

IN THE SUPREME COURT OF FLORIDA

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

CASE NO. SC10- 2101

**COMMENT ON OUT-OF-CYCLE REPORT OF THE
FLORIDA RULES OF JUDICIAL ADMINISTRATION COMMITTEE
ON EMAIL SERVICE AND
CONFORMING CHANGES IN THE OTHER COURT RULES OF PROCEDURE**

Walter C. Jones, IV, Chairman of the Judicial Technology Committee of the Palm Beach County Bar Association hereby files this Comment on the Out-of-Cycle Report of the RJA on Email Service, proposed Fla. R. Jud. Admin. 2.516, and conforming changes to other rules of procedure, and respectfully requests that this Court consider the following suggestions with respect to the proposed rules.

The Palm Beach County Bar Association has been working for a couple of years to help our judiciary take advantage of existing technology in our Circuit, such as email, online scheduling, a website for useful information, voicemail to email and fax to email, to name a few. We have had several pilot projects in our Civil Division that permit online scheduling and email communication by lawyers to the Court. Our foreclosure division utilizes email and online scheduling extensively and it permits that division to efficiently handle more cases without adding extra personnel. Our judiciary and particularly our Chief Judge, Peter Blanc, has been very receptive to these issues and we hope that our circuit will continue to utilize technology in order to have an efficient and productive judiciary, particularly in the era of budget cuts and reduced staffing.

As all lawyers will be required to utilize email and email pleadings, there should be some provision that requires all judges to have a division email address. In the Palm Beach County, pilot project email is sent to CAD-DivisionXX@pbcgov.org as opposed to utilizing the judge's

name and individual email. I believe that certain judges in Miami-Dade County utilize something similar but have their own rules on how email is to be used and formatted similar to some in our pilot project in Palm Beach County. The creation of unique emailing rules for each Judge can lead to possible confusion by lawyers and their staff when practicing in different circuits.

Since the court will be sending out electronic orders, attorneys should be able to email those proposed orders to the Court instead of mailing them. In our circuit, in order to notice a case for trial, we must submit a Notice of Trial with envelopes to the Court and hope that they do not lose the envelopes. If we are going to a truly electronic system, a Notice of Trial could of course be filed with the clerk electronically and a courtesy copy could be sent to the Court who will send out the Order. This could all be done electronically, reducing time stuffing and sealing envelopes and handling paper. Jury instructions that are required to be submitted to the Court prior to a trial could be easily submitted by an electronic form. Any other communications that are sent to the Court could also be sent electronically with appropriate notice to opposing counsel. Without a mandatory email system for our judiciary, we will continue to have a dual system of envelopes and paper and an electronic system. The logic utilized by the committee in implementing this system or recommending this system can equally be applied to our judiciary. I would estimate a large percentage of our judiciary already has email addresses that could be easily made public or alias email addresses could be created so that they can receive electronic mail.

All mail and hand deliveries sent to our judges here in Palm Beach County must be scanned and opened off site due to the threat of anthrax and other toxic chemicals being sent to our Court. This of course delays the delivery of mail or hand deliveries that one would want to get to the Court. Use of judicial email would eliminate the need for these security measures and

decrease the amount of money our county spends protecting our judiciary. This would be an immediate tangible benefit to all circuits that screen mail in this fashion. Further, it would decrease the volume of mail going into a mail room and the personnel needed to manually deliver the mail throughout the courthouse and satellite courthouses that exist in larger counties.

Without guidance from the Supreme Court on this issue, we have the potential of a non-uniform email system as it relates to the communication with our courts.

I would propose a simple requirement that all trial judges at the county and circuit level be required to provide an office email address that attorneys may utilize to send electronic communications to the Court, if they so desire. This court should further establish the format of emails sent to the court similar to the mandated format of attorney to attorney emails. This could be applied uniformly throughout the State and we would not be left with an email system that would be different circuit to circuit, county to county and even judge to judge.

I hereby request that this Court consider these suggestions with respect to the proposed Fla. R. Jud. Admin. 2.516.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via U.S. Mail to the following individuals on this 14th day of January, 2010:

Robert M. Eschenfelder, Chair
Code and Rules of Evidence Committee
1112 Manatee Avenue W., Suite 969
Bradenton, FL 34205-7804

John Granville Crabtree, Chair
Appellate Court Rules Committee
240 Crandon Boulevard, Suite 234
Key Biscayne, FL 33149-1624

Robert T. Strain, Chair
Criminal Procedure Rules Committee

3801 Corporex Park Drive, Suite 210
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Civil Procedure Rules Committee
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By: _____
WALTER C. JONES, IV
Fl. Bar No. 325368

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REQUEST FOR ORAL ARGUMENT

Walter C. Jones, IV, Chairman of the Judicial Technology Committee of the Palm Beach County Bar Association hereby requests oral argument with respect to his comment on the Out-of-Cycle Report of the RJA on Email Service, proposed Fla. R. Jud. Admin. 2.516, and conforming changes to other rules of procedure.

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