

IN THE SUPREME COURT OF THE STATE OF FLORIDA

IN RE AMENDMENTS TO) CASE NO.: SC05-146
FLORIDA SMALL)
CLAIMS RULES)

RESPONSE OF SMALL CLAIMS RULES COMMITTEE
TO COMMENTS OF HENRY P. TRAWICK, JR.,
REGARDING PROPOSED RULES 7.080 AND 7.175

Judge Pauline Drayton, chair of the Small Claims Rules Committee of The Florida Bar, submits the following response to the comments of Henry P. Trawick, Jr., dated March 11, 2005.

Regarding Mr. Trawick's reference to the change to Fla. Sm. Cl. R. 7.080 being "useless," the rationale of the Small Claims Rules Committee in proposing the change was as follows:

a. The proposed change does not apply to the initial claim for the pleadings. This provides a mechanism for allowing service of documents only if the address is not known. Often pro se litigants will not serve or send documents because they are unaware or unsure of where the documents should be sent. Often the response is sent to the file only, or to the judge for handling. The plaintiff often does not have a copy of the documents or the responses. The proposed change provides that service on the clerk gives notice to the other party. Often in a collection case, the defendant may have been dealing with several people and is unsure of the correct address. The proposed change allows the defendant to file a response with the clerk.

b. This change should not add any additional burden on the Clerk's Office.

c. Your interest, however, is appreciated.

Regarding Mr. Trawick's suggestion to delete the apostrophe in "attorneys' fees," the apostrophe is included in that phrase in all the court rules. The style preference was decided upon several years ago when, at the request of the Supreme Court, the Bar editors edited every rule of procedure for consistency. It was decided to use the apostrophe. If the court changed it now, it would have to change ALL rules again for consistency.

Respectfully submitted _____, 2005.

HON. PAULINE DRAYTON
Chair, Small Claims Rules Committee
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished by United States mail to: Henry P. Trawick, P.O. Box 4009, Sarasota, FL 34230; Bruce J. Berman, 201 S. Biscayne Blvd, 22nd Fl, Miami FL 33131-4336; and Robert Korschun, 19 W. Flagler St., Biscayne Bldg. Suite 403, Miami, FL 33130-4401, this ____ day of _____, 2005.

MADOLON HORWICH
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