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RECEIVED  
JULY 1 2004  
CLERK SUPREME COURT

May 28  
~~March 17, 2004~~

Mr. Tom D. Hall  
Clerk of the Supreme Court of Florida  
500 S. Duval Street  
Tallahassee, FL 32399

Re: Rule 2.071(d), Use Of Communication Equipment

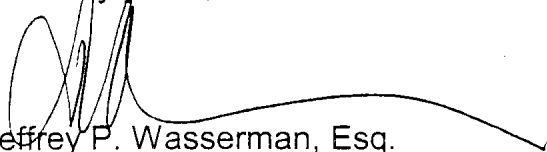
Dear Tom:

I truly apologize for the delay in responding to your inquiry concerning amendment to Florida Rules of Judicial Administration 2.071(d). Somehow, this seems to have slipped through the cracks, although I do not recall having received it. I was having a period of time when communications from the Court were not getting to me because of my change of address, however, that has been rectified.

For your information, I am enclosing a copy of the letter from John C. Lenderman dated September 17, 2001 concerning the position of the Family Law Rules Committee. This was written by Judge Lenderman as the then Chair of the Committee and there is no reason for the committee to reposition ourselves for another vote. I believe the opening paragraph of the letter explains the position of the Family Law Rules Committee and we would certainly applaud any efforts on the part of the Court to relax the rule for the use of communication equipment.

Based upon this, we are in agreement with the steps being taken by the Judicial Administration Committee to make changes in the rule.

Very truly yours,

  
Jeffrey P. Wasserman, Esq.  
JPW/ct  
Enclosure



CIRCUIT COURT  
SIXTH JUDICIAL CIRCUIT  
STATE OF FLORIDA

JOHN C. LENDERMAN  
CIRCUIT JUDGE

545-1ST AVE. N.  
ST. PETERSBURG, FLORIDA 33701  
(727) 582-7793  
FAX: (727) 582-7242

September 17, 2001

FILED  
THOMAS D. HALL  
2001 JUN - 1 P 3:30  
CLERK, SUPREME COURT

Honorable Nelly N. Khouzam  
Chair, Florida Bar Rules of Judicial Administration Committee  
14250 49th Street North  
Clearwater, FL 33762

Re: Rule 2.071 – Use of Communication Equipment

Dear Judge Khouzam:

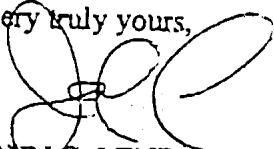
I am writing this letter as Chair of the Florida Bar Family Rules Committee. Membership of the Family Rules Committee urges the relaxation of Rule 2.071 to provide for more widespread use of communication equipment for testimony in family hearings.

Let me give you an example of some of the concerns the Family Rules' members have expressed. In the event a pediatrician's testimony is necessary, it is now generally necessary to either take the deposition of the pediatrician or bring the pediatrician to court. This expense to many families is often overwhelming unless both parties consent to the pediatrician appearing and testifying via communications equipment. We question why a pediatrician, probably known to both parties, should be required to either sit through a full deposition or come to the courthouse for testimony. It may make more sense in the long run to achieve the goals of justice to allow one of the parties to call the pediatrician from the courtroom and have the judge place the pediatrician under oath over the telephone.

The same problem in the use of communications equipment also arises with fact witnesses. Consider a family trial in Key West with a fact witness in Pensacola. Without a relaxation of Rule 2.071, a party could block both a telephone deposition and a telephone appearance by a relatively impecunious opposing party. The cost of bringing a witness from Pensacola to Key West may be just as prohibitive to the parties as the lawyers going to Pensacola to take a deposition.

Page Two  
Honorable Nelly N. Khouzam  
September 13, 2001

With the advancement of technology and the more common use of telephone hearings, the Family Rules Committee urges the Judicial Administration Rules Committee to consider more rather than less testimony via current and future technologies.

Very truly yours,  
  
JOHN C. LENDERMAN

JCL/cld  
cc: Ellen Sloyer, The Florida Bar  
Judith Hodor, Esq.  
Michael Walsh, Esq.  
Renee Goldenberg, Esq.