IN THE SUPREME COURT OF FLORIDA

IN RE: AMENDMENTS TO THE FLORIDA RULES OF APPELLATE PROCEDURE– 2017 REGULAR-CYCLE REPORT

CASE NO.: 17-152

APPELLATE COURT RULES COMMITTEE'S
RESPONSE TO COMMENTS

Kristin A. Norse, Chair of the Appellate Court Rules Committee ("Committee"), and John F. Harkness, Jr., Executive Director of The Florida Bar, file this response to comments. The Committee voted 40-2 to approve this comment in response to the concerns regarding Rule 9.030 (Jurisdiction of Courts). The Committee voted 41-1 to approve the additional amendments in response to the comments regarding Rules 9.210 (Briefs) and 9.146 (Appeal Proceedings in Juvenile Dependency and Termination of Parental Rights Cases and Cases Involving Families and Children in Need of Services). The Executive Committee of the Florida Bar's Board of Governors approved these amendments by a vote of 10-0.

The Court published the Committee's proposed amendments in the March 1, 2017, edition of The Florida Bar *News*. Comments were received from Chief Judge Jonathan Eric Sjostrom of the Second Judicial Circuit; Chief Judge Mark H. Jones of the Sixteenth Judicial Circuit; and Ellie Bertwell. Judge Sjostrom's and Judge Jones' comments concerned Rule 9.030 (Jurisdiction of Courts). Ms. Bertwell's comment concerned Rule 9.210 (Briefs).

RULE 9.030. JURISDICTION OF COURTS

As noted, the Committee received comments from the Chief Judges of two of Florida's twenty circuits regarding the proposal to amend Rule 9.030 to require three-judge panels in circuit court appellate proceedings. The Committee appreciates the Chief Judges' comments and thanks them for taking their time to participate in this process and provide their insight. The Committee has seriously considered these comments and does not take them lightly. The concerns raised were part of the considerations the Committee weighed in its drafting and debate of this proposal. After further reconsideration and in balance, however, the Committee respectfully stands by its recommendation to amend Rule 9.030 in this regard.

The Committee's corrections. Both comments to Rule 9.030 point out that this Committee's report initially stated that Monroe County *required* three-judge panels for circuit court appeals when in fact Monroe County merely *permits* three-judge panels. This was previously brought to the Committee's attention and the Committee filed a notice of correction. As noted in that correction, the Committee's analysis was based on the proper information. The Committee had considered a chart that correctly noted three-judge panels were discretionary in Monroe County. But in writing the report, an error was made that stated three-judge panels were required.

Chief Judge Sjostrom also points out that, contrary to a statement in the Report, Monroe is not the smallest county. That is correct. What the Committee intended to say was that Monroe, which comprises all of the Sixteenth Judicial Circuit, is the seat of the smallest *circuit.* It has only four circuit judges. As such, requiring three circuit judges to decide the *circuit's* appeals might be most challenging in Monroe County and the Sixteenth Judicial Circuit.

The proposed amendment is properly proposed by the Appellate Court Rules Committee. The Second Judicial Circuit comment suggests that the Rules of Judicial Administration Committee ("RJAC"), not the Appellate Court Rules Committee, is the proper Committee to consider this issue. But the proposed rule presents an issue unique to appellate proceedings. For that reason, the rule was properly considered and the amendments proposed by those practitioners with specific experience in appellate practice. In addition, all rule amendments are reviewed by the RJAC prior to being filed with the Court. The RJAC has been notified of this proposal and did not object to the proposal or comment on it.

The Committee's reasoning. This proposal is grounded in the principle that having a panel of three judges decide an appeal, rather than a single judge, is an important safeguard to the rights of litigants. In this regard, the Committee would also point the Court to the American Bar Association's standards regarding panels in appellate courts. Section 1.13(b)(iii) (1990 version) states "Panels. The decision of an appeal should ordinarily be made by a panel of at least three judges." The commentary states:

> A fourth principle is that an appeal should ordinarily be decided by a panel of at least three judges. This is both a long-established legal tradition and a recognition that an appeal is not merely the opportunity to substitute one judge's view of the law for another's. It does not follow that oral argument must be afforded in every appeal, or that

> cases on appeal may not be screened to differentiate between those that require fullest consideration and those for which a more summary hearing is appropriate. Procedures by which fewer than three judges make these screening decisions have been successfully adopted in several court systems.

As one member of the Committee has noted, collective, consensus-based review of a lower tribunal's ruling promotes better decision making, reduces mistakes, eliminates extremes and bias, and promotes stability and fairness.

The concerns about single-judge review are not dispelled by the comments. Single-judge review suggests one judge simply substituting his or her opinion for that of another. Doing so in many circuits where county and circuit judges work side by side may be difficult or cause tension between individual judges. Requiring two or more judges to do so helps strengthen the result and spread the responsibility, as it were.

The value of three-judge-panel review is a recognized tenet of appellate procedure. To the litigant, a county court case in which they may perhaps face jail time or eviction can be just as important as a circuit court case. For these reasons, the Committee feels strongly that three-judge panels should be the norm in circuit court appeals.

The Committee's process. The Committee, which consists of approximately 42 practitioners who volunteer their time, spent significant time thoroughly vetting this proposal. As noted in the chart attached to its Notice of Correction, the Committee took pains to try to discern each circuit's size and procedure for circuit court appeals. Inquiry was also made to the Office of the State Court Administrator to try to quantify the number of proceedings that might be affected. The Committee has judicial members who participated in the discussion. The proposal was considered, sent back for additional information, and reconsidered. To the extent information was reasonably available to the Committee, the Committee sought out that information and considered it.

The comment of the Second Judicial Circuit criticizes the Committee's process and states that members of the Committee did not discuss this with the chief judge of each circuit. While every circuit was contacted, it may have been another judge, the clerk, or a person involved in handling the appeals that provided the Committee with information.

The additional burden of three-judge panels. Both comments are primarily concerned with the additional burdens the requirement of three-judge panels may add within their circuit. This is a concern the Committee carefully considered in its initial deliberations and has again considered in light of the comments received.

Both comments suggest there is no support for the Committee's conclusion that the burden of such a requirement is less than it would have been in 1999 when a similar proposal was discussed but not recommended. That is not correct. The year 1999 saw the first introduction of the Blackberry and Google was still in its infancy. Today, the technology currently available to the circuit courts includes electronic communication, file sharing, and video conferencing. The District Courts of Appeals and Florida Supreme Court use these very technologies to efficiently decide cases. The availability and prevalence of these technologies has removed many of the barriers that made three-judge panels more difficult in the past and the technology within the court system will only increase in time. The availability of these technologies means there should be little or no additional cost to requiring three-judge panels.

The biggest concern, of course, is the additional time required of the circuit court judges to hear such appeals. That three-judge panels will require an additional investment of judicial labor is undeniable. But it is not correct to suggest that requiring three-judge panels means three times the work. Instead, appellate courts typically assign one judge as the primary judge in an appeal. The time commitment of the other two judges is thereby reduced. And as noted in the ABA's comments, proper screening of cases can further streamline the process. It should also be noted that the proposed rule does not require in-person conferencing or that oral argument be held in any case. That would remain in the discretion of the circuit court judges. These strategies and procedures are available to circuits, and each circuit should be encouraged to adopt the ones that work for it.

With regard to the issue of writs in Leon County, the proposed rule is intended to apply to appeals and appellate-like certiorari review. Many writs filed in circuit court are original proceedings under Florida Rule of Civil Procedure 1.630 (Extraordinary Remedies), which are not subject to Rule 9.030.

The Committee realizes and appreciates that three-judge panels will require administrative and procedural changes in some circuits. To accommodate these concerns, the Court may want to allow some reasonable time for circuits to

implement this change. This would be consistent with how the Court handled e-filing requirements.

The Committee reconfirms that having a panel decide appeals instead of a single judge is an important safeguard to the rights of all litigants. The Committee also believes that appeals should be treated the same regardless of the circuit in which they happen to be filed. Given the technological advances that have reduced the expense and other barriers to three-judge consideration of appeals, the Committee respectfully recommends the Court require three-judge panels in circuit court appeals. If the Court is not inclined to mandate such panels as a matter of course, the Committee would respectfully suggest that they should be required upon the request of any party.

RULE 9.210. BRIEFS

The Committee reviewed the comment filed by Ellie Bertwell in opposition to the proposed amendment to Rule 9.210(f). The intent of the amendment is to make clear when a responsive brief is due if more than one brief is permitted on the other side, and those briefs are served on—or due on—different dates, or one of multiple parties on the other side does not serve a brief.

The comment pointed out that the proposed rule would allow the responding party to calculate their brief due date from the date the opposing briefs were due to be served even if all opposing briefs were served early. In contrast, if there is only one party on the other side, the due date is calculated from the date the opposing brief is actually served, not the date it was due. The proposed rule therefore potentially allows extra time in the multiple party situation.

The proposed language does have the effect stated in the comment. The Committee agreed, by a vote of 40-1, that the rule can be made clearer and can be revised to eliminate the disparate treatment of due dates in response to early briefs in multiple party cases as compared to single party cases. The Committee's recommendation to change the proposed language as follows:

> In any appeal or cross-appeal, if more than 1 initial or answer brief is authorized, the responsive brief shall be served within 20 days after the last initial or answer brief was served. If the last authorized initial or answer brief is not served, the responsive brief shall be served within 20 days after which the last authorized initial or answer brief could have been timely served.

The Committee notes that the same "whichever is later" language, which is now being removed, also appears in Rule 9.146 (Appeal Proceedings in Juvenile Dependency and Termination of Parental Rights Cases and Cases Involving Families and Children in Need of Services) of the report and is the same rule for dependency cases. Rule 9.146 should be treated the same as Rule 9.210.

WHEREFORE, the Appellate Court Rules Committee respectfully requests that the Court amend Florida Rule of Appellate Procedure 9.030 as detailed in its initial report. The Committee further respectfully requests that the Court amend Florida Rules of Appellate Procedure 9.210 and 9.146 as indicated by double-underline and double-strikethrough in the Response to Comments – Appendix B and Appendix C.

Respectfully submitted on April 24, 2017.

/s/ Kristin A. Norse
Kristin A. Norse
Chair, Appellate Court Rules Committee
Kynes, Markman & Felman
P.O. Box 3396
Tampa, FL 33601-3396
813/229-1118
knorse@kmf-law.com
Florida Bar No. 965634

/s/ John F. Harkness, Jr.
John F. Harkness, Jr.
Executive Director
The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399-2300
850/561-5600
jharkness@floridabar.org
Florida Bar No. 123390

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was furnished by e-mail, via the Florida Courts E-filing Portal, on April 24, 2017, to:

Stephen T. Maher
Shutts & Bowen LLP
200 South Biscayne Blvd., Suite 4100
Miami, FL 33131
305/379-9161
SMaher@shutts.com

Honorable Chris W. Altenbernd
Carlton Fields
4221 W. Boy Scout Blvd., Suite 1000
Tampa, FL 33607-5780
813/223-7000
CAltenbernd@carltonfields.com

Laura Anne Triplett
Second District Court of Appeal
1700 N. Tampa Street

Paul R. Regensdorf
P.O. Box 205
High Springs, FL 32655-0205

Tampa, FL 33602
tripletl@flcourts.org

paul.regesndorf@gmail.com

James Edward Nutt
South FL Water Management District
P.O. Box 24680
West Palm Beach, FL 33416-4680
jnutt@sfwmd.gov

Michael Robert Ufferman
Michael Ufferman Law Firm, P.A.
2022 Raymond Diehl Rd. #1
Tallahassee, FL 32308-3881
ufferman@uffermanlaw.com

Amy Singer Borman
15th Judicial Circuit
205 N. Dixie Hwy, FL 5
West Palm Beach, FL 33401-4522
aborman@pbcgov.org

Lonn Weissblum
Clerk of the Court
Fourth District Court of Appeal
1525 Palm Beach Lakes Blvd.
West Palm Beach, FL 33401
WeissblumL@flcourts.org

Stephanie Christina Zimmerman
Department of Children & Families
Children's Legal Services
Statewide Appeals Director
9393 N. Florida Avenue, Suite 900
Tampa, FL 33612
Stephanie.Zimmerman@myflfamilies.com

Robert J. Hauser
Pankauski Law Firm PLLC
120 South Olive Avenue
West Palm Beach, FL 33401
hauser@pankauskilawfirm.com

Robert J Telfer III
Messer Caparello, P.A.
P.O. Box 15579
Tallahassee, FL 32317-5579
rtelfer@lawfla.com

Gigi Rollini
Messer Caparello, P.A.
P.O. Box 15579
Tallahassee, FL 32317-5579
grollini@lawfla.com

Wendy S. Loquasto
Fox & Loquasto, P.A.
1201 Hays Street, Suite 100
Tallahassee, FL 32301-2683
wendyloquasto@flappeal.com

Craig Edward Leen
City Attorney, City of Coral Gables
405 Biltmore Way
Coral Gables. FL 33134
cleen@coralgables.com

Elizabeth Cangelose Wheeler
Elizabeth C. Wheeler, P.A.
P.O. Box 2266
Orlando, FL 32802-2266
ewheeler@ewheelerpa.com

Kirsten Walsh
Plantation Key Courthouse
88820 Overseas Highway, Suite 203
Tavernier, FL 33070-2090
Kirsten.Walsh@KeysCourts.ne

Dorothy Venable DiFiore
Quintarios, Prieto, Wood & Boyer, P.A.
1410 N. West Shore Blvd., Suite 200
Tampa, FL 33607-4533
dorothy.difiore@qpwblaw.com

Elizabeth Wilson Neiberger
Bryant Miller Olive
1 SE 3rd Ave., Suite 2200
Miami, FL 3313-1716
eneiberger@bmolaw.com

Zachary Wells Lombardo
Bryant Miller Olive, P.A.
One Tampa City Center
201 N. Franklin St., Suite 2700
Tampa, FL 33602-5816
zlombardo@bmolaw.com

Elisha Naoli Page
Broward Co. Courthouse
201 SE 6th, Suite 550
Ft. Lauderdale, FL 33301-3312
epage@17th.flcourts.org

Chief Judge Jonathan Eric Sjostrom
Second Judicial Circuit
Leon County Courthouse
301 S. Monroe Street, #331-A
Tallahassee, FL 32301-1861
sjostromj@leoncountyfl.gov

Ellie Bertwell
Rules Attorney
Aderant CompuLaw
200 Corporate Pointe, Suite 400
Culver City, CA 90230
ellie.bartwell@aderant.com

Hon. Jeffrey T. Kuntz
Fourth District Court of Appeal
1525 Palm Beach Lakes Blvd.
West Palm Beach, FL 33401-2301
kuntzj@flcourts.org

David J. Brunell
General Counsel's Office
Univ. of Central Florida
P.O. Box 160015
Orlando, FL 328-0015
david.brunell@ucf.edu

Kristina Samuels
Florida Supreme Court
Clerk's Office
500 Duval Street
Tallahassee, FL 32399-6556
samuelsk@flcourts.org

Steven Eric Kolbert
445 Massachusetts Ave. NE
#150-114
Washington D.C. 20001-2621
steve.kolbert@gmail.com

Chief Judge Mark H. Jones
Sixteenth Judicial Circuit
Freeman Justice Center
302 Fleming Street
Key West, FL 33040
mark.jones@keyscourts.net

CERTIFICATE OF COMPLIANCE

I certify that this notice was prepared in compliance with the font requirements of Florida Rule of Appellate Procedure 9.210(a)(2).

/s/ Heather Savage Telfer
Heather Savage Telfer, Staff Liaison
Appellate Court Rules Committee
The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399-2300
850/561-5702
htelfer@floridabar.org
Florida Bar No. 139149

RULE 9.146. APPEAL PROCEEDINGS IN JUVENILE DEPENDENCY AND TERMINATION OF PARENTAL RIGHTS CASES AND CASES INVOLVING FAMILIES AND CHILDREN IN NEED OF SERVICES

(a) Applicability. Appeal proceedings in juvenile dependency and termination of parental rights cases and cases involving families and children in need of services shall be as in civil cases except to the extent those rules are modified by this rule.

(b) Who May Appeal. Any child, any parent, guardian ad litem, or any other party to the proceeding affected by an order of the lower tribunal, or the appropriate state agency as provided by law may appeal to the appropriate court within the time and in the manner prescribed by these rules.

(c) Stay of Proceedings.

(1) Application. Except as provided by general law and in subdivision (c)(2) of this rule, a party seeking to stay a final or ~~non-final~~nonfinal order pending review shall file a motion in the lower tribunal, which shall have continuing jurisdiction, in its discretion, to grant, modify, or deny such relief, after considering the welfare and best interest of the child.

(2) Termination of Parental Rights. The taking of an appeal shall not operate as a stay in any case unless pursuant to an order of the court or the lower tribunal, except that a termination of parental rights order with placement of the child with a licensed child-placing agency or the Department of Children and Families for subsequent adoption shall be suspended while the appeal is pending, but the child shall continue in custody under the order until the appeal is decided.

(3) Review. Review of orders entered by lower tribunals under this rule shall be by the court on motion.

(d) Retention of Jurisdiction. Transmittal of the record to the court does not remove the jurisdiction of the lower tribunal to conduct judicial reviews or other proceedings related to the health and welfare of the child pending appeal.

(e) References to Child or Parents. When the parent or child is a party to the appeal, the appeal shall be docketed and any documents filed in the court shall be titled with the initials, but not the name, of the child or parent and the court

case number. All references to the child or parent in briefs, other documents, and the decision of the court shall be by initials.

(f) Confidentiality. All documents that are filed in paper format under seal shall remain sealed in the office of the clerk of the court when not in use by the court, and shall not be open to inspection except by the parties and their counsel, or as otherwise ordered.

(g) Special Procedures and Time Limitations Applicable to Appeals of Final Orders in Dependency or Termination of Parental Rights Proceedings.

(1) Applicability. This subdivision applies only to appeals of final orders to the district courts of appeal.

(2) The Record.

(A) Contents. The record shall be prepared in accordance with rule 9.200, except as modified by this subdivision.

(B) Transcripts of Proceedings. The appellant shall file a designation to the court reporter, including the name(s) of the individual court reporter(s), if applicable, with the notice of appeal. The designation shall be served on the court reporter on the date of filing and shall state that the appeal is from a final order of termination of parental rights or of dependency, and that the court reporter shall provide the transcript(s) designated within 20 days of the date of service. Within 20 days of the date of service of the designation, the court reporter shall transcribe and file with the clerk of the lower tribunal the transcripts and sufficient copies for all parties exempt from service by e-mail as set forth in the Florida Rules of Judicial Administration. If extraordinary reasons prevent the reporter from preparing the transcript(s) within the 20 days, the reporter shall request an extension of time, shall state the number of additional days requested, and shall state the extraordinary reasons that would justify the extension.

(C) Directions to the Clerk, Duties of the Clerk, Preparation and ~~Transmittal~~Transmission of the Record. The appellant shall file directions to the clerk with the notice of appeal. The clerk shall electronically transmit the record to the court within 5 days of the date the court reporter files the transcript(s) or, if a designation to the court reporter has not been filed, within 5 days of the filing of the notice of appeal. When the record is electronically transmitted to the court, the clerk shall simultaneously electronically transmit the

record to the Department of Children and Families, the guardian ad litem, counsel appointed to represent any indigent parties, and shall simultaneously serve copies of the index to all ~~non-indigent~~nonindigent parties, and, upon their request, copies of the record or portions thereof. The clerk shall provide the record in paper format to all parties exempt from electronic service ~~by e-mail~~ as set forth in the Florida Rules of Judicial Administration.

(3) Briefs.

(A) In General. Briefs shall be prepared and filed in accordance with rule 9.210(a)–(e), (g), and (h).

(B) Times for Service. The initial brief shall be served within 20 days of service of the record on appeal or the index to the record on appeal. The answer brief shall be served within 20 days of service of the initial brief. The reply brief, if any, shall be served within 10 days of the service of the answer brief. ~~If more than 1 initial or answer brief is served, the responsive brief shall be served within 20 days after the last initial brief or within 10 days after the last answer brief was served or could have been timely served, whichever is later.~~ In any appeal or cross-appeal, if more than 1 initial or answer brief is authorized, the responsive brief shall be served within 20 days after the last initial or answer brief was served. If the last authorized initial or answer brief is not served, the responsive brief shall be served within 20 days after the last authorized initial or answer brief could have been timely served.

(4) Motions.

(A) Motions for Appointment of Appellate Counsel; Authorization of Payment of Transcription Costs. A motion for the appointment of appellate counsel, when authorized by general law, and a motion for authorization of payment of transcription costs, when appropriate, shall be filed with the notice of appeal. The motion and a copy of the notice of appeal shall be served on the presiding judge in the lower tribunal. The presiding judge shall promptly enter an order on the motion.

(B) Motions to Withdrawal as Counsel. If appellate counsel seeks leave to withdraw from representation of an indigent parent, the motion to withdraw shall be served on the parent and shall contain a certification that, after a conscientious review of the record, the attorney has determined in good faith that there are no meritorious grounds on which to base an appeal. The parent shall be permitted to file a brief pro se, or through subsequently retained counsel,

within 20 days of the issuance of an order granting the motion to withdraw. Within 5 days of the issuance of an order granting the motion to withdraw, appellate counsel shall file a notice with the court certifying that counsel has forwarded a copy of the record and the transcript(s) of the proceedings to the parent or that counsel is unable to forward a copy of the record and the transcript(s) of the proceedings because counsel cannot locate the parent after making diligent efforts.

(C) Motions for Extensions of Time. An extension of time will be granted only for extraordinary circumstances in which the extension is necessary to preserve the constitutional rights of a party, or in which substantial evidence exists to demonstrate that without the extension the child's best interests will be harmed. The extension will be limited to the number of days necessary to preserve the rights of the party or the best interests of the child. The motion shall state that the appeal is from a final order of termination of parental rights or of dependency, and shall set out the extraordinary circumstances that necessitate an extension, the amount of time requested, and the effect an extension will have on the progress of the case.

(5) Oral Argument. A request for oral argument shall be in a separate document served by a party not later than the time when the first brief of that party is due.

(6) Rehearing; Rehearing En Banc; Clarification; Certification; Issuance of Written Opinion. Motions for rehearing, rehearing en banc, clarification, certification, and issuance of a written opinion shall be in accordance with rules 9.330 and 9.331, except that no response to these motions is permitted unless ordered by the court.

(7) The Mandate. The clerk shall issue such mandate or process as may be directed by the court as soon as practicable.

(h) Expedited Review. The court shall give priority to appeals under this rule.

(i) Ineffective Assistance of Counsel for Parents Claims—Special Procedures and Time Limitations Applicable to Appeals of Orders in Termination of Parental Rights Proceedings Involving Ineffective Assistance of Counsel Claims.

(1) Applicability. Subdivision (i) applies only to appeals to the district courts of appeal of orders in termination of parental rights proceedings involving a parent's claims of ineffective assistance of counsel.

(2) Rendition. A motion claiming ineffective assistance of counsel filed in accordance with Florida Rule of Juvenile Procedure 8.530 shall toll rendition of the order terminating parental rights under Florida Rule of Appellate Procedure 9.020 until the lower tribunal files a signed written order on the motion, except as provided by Florida Rules of Juvenile Procedure 8.530.

(3) Scope of Review. Any appeal from an order denying a motion alleging the ineffective assistance of counsel must be raised and addressed within an appeal from the order terminating parental rights.

(4) Ineffective Assistance of Counsel Motion Filed After Commencement of Appeal. If an appeal is pending, a parent may file a motion claiming ineffective assistance of counsel pursuant to Florida Rule of Juvenile Procedure 8.530 if the filing occurs within 20 days of rendition of the order terminating parental rights.

(A) Stay of Appellate Proceeding. A parent or counsel appointed pursuant to Florida Rule of Juvenile Procedure 8.530 shall file a notice of a timely-filed, pending motion claiming ineffective assistance of counsel. The notice automatically stays the appeal until the lower tribunal renders an order disposing of the motion.

(B) Supplemental Record; Transcripts of Proceedings. The appellant shall file a second designation to the court reporter, including the name(s) of the individual court reporter(s). The appellant shall serve the designation on the court reporter on the date of filing and shall state that the appeal is from an order of termination of parental rights, and that the court reporter shall provide the transcript of the hearing on the motion claiming ineffective assistance of counsel within 20 days of the date of service. Within 20 days of the date of service of the designation, the court reporter shall transcribe and file with the clerk of the lower tribunal the transcript and sufficient copies for all parties exempt from service by e-mail as set forth in the Florida Rules of Judicial Administration. If extraordinary reasons prevent the reporter from preparing the transcript within the 20 days, the reporter shall request an extension of time, state the number of additional days requested, and state the extraordinary reasons that would justify the extension.

(C) Duties of the Clerk, Preparation and Transmittal of Supplemental Record. If the clerk of circuit court has already transmitted the record on appeal of the order terminating parental rights, the clerk shall automatically supplement the record on appeal with any motion pursuant to Florida Rule of Juvenile Procedure 8.530, the resulting order, and the transcript from the hearing on the motion. The clerk shall electronically transmit the supplement to the court and serve the parties within 5 days of the filing of the order ruling on the motion, or within 5 days of filing of the transcript from the hearing on the motion by the designated court reporter, whichever is later.

Committee Notes

1996 Adoption. The reference in subdivision (a) to cases involving families and children in need of services encompasses only those cases in which an order has been entered adjudicating a child or family in need of services under chapter 39, Florida Statutes.

Subdivision (c) requires the parties to use initials in all references to the child and parents in all briefs and other papers filed in the court in furtherance of the appeal. It does not require the deletion of the names of the child and parents from pleadings and other papers transmitted to the court from the lower tribunal.

2006 Amendment. The title to subdivision (b) was changed from "Appeals Permitted" to clarify that this rule addresses who may take an appeal in matters covered by this rule. The amendment is intended to approve the holding in *D.K.B. v. Department of Children & Families*, 890 So. 2d 1288 (Fla. 2d DCA 2005), that non-final orders in these matters may be appealed only if listed in rule 9.130.

2009 Amendment. The rule was substantially amended following the release of the Study of Delay in Dependency/Parental Termination Appeals Supplemental Report and Recommendations (June 2007) by the Commission on District Court of Appeal Performance and Accountability. The amendments are generally intended to facilitate expedited filing and resolution of appellate cases arising from dependency and termination of parental rights proceedings in the lower tribunal. Subdivision (g)(4)(A) authorizes motions requesting appointment of appellate counsel only when a substantive provision of general law provides for appointment of appellate counsel. Section 27.5304(6), Florida Statutes (2008), limits appointment of appellate counsel for indigent parents to appeals from final orders adjudicating or denying dependency or termination of parental rights. In all other instances, section 27.5304(6), Florida Statutes, requires appointed trial

counsel to prosecute or defend appellate cases arising from a dependency or parental termination proceeding in the lower tribunal.

RULE 9.210. BRIEFS

(a) Generally. In addition to briefs on jurisdiction under rule 9.120(d), the only briefs permitted to be filed by the parties in any ~~one~~1 proceeding are the initial brief, the answer brief, a reply brief, and a cross-reply brief. All briefs required by these rules shall be prepared as follows:

(1) When not filed in electronic format, briefs shall be printed, typewritten, or duplicated on opaque, white, unglossed paper. The dimensions of each page of a brief, regardless of format, shall be 8 1/2 by 11 inches. When filed in electronic format, parties shall file only the electronic version.

(2) The lettering in briefs shall be black and in distinct type, double-spaced, with margins no less than 1 inch. Lettering in script or type made in imitation of handwriting shall not be permitted. Footnotes and quotations may be single spaced and shall be in the same size type, with the same spacing between characters, as the text in the body of the brief. Headings and subheadings shall be at least as large as the brief's text and may be single-spaced. Computer-generated briefs shall be filed in either Times New Roman 14-point font or Courier New 12-point font. All computer-generated briefs shall contain a certificate of compliance signed by counsel, or the party if unrepresented, certifying that the brief complies with the font requirements of this rule. The certificate of compliance shall be contained in the brief immediately following the certificate of service.

(3) Briefs filed in paper format shall not be stapled or bound.

(4) The cover sheet of each brief shall state the name of the court, the style of the cause, including the case number if assigned, the lower tribunal, the party on whose behalf the brief is filed, the type of brief, and the name, ~~and~~ address, and e-mail address of the attorney filing the brief.

(5) The page limits for briefs shall be as follows:

(A) Briefs on jurisdiction shall not exceed 10 pages.

(B) Except as provided in subdivisions (a)(5)(C) and (a)(5)(D) of this rule, the initial and answer briefs shall not exceed 50 pages and the reply brief shall not exceed 15 pages. If a cross-appeal is filed, the appellee's answer/cross-initial brief shall not exceed 85 pages, and the appellant's reply/cross answer brief shall not exceed 50 pages, not more than 15 of which shall be devoted

to argument replying to the answer portion of the appellee's answer/cross-initial brief. Cross-reply briefs shall not exceed 15 pages.

(C) In an appeal from a judgment of conviction imposing a sentence of death or from an order ruling, after an evidentiary hearing on an initial postconviction motion filed under Florida Rule of Criminal Procedure 3.851, the initial and answer briefs shall not exceed 100 pages and the reply brief shall not exceed 35 pages. If a cross-appeal is filed, the appellee's answer/cross-initial brief shall not exceed 150 pages and the appellant's reply/cross-answer brief shall not exceed 100 pages, not more than 35 of which shall be devoted to argument replying to the answer portion of the appellee's answer/cross-initial brief. Cross-reply briefs shall not exceed 35 pages.

(D) In an appeal from an order summarily denying an initial postconviction motion filed under Florida Rule of Criminal Procedure 3.851, a ruling on a successive postconviction motion filed under Florida Rule of Criminal Procedure 3.851, a finding that a defendant is intellectually disabled as a bar to execution under Florida Rule of Criminal Procedure 3.203, or a ruling on a motion for postconviction DNA testing filed under Florida Rule of Criminal Procedure 3.853, the initial and answer briefs shall not exceed 75 pages. Reply briefs shall not exceed 25 pages.

(E) The cover sheet, the tables of contents and citations, the certificates of service and compliance, and the signature block for the brief's author shall be excluded from the page limits in subdivisions (a)(5)(A)–(a)(5)(D). All pages not excluded from the computation shall be consecutively numbered. The court may permit longer briefs.

(6) Unless otherwise ordered by the court, an attorney representing more than 1 party in an appeal may file only 1 initial or answer brief and 1 reply brief, if authorized, which will include argument as to all of the parties represented by the attorney in that appeal. A single party responding to more than 1 brief, or represented by more than 1 attorney, is similarly bound.

(b) Contents of Initial Brief. The initial brief shall contain the following, in order:

(1) ~~A~~a table of contents listing the sections of the brief, including headings and subheadings that identify the issues presented for review, with references to the pages on which each appears~~.~~;

(2) ~~A~~a table of citations with cases listed alphabetically, statutes and other authorities, and the pages of the brief on which each citation appears~~. See rule 9.800 for a uniform citation system.~~;

(3) ~~A~~a statement of the case and of the facts, which shall include the nature of the case, the course of the proceedings, and the disposition in the lower tribunal~~.~~, with ~~R~~references to the appropriate pages of the record or transcript ~~shall be made.~~;

(4) ~~A~~a summary of argument, suitably paragraphed, condensing succinctly, accurately, and clearly the argument actually made in the body of the brief~~. It~~, which should not be a mere repetition of the headings under which the argument is arranged~~. It~~, and should seldom exceed 2 and never 5 pages~~.~~;

(5) ~~A~~argument with regard to each issue, with citation to appropriate authorities, and including the applicable appellate standard of review~~.~~;

(6) ~~A~~a conclusion, of not more than 1 page, setting forth the precise relief sought~~.~~;

(7) ~~A~~a certificate of service~~.~~; and

(8) ~~A~~a certificate of compliance for computer-generated briefs.

(c) Contents of Answer Brief. The answer brief shall be prepared in the same manner as the initial brief, provided that the statement of the case and of the facts may be omitted, if the corresponding section of the initial brief is deemed satisfactory. If a cross-appeal has been filed, the answer brief shall include the issues in the cross-appeal that are presented for review, and argument in support of those issues.

(d) Contents of Reply Brief. The reply brief shall contain argument in response and rebuttal to argument presented in the answer brief. A table of contents, a table of citations, a certificate of service, and, for computer-generated briefs, a certificate of compliance shall be included in the same manner as in the initial brief.

(e) Contents of Cross-Reply Brief. The cross-reply brief is limited to rebuttal of argument of the cross-appellee. A table of contents, a table of citations, a certificate of service, and, for computer-generated briefs, a certificate of compliance shall be included in the same manner as in the initial brief.

(f) Times for Service of Briefs. The times for serving jurisdictional and initial briefs are prescribed by rules 9.110, 9.120, 9.130, and 9.140. Unless otherwise required, the answer brief shall be served within 20 days after service of the initial brief; the reply brief, if any, shall be served within 20 days after service of the answer brief; and the cross-reply brief, if any, shall be served within 20 days thereafter. ~~In any appeal or cross-appeal, if more than 1 initial or answer brief is authorized, the responsive brief shall be served within 20 days after the last initial or answer brief was served or could have been timely served, whichever is later.~~ In any appeal or cross-appeal, if more than 1 initial or answer brief is authorized, the responsive brief shall be served within 20 days after the last initial or answer brief was served. If the last authorized initial or answer brief is not served, the responsive brief shall be served within 20 days after the last authorized initial or answer brief could have been timely served.

(g) Citations. Counsel are requested to use the uniform citation system prescribed by rule 9.800.

Committee Notes

1977 Amendment. This rule essentially retains the substance of former rule 3.7. Under subdivision (a) only 4 briefs on the merits are permitted to be filed in any 1 proceeding: an initial brief by the appellant or petitioner, an answer brief by the appellee or respondent, a reply brief by the appellant or petitioner, and a cross-reply brief by the appellee or respondent (if a cross-appeal or petition has been filed). A limit of 50 pages has been placed on the length of the initial and answer briefs, 15 pages for reply and cross-reply briefs (unless a cross-appeal or petition has been filed), and 20 pages for jurisdictional briefs, exclusive of the table of contents and citations of authorities. Although the court may by order permit briefs longer than allowed by this rule, the advisory committee contemplates that extensions in length will not be readily granted by the courts under these rules. General experience has been that even briefs within the limits of the rule are usually excessively long.

Subdivisions (b), (c), (d), and (e) set forth the format for briefs and retain the substance of former rules 3.7(f), (g), and (h). Particular note must be taken of the requirement that the statement of the case and facts include reference to the record. The abolition of assignments of error requires that counsel be vigilant in specifying for the court the errors committed; that greater attention be given the formulation of questions presented; and that counsel comply with subdivision (b)(5) by setting forth the precise relief sought. The table of contents will contain the statement of issues presented. The pages of the brief on which argument on each issue begins

must be given. It is optional to have a second, separate listing of the issues. Subdivision (c) affirmatively requires that no statement of the facts of the case be made by an appellee or respondent unless there is disagreement with the initial brief, and then only to the extent of disagreement. It is unacceptable in an answer brief to make a general statement that the facts in the initial brief are accepted, except as rejected in the argument section of the answer brief. Parties are encouraged to place every fact utilized in the argument section of the brief in the statement of facts.

Subdivision (f) sets forth the times for service of briefs after service of the initial brief. Times for service of the initial brief are governed by the relevant rule.

Subdivision (g) authorizes the filing of notices of supplemental authority at any time between the submission of briefs and rendition of a decision. Argument in such a notice is absolutely prohibited.

Subdivision (h) states the number of copies of each brief that must be filed with the clerk of the court involved 1 copy for each judge or justice in addition to the original for the permanent court file. This rule is not intended to limit the power of the court to require additional briefs at any time.

The style and form for the citation of authorities should conform to the uniform citation system adopted by the Supreme Court of Florida, which is reproduced in rule 9.800.

The advisory committee urges counsel to minimize references in their briefs to the parties by such designations as “appellant,” “appellee,” “petitioner,” and “respondent.” It promotes clarity to use actual names or descriptive terms such as “the employee,” “the taxpayer,” “the agency,” etc. See Fed. R. App. P. 28(d).

1980 Amendment. Jurisdictional briefs, now limited to 10 pages by subdivision (a), are to be filed only in the 4 situations presented in rules 9.030(a)(2)(A)(i), (ii), (iii), and (iv).

A district court decision without opinion is not reviewable on discretionary conflict jurisdiction. See *Jenkins v. State*, 385 So. 2d 1356 (Fla. 1980); *Dodi Publishing Co. v. Editorial Am., S.A.*, 385 So. 2d 1369 (Fla. 1980). The discussion of jurisdictional brief requirements in such cases that is contained in the 1977 revision of the committee notes to rule 9.120 should be disregarded.

1984 Amendment. Subdivision (b)(4) is new; subdivision (b)(5) has been renumbered from former (b)(4); subdivision (b)(6) has been renumbered from former (b)(5). Subdivision (g) has been amended.

The summary of argument required by (b)(4) is designed to assist the court in studying briefs and preparing for argument; the rule is similar to rules of the various United States courts of appeals.

1992 Amendment. Subdivision (a)(2) was amended to bring into uniformity the type size and spacing on all briefs filed under these rules. Practice under the previous rule allowed briefs to be filed with footnotes and quotations in different, usually smaller, type sizes and spacing. Use of such smaller type allowed some overly long briefs to circumvent the reasonable length requirements established by subdivision (a)(5) of this rule. The small type size and spacing of briefs allowed under the old rule also resulted in briefs that were difficult to read. The amended rule requires that all textual material wherever found in the brief will be printed in the same size type with the same spacing.

Subdivision (g) was amended to provide that notices of supplemental authority may call the court's attention, not only to decisions, rules, or statutes, but also to other authorities that have been discovered since the last brief was served. The amendment further provides that the notice may identify briefly the points on appeal to which the supplemental authorities are pertinent. This amendment continues to prohibit argument in such notices, but should allow the court and opposing counsel to identify more quickly those issues on appeal to which these notices are relevant.

1996 Amendment. Former subdivision (g) concerning notices of supplemental authority was transferred to new rule 9.225.

Court Commentary

1987. The commission expressed the view that the existing page limits for briefs, in cases other than those in the Supreme Court of Florida, are tailored to the "extraordinary" case rather than the "ordinary" case. In accordance with this view, the commission proposed that the page limits of briefs in appellate courts other than the supreme court be reduced. The appellate courts would, however, be given discretion to expand the reduced page limits in the "extraordinary" case.

2000. As to computer-generated briefs, strict font requirements were imposed in subdivision (a)(2) for at least three reasons:

First and foremost, appellate briefs are public records that the people have a right to inspect. The clear policy of the Florida Supreme Court is that advances in technology should benefit the people whenever possible by lowering financial and physical barriers to public record inspection. The Court's eventual goal is to make all public records widely and readily available, especially via the Internet. Unlike paper documents, electronic documents on the Internet will not display properly on all computers if they are set in fonts that are unusual. In some instances, such electronic documents may even be unreadable. Thus, the Court adopted the policy that all computer-generated appellate briefs be filed in one of two fonts—either Times New Roman 14-point or Courier New 12-point—that are commonplace on computers with Internet connections. This step will help ensure that the right to inspect public records on the Internet will be genuinely available to the largest number of people.

Second, Florida's court system as a whole is working toward the day when electronic filing of all court documents will be an everyday reality. Though the technology involved in electronic filing is changing rapidly, it is clear that the Internet is the single most significant factor influencing the development of this technology. Electronic filing must be compatible with Internet standards as they evolve over time. It is imperative for the legal profession to become accustomed to using electronic document formats that are most consistent with the Internet.

Third, the proliferation of vast new varieties of fonts in recent years poses a real threat that page-limitation rules can be circumvented through computerized typesetting. The only way to prevent this is to establish an enforceable rule on standards for font use. The subject font requirements are most consistent with this purpose and the other two purposes noted above.

Subdivision (a)(2) was also amended to require that immediately after the certificate of service in computer-generated briefs, counsel (or the party if unrepresented) shall sign a certificate of compliance with the font standards set forth in this rule for computer-generated briefs.

APPENDIX C–ADDITIONAL AMENDMENTS

Proposed Rule	Reason for Change
RULE 9.146. APPEAL PROCEEDINGS IN JUVENILE DEPENDENCY AND TERMINATION OF PARENTAL RIGHTS CASES AND CASES INVOLVING FAMILIES AND CHILDREN IN NEED OF SERVICES	Additional amendments are indicated with double underline and ~~double strikethrough~~.
(a)–(b) [No change]	
(c) Stay of Proceedings.	
(1) Application. Except as provided by general law and in subdivision (c)(2) of this rule, a party seeking to stay a final or ~~non-final~~nonfinal order pending review shall file a motion in the lower tribunal, which shall have continuing jurisdiction, in its discretion, to grant, modify, or deny such relief, after considering the welfare and best interest of the child.	Removes the hyphen from "non-final" for consistency throughout the rules set.
(2) Termination of Parental Rights. [No change]	
(3) Review. Review of orders entered by lower tribunals under this rule shall be by the court on motion.	Creates new subdivision (c)(3) to address how a party seeks review of an order.
(d)–(f) [No change]	
(g) Special Procedures and Time Limitations Applicable to Appeals of Final Orders in Dependency or Termination of Parental Rights Proceedings.	

(1) Applicability. [No change] **(2) The Record.** **(A)–(B)** [No change] **(C) Directions to the Clerk, Duties of the Clerk, Preparation and ~~Transmittal~~Transmission of the Record.** The appellant shall file directions to the clerk with the notice of appeal. The clerk shall electronically transmit the record to the court within 5 days of the date the court reporter files the transcript(s) or, if a designation to the court reporter has not been filed, within 5 days of the filing of the notice of appeal. When the record is electronically transmitted to the court, the clerk shall simultaneously electronically transmit the record to the Department of Children and Families, the guardian ad litem, counsel appointed to represent any indigent parties, and shall simultaneously serve copies of the index to all ~~non-~~indigentnonindigent parties, and, upon their request, copies of the record or portions thereof. The clerk shall provide the record in paper format to all parties exempt from electronic service ~~by e-mail~~ as set forth in the Florida Rules of Judicial Administration. **(3) Briefs.** **(A) In General.** [No change] **(B) Times for Service.** The initial brief shall be served within 20 days of service of the record on appeal or the index to the record on appeal. The answer brief shall be served within 20 days of service of the initial brief. The reply brief, if any, shall be served within 10 days of the service	Replaces "transmittal" with "transmission for consistency. Removes hyphen from "non-indigent" for consistency throughout the rules set. Amended to change "form" to "format." Changes "e-mail" to "electronic service" to encompass service through the Florida Courts E-filing Portal.

of the answer brief. ~~If more than 1 initial or answer brief is served, the responsive brief shall be served within 20 days after the last initial brief or within 10 days after the last answer brief was served or could have been timely served, whichever is later.~~ In any appeal or cross-appeal, if more than 1 initial or answer brief is authorized, the responsive brief shall be served within 20 days after the last initial or answer brief was served. If the last authorized initial or answer brief is not served, the responsive brief shall be served within 20 days after the last authorized initial or answer brief could have been timely served. **(4) Motions.** **(A) Motions for Appointment of Appellate Counsel; Authorization of Payment of Transcription Costs.** [No change] **(B) Motions to Withdrawal as Counsel.** If appellate counsel seeks leave to withdraw from representation of an indigent parent, the motion to withdraw shall be served on the parent and shall contain a certification that, after a conscientious review of the record, the attorney has determined in good faith that there are no meritorious grounds on which to base an appeal. The parent shall be permitted to file a brief pro se, or through subsequently retained counsel, within 20 days of the issuance of an order granting the motion to withdraw. Within 5 days of the issuance of an order granting the motion to withdraw, appellate counsel shall file a notice with the court certifying that counsel has forwarded a copy of the record and the transcript(s) of the proceedings to the parent or that counsel is unable to forward a copy of the record and the transcript(s) of	Amended, in response to comments received, to clarify the rule and to eliminate the disparate treatment of due dates in response to early briefs in multiple party cases as compared to single party cases. Requires the record on appeal and transcript to be forwarded to the parent(s) after a motion to withdraw is granted.

the proceedings because counsel cannot locate the parent after making diligent efforts. **(C) Motions for Extensions of Time.** An extension of time will be granted only for extraordinary circumstances in which the extension is necessary to preserve the constitutional rights of a party, or in which substantial evidence exists to demonstrate that without the extension the child's best interests will be harmed. The extension will be limited to the number of days necessary to preserve the rights of the party or the best interests of the child. The motion shall state that the appeal is from a final order of termination of parental rights or of dependency, and shall set out the extraordinary circumstances that necessitate an extension, the amount of time requested, and the effect an extension will have on the progress of the case. **(5)–(7)** [No change] **(h)–(i)** [No change] **Committee Notes** [No change]	

RULE 9.210. BRIEFS **(a) Generally.** In addition to briefs on jurisdiction under rule 9.120(d), the only briefs permitted to be filed by the parties in any ~~one~~1 proceeding are the initial brief, the answer brief, a reply brief, and a cross-reply brief. All briefs required by these rules shall be prepared as follows:	Changes "one" to "1" to conform to the *Guidelines*.
(1) When not filed in electronic format, briefs shall be printed, typewritten, or duplicated on opaque, white, unglossed paper. The dimensions of each page of a brief, regardless of format, shall be 8 1/2 by 11 inches. When filed in electronic format, parties shall file only the electronic version.	Clarifies that when documents are filed electronically, they do not need to also be filed in paper format.
(2)–(3) [No change]	
(4) The cover sheet of each brief shall state the name of the court, the style of the cause, including the case number if assigned, the lower tribunal, the party on whose behalf the brief is filed, the type of brief, and the name, ~~and~~ address, and e-mail address of the attorney filing the brief.	Requires the attorney to include their e-mail address on the cover sheet of the brief to conform to electronic filing and electronic service.
(5) [No change]	
(6) Unless otherwise ordered by the court, an attorney representing more than 1 party in an appeal may file only 1 initial or answer brief and 1 reply brief, if authorized, which will include argument as to all of the parties represented by the attorney in that appeal. A single party responding to more than 1 brief, or represented by more than 1 attorney, is similarly bound.	Restricts parties to one initial, answer, or reply brief, even if an attorney is representing multiple parties.

(b) Contents of Initial Brief. The initial brief shall contain the following, in order:	
(1) ~~A~~a table of contents listing the sections of the brief, including headings and subheadings that identify the issues presented for review, with references to the pages on which each appears~~.~~; (2) ~~A~~a table of citations with cases listed alphabetically, statutes and other authorities, and the pages of the brief on which each citation appears~~. See rule 9.800 for a uniform citation system.~~; (3) ~~A~~a statement of the case and of the facts, which shall include the nature of the case, the course of the proceedings, and the disposition in the lower tribunal~~.~~, with ~~R~~references to the appropriate pages of the record or transcript ~~shall be made.~~; (4) ~~A~~a summary of argument, suitably paragraphed, condensing succinctly, accurately, and clearly the argument actually made in the body of the brief~~. It~~, which should not be a mere repetition of the headings under which the argument is arranged~~. It~~, and should seldom exceed 2 and never 5 pages~~.~~; (5) ~~A~~argument with regard to each issue, with citation to appropriate authorities, and including the applicable appellate standard of review~~.~~; (6) ~~A~~a conclusion, of not more than 1 page, setting forth the precise relief sought~~.~~;	Amended to begin the subdivision with a lower case letter and end with a semicolon instead of a period. Amended to begin the subdivision with a lower case letter and end with a semicolon instead of a period. Deletes last sentence of the subdivision as it is duplicative. Amended to begin the subdivision with a lower case letter and end with a semicolon instead of a period. Combines the sentences in the subdivision into one sentence. Amended to begin the subdivision with a lower case letter and end with a semicolon instead of a period. Combines the sentences in the subdivision into one sentence. Amended to begin the subdivision with a lower case letter and end with a semicolon instead of a period.

(7) ~~A~~a certificate of service~~.~~; and (8) ~~A~~a certificate of compliance for computer-generated briefs. **(c)–(e)** [No change] **(f) Times for Service of Briefs.** The times for serving jurisdictional and initial briefs are prescribed by rules 9.110, 9.120, 9.130, and 9.140. Unless otherwise required, the answer brief shall be served within 20 days after service of the initial brief; the reply brief, if any, shall be served within 20 days after service of the answer brief; and the cross-reply brief, if any, shall be served within 20 days thereafter. ~~In any appeal or cross-appeal, if more than 1 initial or answer brief is authorized, the responsive brief shall be served within 20 days after the last initial or answer brief was served or could have been timely served, whichever is later.~~ In any appeal or cross-appeal, if more than 1 initial or answer brief is authorized, the responsive brief shall be served within 20 days after the last initial or answer brief was served. If the last authorized initial or answer brief is not served, the responsive brief shall be served within 20 days after the last authorized initial or answer brief could have been timely served. **(g) Citations.** [No change] **Committee Notes** [No change] **Court Commentary**	Amended to begin the subdivision with a lower case letter and end with a semicolon instead of a period. Amended to begin the subdivision with a lower case letter and end with a semicolon instead of a period. Adds the conjunctive "and." Amended to begin the subdivision with a lower case letter. Amended, in response to comments received, to clarify the rule and to eliminate the disparate treatment of due dates in response to early briefs in multiple party cases as compared to single party cases.

[No change]	