

IN THE SUPREME COURT OF FLORIDA

**IN RE: AMENDMENTS TO THE
FLORIDA RULES OF JUDICIAL
ADMINISTRATION–
REORGANIZATION OF THE RULES,**

Case No. 05-1588

COMMENTS OF STEPHEN KROSSCHELL

Stephen Krosschell hereby files the following comments regarding the proposed reorganization of the Florida Rules of Judicial Administration:

1. I am a member of the Florida Rules of Judicial Administration Committee, and I voted against the proposed reorganization, because changing rule numbers makes legal research unnecessarily more difficult. Finding rule citations is harder when the rule numbers have changed, and I do not believe that the minimal benefits of moving the rules around outweigh this drawback. If this Court does reorganize the rules, however, then I would make additional changes, as indicated in the following comments.

2. New rule 2.110 should remain 2.010 or become rule 2.000, and it should be in front of the heading for Part I.

3. “Part I. General Provisions” should be “Part I. Court Rules.”

4. New rule 2.120 should be rule 2.100. In general, I would begin each new part with a “00” number, rather than a “05” or “10” number, to

allow more room for expansion. Rule 2.205 should be 2.200, 2.310 should be 2.300, 2.410 should be 2.400, 2.505 should be 2.500, and 2.515 should be 2.600.

5. New rule 2.140(g)(1) arguably implies that the Rules of Judicial Administration Committee is not permitted to propose changes to the rules in Part II and to rules 2.310 and 2.320. I would allow the Committee to propose changes to these rules, while retaining the concept that this Court will usually change these rules by itself.

6. New rules 2.215(f) and (g) cover the same subject as new rule 2.545. Compare in particular new rule 2.215(g) and 2.545(c). I also would not split old rule 2.085 into new rules 2.250 and 2.545. I would put all of these provisions, new rules 2.215(f), 2.215(g), 2.250, and 2.545, in one rule.

7. I would delete new rules 2.220, 2.225, 2.230, and 2.235, which establish the Conference of County Court Judges, Judicial Management Council, Trial Court Budget Commission, and District Court of Appeal Budget Committee. Having new rule 2.220 for the Conference of County Court Judges is illogical, for example, without having corresponding rules for the Conferences of District Court Judges and Circuit Court Judges, particularly because new rules 2.225(d)(1)(B) and (C) expressly refer to these latter two conferences. A review of the Florida state court website

reveals the existence of the following committees that are not established in the Rules of Judicial Administration: Florida Court Education Council, Florida Courts Technology Commission, Commission on District Court of Appeal Budget Performance and Accountability, Commission on Trial Court Performance and Accountability, Committee on Alternative Dispute Resolution Rules and Policy, Steering Committee on Children and Families in the Courts, Criminal Court Steering Committee, and Judicial Ethics Advisory Committee. If the Conference of County Court Judges, Judicial Management Council, Trial Court Budget Commission, and District Court of Appeal Budget Committee need specific authorizing rules in the Rules of Judicial Administration, then why do not these other committees also need specific authorizing rules? A court rule is a principle of practice or procedure that is articulated to allow enforcement if necessary. Rules 2.220, 2.225, 2.230, and 2.235 do not fit this definition, because they are rules of authorization, not rules of enforcement.

8. The heading for rule 2.240(a) – “Statement of Purpose” – should not be deleted.

9. I would relabel “Part IV. Judicial Proceedings and Records” as “Part IV. Judicial Records” and move new rule 2.450 – “Technological Coverage of Judicial Proceedings” – into the last part, to be closer to new

rules 2.530 and 2.535 relating to communication equipment and court reporters.

10. I would relabel Part V as “Attorneys” and would delete Heading A for Attorneys.

11. I would relabel Part V, Heading B as “Part VI. General Provisions” or “Part VI. Other Provisions.” I do not find, for example, that new rule 2.535 for court reporting fits comfortably within Part V for the “Practice of Law,” because court reporting plainly is not the practice of law.

12. Rule 2.515 should be renumbered as rule 2.600. In any event, more room is needed for expansion numbering between new rules 2.510 and 2.515.

13. New rule 2.555 should be moved to the Rules of Criminal Procedure.

CERTIFICATE OF SERVICE

I certify that a copy hereof has been delivered by U.S. mail this 14th day of February, 2006, to Judge Winifred J. Sharp, Committee Chair, Fifth District Court of Appeal, 300 South Beach Street, Daytona Beach, FL 32114-5002.

Stephen Krosschell
Florida Bar No. 0351199
Goodman & Nekvasil, P.A.
14020 Roosevelt Blvd, Suite 808
P.O. Box 17709
Clearwater, FL 33672
Tel: (727) 524-8486
Fax: (727) 524-8786

CERTIFICATE OF COMPLIANCE

I certify that the font size and type used in these Comments is 14-point Times New Roman.

Stephen Krosschell