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February 23, 2011

Florida Supreme Court
Attn: Clerk's Office
500 South Duval Street
Tallahassee, FL 32399

Re: Rule 2.514, Fla.R.Jud.Admin

Honorable Justices:

I have comments on the proposed Rule 2.514, Fla. R. Jud. Admin.

This is a good time to further the Florida Supreme Court's stated goal of bringing the court rules into the electronic age. The Court has already mandated that court electronic service *and email service* be deemed sufficient, even without the consent of the receiving party. We should stop treating email as "snail mail" (by adding five days to the response deadline). Whatever the Supreme Court decided was the deadline for responding to a particular paper (two days, ten days, 30 days) isn't intended to be seven days, 15 days, 35 days.

Lawyers today are far more likely to receive email service even before they receive so-called "hand delivery" (which almost invariably comes by courier to someone in the office other than the lawyer). It doesn't get lost. And if it leaves out pages or exhibits, they can be retrieved more quickly.

Subsection (b) should delete the words "or email" in two places. And a new subsection (c) should read: Service by Email. Service by email shall be treated the same as electronic service by the court, and no additional time is after the period that would otherwise expire under subdivision (a).

The committee comment should cross-reference proposed Fla. R. Jud. Admin. 2.516, by which the court's electronic service is treated the same as hand-delivery.

February 23, 2011

I certify that a copy of this letter was served today, by mail, on the addressees below.

Respectfully,

Patrick S. Scott

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