

Supreme Court of Florida

500 South Duval Street
Tallahassee, Florida 32399-1925

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CHIEF JUSTICE
CHARLES T. WELLS
BARBARA J. PARIENTE
R. FRED LEWIS
PEGGY A. QUINCE
RAOUL G. CANTERO, III
KENNETH B. BELL
JUSTICES

July 15, 2003

THOMAS D. HALL
CLERK OF COURT

WILSON E. BARNES
MARSHAL

The Honorable Mark K. Leban
Chair, Appellate Court Rules Committee
175 Northwest First Avenue, Suite 2322
Miami, Florida 33128-1846

The Honorable Jennifer Drechsel Bailey
Chair, Civil Procedure Rules Committee
Courthouse Center
73 West Flagler Street, Suite 1001
Miami, Florida 33130-4763

The Honorable Olin Wilson Shinholser
Chair, Criminal Procedure Rules Committee
Post Office Box 9000
Bartow, Florida 33831-9000

Mr. Jeffrey Wasserman
Chair, Family Law Rules Committee
4651 Sheridan Street, Suite 260
Hollywood, Florida 33021-3422

Ms. Jennifer Parker
Chair, Juvenile Court Rules Committee
Department of Juvenile Justice
2737 Centerview Drive, Suite 312
Tallahassee, Florida 32399-0999

Committee Chairs
July 15, 2003
Page 2

Ms. Tani F. Conetta
Chair, Probate Rules Committee
Post Office Box 49017
Sarasota, Florida 34230-6017

Ms. Julee Lynn Milham
Chair, Small Claims Rules Committee
Post Office Box 66504
St. Pete Beach, Florida 33736-6504

Mr. Brian L. Tannebaum
Chair, Traffic Court Rules Committee:
Tannebaum, Planas & Weiss, L.L.
550 Brickell Avenue, PH 2
Miami, Florida 33131-2517

Re: Florida Rule of Judicial Administration 2.071(d),
Use of Communication Equipment

Dear Committee Chairs:

I am writing to you in your capacity as Chairs of the various Florida Bar rules committees regarding a request concerning rule 2.071(d) made by the Court in its recent opinion in Amendments to the Florida Rules of Judicial Administration (2-year Cycle), case no. SC03-105 (Fla. July 10, 2003).

In Amendments, the Court declined to adopt the Rules of Judicial Administration's proposed amendment to subdivision (d) of rule 2.071, Use of Communication Equipment, which would have given the court discretion to use communication equipment to take testimony, over objection by the parties. The amendment was proposed at the suggestion of the chair of the Family Law Rules Committee in order to relax the rule to allow for more widespread use of communication equipment for testimony in family law hearings in order to reduce the cost of these proceedings as well as to avoid abuses by the parties. After considering the comments and hearing oral argument, the Court believes it would

Committee Chairs
July 15, 2003
Page 3

be preferable to adopt a rule that more narrowly focuses on the concerns the proposed amendment was intended to address. Because the Court also believes that it may be best to tailor a rule that addresses the use of communication equipment in the various types of substantive cases, it would like your committees to consider the issue and report back to the Court with your recommendations.

Your committees should coordinate their efforts. Your recommendations should be submitted by April 1, 2004. A joint recommendation may be submitted or each committee may file a separate report. The original report should be submitted directly to my office with a copy to Stanford R. Solomon, the Chair of the Rules of Judicial Administration Committee; Justice Kenneth Bell, liaison to the Rules of Judicial Administration Committee and the director of central staff. If you should determine that more time is required to address the issue, please file a motion for extension of time with my office.

Should you have any questions, please do not hesitate to contact me.

Most cordially,

Thomas D. Hall

TDH/dm/dy
Enclosures

cc: Justice Kenneth Bell, liaison, Rules of Judicial Administration Committee
Stanford R. Solomon, Chair, Rules of Judicial Administration Committee
Craig Shaw, Bar Staff Liaison, Rules of Judicial Administration Committee
Deborah J. Meyer, Central Staff Director