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February 23, 2011

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

Re: Rule 1.720, Fla. R. Civ. P.

Honorable Justices:

I have comments on the proposed Rule 1.720, Fla. R. Civ. P.

I assume one of the goals of the committee is to make the rule as short as possible to convey the information. The final sentence of subsection (c) is an example of how our rules grow into cumbersome and confusing by well-intentioned attempts to "answer questions" that aren't asked. The first sentence is clear by itself. The second sentence belongs in the committee notes. Simply add "in the event of a settlement" to the end of the first sentence.

Regarding subsection (e), it's unfortunate that the lack of authority is such a big problem, but requiring that yet another paper be filed with the court and that yet another deadline be set in the case isn't going to solve the problem. It shouldn't be *filed* with the court, but the designation should be served on all parties to the mediation (not just the opposing party).

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

Respectfully,

Patrick S. Scott

Judge William D. Palmer
Committee Chair, 5th DCA
300 South Beach Street
Daytona Beach, FL 32114