

IN THE SUPREME COURT OF FLORIDA

**IN RE: AMENDMENTS TO THE RULES
REGULATING THE FLORIDA BAR
AND THE FLORIDA FAMILY LAW
RULES OF PROCEDURE**

Case No: SC02-2035

COMMENTS IN SUPPORT OF PROPOSED AMENDMENTS

The Steering Committee on Families and Children in the Court (“the Committee”) files these comments in support of the Proposed Amendments to the Rules Regulating the Florida Bar and the Family Law Rules of Procedure.

The Committee was established by administrative order of the Florida Supreme Court when Chief Justice Harry Lee Anstead merged the Family Court Steering Committee (“FCSC”) and the Children’s Court Improvement Committee. Since 1998, the FCSC had been working on issues related to pro se litigants and access to justice. The FCSC enthusiastically supported the concept of unbundled legal services as an option that may offer increased access to justice in family law matters.

During its work on the issue, the FCSC discovered that some attorneys were already experimenting with the provision of unbundled legal services, although others, and some judges, were unfamiliar with the concept or thought it was

impermissible. Judges, lawyers and litigants were sometimes uncertain of how to respond when a party received limited, unbundled, legal representation in a case. There was consensus on the FCSC that a rule was necessary to define the parameters of unbundled legal services and to give guidance on ethical questions. The FCSC concluded that an affirmative statement in the rules would encourage attorneys to provide unbundled legal assistance and would enable judges to know what to expect from counsel providing limited representation for parties. The Committee urges the Court to adopt the proposed amendments, as they provide clear guidance about what is permissible, and increase options for litigants seeking legal services and access to the court.

Additionally, the Committee requests that the Court consider making a statement in its opinion encouraging attorneys to use this technique to market a wider variety of legal services to people who represent themselves. Judges on both the FCSC and this Committee see thousands of cases a year that could benefit from some type of legal assistance. If it becomes known that litigants can purchase limited services, more people may be willing to seek legal advice. Pro se litigants who receive some advice are better off in court than those who receive none at all.

Wherefore, the Steering Committee on Families and Children in the Court urges the Supreme Court to adopt the amendments proposed by the Unbundled Legal Services Committee II.

Respectfully submitted this 16th day of December, 2002

The Honorable Hugh Starnes
Circuit Judge, Twentieth Judicial Circuit
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the COMMENTS IN SUPPORT OF PROPOSED AMENDMENTS has been furnished by the U.S. Mail, this 16th day of December, 2002, to John F. Harkness, Executive Director, The Florida Bar, 650 Apalachee Parkway, Tallahassee, FL 32399, Ms. Adele I. Stone, Atkinson, Diner and Stone, 1946 Tyler Street, Hollywood, Florida 33020-4517, and the Honorable Linda Vitale, Circuit Judge, Seventeenth Judicial Circuit, Broward County Courthouse, Room 998, 201 SE 6th Street, Fort Lauderdale, Florida 33301.

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