

IN THE SUPRME COURT OF FLORIDA

**IN RE: AMENDMENTS TO FLORIDA
RULES OF CIVIL PROCEDURE 1.720**

CASE NO. 10-2329

**RESPONSE OF COMMITTEE ON ALTERNATIVE DISPUTE
RESOLUTION RULES AND POLICY TO COMMENTS
SUBMITTED PURSUANT TO THE COURT'S PUBLICATION OF
NOTICE FOR SUBMISSION OF COMMENTS**

The Supreme Court Committee on Alternative Dispute Resolution Rules and Policy, through its undersigned Chair, the Honorable William D. Palmer, Judge, Fifth District Court of Appeal, acting pursuant to the Court's publication of notice for comment on the committee's proposed amendments to be submitted on or before March 15, 2011, and for the committee to respond by April 6, 2011 submits this response to comments filed by Donald E. Christopher as Chair, Civil Procedure Rules Committee and Patrick S. Scott, Esq. of Gray Robinson.

The Civil Procedure Rules Committee, through the Chair Christopher, commented that the Committee voted to support the amendments as proposed without specific comments. The Committee on ADR Rules and Policy is grateful for this favorable recommendation.

Patrick Scott expressed the opinion that the second sentence of subsection (c) belongs in the committee notes and suggested to add "in the event of a settlement" to the end of the first sentence.

Mr. Scott also opined that “another paper” and “another deadline” were not going to solve the problem addressed by the amendments, and specifically suggested that the certification not be filed with the court.

Mr. Scott further specifically opined with respect to the certification that the rule revision should reference serving the certification on all parties to the mediation, not just the opposing counsel.

The committee welcomes Mr. Scott’s comments, but is not in agreement with his suggestion that the second sentence of the proposed revision to Florida Rule of Civil Procedure 1.720(c) be moved to the comments section, and that the words “in the event of a settlement” be added at the end of the first sentence. The second sentence as proposed is substantive and more expansive than Mr. Scott’s wording and the committee is of the opinion that the text of the proposed rule should be retained.

In response to Mr. Scott’s comment on subsection (e), the committee believes that certification is an essential element of the rule revision and that the certification should be filed with the court.

With respect to serving all parties, the committee has no objection to substituting the wording “serve on all parties” for “serve opposing counsel.”

Respectfully submitted this 6th day of April 2011.

The Honorable William D. Palmer
Florida Bar No. 220361
Chair, Committee on ADR Rules and Policy
Fifth District Court of Appeal
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Daytona Beach, Florida 32114
Telephone: 386-947-1502

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by United States mail to the following persons this 6th day of April 2011:

Patrick S. Scott, Esq.
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CERTIFICATE OF TYPEFACE COMPLIANCE

I further certify this response has been prepared in MS Word using Times New Roman 14-point font which complies with the font requirements set forth in Florida Rule of Appellate Procedure 9.210(a) (2).

The Honorable William D. Palmer