

IN THE SUPREME COURT OF THE STATE OF FLORIDA

IN RE AMENDMENTS TO)
FLORIDA RULES OF) CASE NO. SC05-146
CIVIL PROCEDURE)

COMMENTS OF HENRY P. TRAWICK, JR.

Henry P. Trawick, Jr. says that he is a member in good standing with The Florida Bar and files these comments on the report of the Small Claims Rules Committee filed in this proceeding.

1. The undersigned objects to the change proposed for Rule 7.080(b).

2. If there was ever a useless change suggested for any rules, this is it. Service of the statement of claim and notice to appear must be made on the defendant at an address somewhere. The plaintiff must give his name and address in the statement of claim. Accordingly, there is no need for the proposed addition. There cannot be an unknown address.

3. In the proposed Rule 7.175 the term "attorneys' fees" is used in both sentences. In each instance the word attorney modifies the word fees. The apostrophe indicates that the fees belong to the attorney. It is the usual form of a possessive noun. In this case the word attorney is used as an adjective. It should not have an apostrophe and the final s should be

deleted so that in both instances the reference is to "attorney fees."

The undersigned certifies that a copy of the foregoing has been furnished to John F. Harkness, Jr. as Executive Director of The Florida Bar and The Honorable Pauline Drayton as Chairwoman of the Small Claims Rules Committee by mail on March 11, 2005.

By _____
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