroach on the three inch limit, as the Court can determine for itself by measuring the next line in this letter.

IN THE SUPREME COURT OF FLORIDA

I suppose we could comply with the rule by adopting a new left-side block format, but I oppose this as ahistorical. We could also use more lines, but surely this would look silly and waste paper.

**IN THE CIRCUIT COURT FOR
THE THIRTEENTH JUDICIAL
CIRCUIT IN AND FOR
HILLSBOROUGH COUNTY,
FLORIDA**

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In short, I see no method of compliance which would not alter virtually every court document filed in this state. This change would require courts, government agencies, and practitioners to alter all of their computerized court forms. It would require the reformatting and reprinting of many standard forms that have been printed for use by the public. It would require amendments to most of the forms incorporated in this Court's rules. I respectfully suggest that the committee needs to rethink this proposal.

I also disagree with the proposed changes to Rule 2.130 to place restraints on the number of members who can be reappointed to committee positions. I have been on the Appellate Rules Committee for one term and have already observed that one of the biggest problems we have is the lack of institutional memory. Unlike legislatures and courts, committees do not have easy access to past decisions. Consequently, the same proposals are made repeatedly. If we did not have members who had been on the committee for a long time and who can tell us that the committee had previously considered and rejected the proposal, we would be constantly reinventing the wheel.

In this connection, this Court should also consider the new policy adopted recently by the Board of Governors to limit committee members to only two terms. (See attached Exhibit "A.") I object to this policy for the same reason that I object to Rule 2.130. It effectively means that no one on the committees will know what was done more than six years ago, and at least half of each committee will have been on it for three years or less. Based on my experience on the Appellate Rules Committee, this result would be extremely unwise.

In addition, I object because, to the extent this unapproved policy affects membership on this Court's rules committees, it improperly poaches on the territory occupied by Rule 2.130(b)(4). By adopting Rule 2.130(b)(4), this Court evinced its intent to occupy this field. If this Court wishes to require rapid turnover for its rules committees, it can adopt a rule which so provides. I think the Board's new policy is illegal because it must be approved as a rule by this Court before it can be effective.

As a member of the Bar and pursuant to Rule 1-4.2(c) of the Rules Regulating the Florida Bar, I request this Court to rescind the new policy contained in Exhibit A attached hereto.

Sincerely,



Stephen Krosschell

cc: Chair, Judicial Administration Committee
Florida Bar Board of Governors

SBP POLICY 500

[Extract]

5.20 Committee Structure, and Membership and Terms.

- (a) **Structure.** Each committee shall have a chair, a vice chair, and a membership of small but sufficient number to meet the needs of the committee. The president may establish an executive committee for any committee, authorized to act on all matters that must be acted upon before the next meeting of the committee.
- (b) **Membership.** At least 1 participating member of each committee shall be continued during the following year. In the event a lawyer committee member is no longer a member in good standing of The Florida Bar, or any committee member fails to demonstrate a sufficient interest in the work of the committee, the president of The Florida Bar, upon consultation with the committee chair, may remove and replace said committee member at any time during the member's term. The foregoing policy shall be appropriately published for the information of all present or prospective committee members.
- (c) **Terms.** Continuous service of a committee member shall not exceed 6 years. No person shall be reappointed to the same committee for a period of 3 years after a term of 6 years of continuous membership on that committee. This provision shall not, however, apply to membership on substantive law committees as defined in Standing Board Policy 5.31.

