

D.A. 6-1-98

IN THE SUPREME COURT OF FLORIDA

FILED

SID J. WHITE

DEC 4 1998

CLERK, SUPREME COURT

By

Chief Deputy Clerk

IN RE:

AMENDMENTS TO  
THE FLORIDA FAMILY LAW  
RULES OF PROCEDURE.

CASE NO. 89,955

COMMENTS

Pursuant to the request for comments from members of the Florida Bar contained in the Notice published in the Florida Bar News, November 15, 1998, the following comments are submitted:

1. The Family Law Rules are extremely burdensome to low income citizens of the state in that they are too lengthy and cumbersome. Special Rules are may be necessary in some cases, but not in cases involving joint income under \$50,000 per annum. West's Florida Rules of Court is 1230 pages for the various court rules and of this amount 549 pages are reserved for the Family Law Rules and Forms. Mandatory disclosure takes up the majority of four pages!

2. The rules only benefit the members of the Bar in the majority of cases in that the mandatory discovery rules are so cumbersome and detailed that it is used as a means to extract fees from citizens who are at one of their most vulnerable moments.

3. A majority of the attorneys that I am acquainted with consider these rules to be unmanageable and burdensome in the majority of cases. Most low income cases simply do not qualify for such intensive treatment. Both parties work, have no real assets except their home, which normally cannot be sold for what's owed on it less commissions, and have at best just enough money to pay the child support obligation. These rules substantially increase their fees.

4. The simplified forms are anything but. The old forms worked well and the judges were able to insure that the child support met the guidelines in at least 95% of the unrepresented cases. Now, there are numerous forms that are to long, to cumbersome and of no real use to anyone other than the person selling the forms.

5. With regard to Rule 12.610, if a modification of an injunction can only be done by supplemental petition and not by motion, this would require an answer to the petition, a notice for trial and a wait of six months to a year to have what should be a fifteen minute hearing, even assuming that the rule provides "at the earliest possible time". Just filing the petition and answer insures a 30 day wait, where a motion could be heard without pleadings in two weeks..

6. With regard to Rule 12.615, this is no different that the procedure that has been used for years in all civil and family cases. It would appear that this rule is unnecessary.

7. I don't mean to "whine", but an independent committee of the Florida Bar should

look at these rules to determine their financial impact on dissolution and determine whether or not they actually increase judicial efficiency.

RESPECTFULLY SUBMITTED,

I hereby certify that the original and seven copies of the foregoing was furnished this 2<sup>nd</sup> day of December, 1998 to:

Mr. Sid White  
Clerk, Florida Supreme Court  
Tallahassee, Florida 32399-1927

Allan L. Hoffman ✓  
Fla. Bar No. 131739  
1610 Southern Blvd.  
W. Palm Beach, Fl 33406  
561 478 7066  
fax 478 7067

By Allan L. Hoffman