

**IN THE SUPREME COURT OF FLORIDA**

**IN RE: AMENDMENTS TO THE FLORIDA**

**RULES OF JUDICIAL ADMINISTRATION**

**CASE NO. SC10-2101**

**COMMENTS**

As an experienced Florida attorney, I am on the court-appointed list for representation of persons found to be indigent in civil and criminal conflict cases. That is the focus of my practice and has been for the past 8 years, off and on, mostly on. I am on that list because I enjoy representing my indigent clients and see it as my ministry, as I was in the ministry before coming to the Bar.

I am concerned with the emailing of documents because the Department of Children and Families (DCF) is now providing all of their documents via email in spite of the fact that that is not proper service under the Rules AND I HAVE OBJECTED TO SUCH SERVICE TO NO AVAIL.

I recently received discovery for a Termination of Parental Rights case on a computer disc containing 2295 pages. I did not print this out, but had to spend additional time that I will not get paid for because it is "administrative" motioning the Court to order the Justice Administrative Commission (JAC) pay for printing

those documents as a “due process” cost. I then had to notice the hearing to the parties, properly serve them and attend the hearing. After which I drafted the Order. I will not get paid for the copies or the stamps or my time.

In this case, was able to get a discount at Staples and the printout cost about \$120. Then, I had to submit the billing to the Justice Administrative Committee, using my own office resources. I was surprised to be reimbursed before the case closed, which could take a year or more. Perhaps the point could be made that if I had a laptop computer, I could simply view the download at trial, and be done with it. I do not have a laptop nor am I required to have a laptop to be on the court-appointed list and I do not think it would be easy or convenient to keep my client informed by having him look over my shoulder at the documents, and my client, having been found to be indigent, certainly does not have a computer or access to the internet. I have to print out and send copies of emailed documents to my clients, to keep them informed of the status of their cases. All this without being reimbursed for such expenses.

I receive documents from DCF that are not properly redacted and contain multiple duplicates over the internet. Sometimes I receive faxes of the same document multiple times. I do not get reimbursed for the faxes either. The state, as DCF, in trying to save money, is passing the cost of prosecution on to

court-appointed attorneys like me who are becoming indigent as a result of representing the indigent.

Previously our contract with the Justice Administrative Committee would allow us to make a case for excessive time spent on a case, so that we could ask for additional payment at \$75 per hour, with our having to prepare a motion and set it before the chief judge, without getting paid for any of this "administrative" work or for the copies or postage involved.

Now, our contract allows us to make the case for excessive time spent on a case ONLY IF it would be DOUBLE the time spent at the rate of \$75, which essentially cut our hourly rate in half. We have not been able to bill for copies or postage since 2007.

Previously I had a case with DCF that lasted 3 years. DCF set most of the hearings in the matter and some were mandated by law. I billed at \$85/hr. and the final bill was about \$9,000 and I could bill for costs of copies, faxes and postage. Now, I could bill \$800 for the first year and \$100 for each additional year. How is that fair to us attorneys or to our clients?

I also accept criminal cases. I just had a *private* VOP case that I was able to charge almost \$2500 for because the client was certain he needed to fight the charges and I mounted a vigorous defense for him. I would have received \$300 for the same

representation of an indigent person as a court-appointed attorney. I would not be reimbursed for copies or postage from the Justice Administrative Committee, as I was from the private client.

The court-appointed attorneys have no representation in the Florida Bar or the Legislature because, I for one, do not have the funds to attend the various meetings of the Florida Bar or hire lobbyists. Our indigent clients have even less of a voice for fair treatment and for the appointment of competent attorneys, especially in dependency.

If you allow for the e-filing of documents, at least allow for the reimbursement of copies for our clients.

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that an original and nine paper copies of this document with comments have been filed with the court on December 23, 2010 and a true and correct copy has been served on the committee chairs as follows:

Robert M. Eschenfelder, Chair, Code and Rules of Evidence Committee, 1112 Manatee Avenue W., Suite 969,

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and

Katherine E. Giddings, Chair, Rules of  
Judicial Administration Committee,  
106 E. College Avenue, Suite 1200,  
Tallahassee 32301-7741

Electronic copies of these comments  
have been filed in accordance with the  
court's administrative order *In re  
Mandatory Submission of Electronic  
Copies of Documents*, Fla. Admin.  
Order No. AOSC04-84 (Sept. 13,  
2004) to [e-file@fl.courts.org](mailto:e-file@fl.courts.org) on this  
December 23, 2010

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