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March 30, 2004

Mr. Tom Hall  
Clerk of the Florida Supreme Court  
500 South Duval Street  
Tallahassee Florida 32399-1925

Re: Fla.R.Jud.Adm. 2.071: Use of Communication Equipment

FILED  
THOMAS D. HALL  
2004 APR - 2 P 12: 59  
CLERK, SUPREME COURT  
BY \_\_\_\_\_

Dear Mr. Hall:

On February 27 the Florida Probate Rules Committee met and considered your letter of July 15, 2003. It is the consensus of the Probate Rules Committee that the trial court judges should have discretion to permit testimony by communication equipment, even over the objection of a party. It is also the consensus of the committee that this issue is most properly addressed in the Rules of Judicial Administration, rather than a separate rule applicable only to probate proceedings. Due to the nature of probate and guardianship proceedings, the courts frequently permit testimony to be taken by telephonic means. With the appropriate discretion vested in the trial judge, the committee could not identify any particular situation that would require special treatment within the probate rules.

Accordingly, the committee agreed that no special telecommunication rule is appropriate for the Probate Rules at this time.

Sincerely,

Tami F. Conetta

TFC/lab

cc: Stanford Solomon, Chair, Rules of Judicial Administration  
Justice Kenneth Bell, liaison, Rules of Judicial Administration  
Craig Shaw, Bar Staff Liaison, Probate Rules  
Deborah J. Meyer, Central Staff Director

RUDEN, McCLOSKEY, SMITH, SCHUSTER & RUSSELL, P.A.