

IN THE SUPREME COURT OF FLORIDA

Case No. SC22-122

**In Re: Report and Recommendations
of the Workgroup on Improved
Resolution of Civil Cases**

**MOTION OF CERTAIN COMMENTERS FOR PERMISSION
TO RESPOND TO THE QUESTION RAISED BY THE COURT
AT THE CLOSE OF THE ORAL ARGUMENT IN THIS MATTER**

The undersigned Commenters respectfully submit this Motion for Permission to submit the following Response to the question asked of Judge Robert Morris at the very end of the Oral Argument in this cause, at 4:25:50 of the recording. The question posed to Judge Morris was not posed to any of the Commenters. We hope that this Response is received as an appropriate filing, and further hope that our suggestion will be of assistance to the Court.

RESPONSE

1. At the close of the Oral Argument in this rules matter, after all Commenters had spoken and as Judge Robert Morris was making final comments at the Court's request, Chief Justice Muñiz asked Judge Morris a hypothetical question about possible further review if

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additional revision or prioritization was needed for portions of the proposed rules package. In essence, Judge Morris was asked, if the Court were to send certain portions of the rules package “somewhere,” where would that somewhere be?

2. In short, Judge Morris responded by saying either to the Workgroup or to the Civil Procedure Rules Committee [CPRC].

3. The undersigned Commenters agree that those two entities are the most logical entities to perform additional focused work. But the undersigned Commenters suggest that, at this stage of the rule-writing process for changes, the most appropriate location for that review, revision, or prioritization to take place would be with the CPRC. The review would be completed in 6 months, or by June 30, 2023. The CPRC would be augmented as appropriate with representatives of other interested groups, as ad-hoc members, for the following reasons.

4. As the Workgroup explained, it viewed its mission as proposing amendments and new rules that would result in a sea-change in the practice of law for civil cases. It appeared to the undersigned Commenters that, while some of those changes were

broadly accepted in concept, others might benefit from technical restructuring, rewriting, or revision.

5. Historically, the group that performs that technical and substantive task is the CPRC, which has developed an expertise in getting rules proposals written in a functional, practical, and stylistically consistent way. The recent work on amending the summary judgment rule at the Court's request is an example.

6. In this context, however, it is suggested that the CPRC's work on any referred items can be enhanced by greater collaboration with other interested groups and individuals in our legal system. The Bar's rules committees frequently ask interested individuals and groups to join its rules-writing subcommittees as ad hoc members on matters of special interest. Depending on the scope and subject matter of any referral(s) from the Workgroup's Report package, it is suggested that the CPRC would add the following interest groups to its deliberations:

- a. Interested members of the Workgroup. If there were to be multiple referrals, different Workgroup members could work on different topics. The Court or Workgroup would

select those members most appropriate for any specific referral.

b. A representative of the trial court clerks. The Florida Court Clerks and Comptrollers would select that clerk or representative.

c. A representative from the Conference of Circuit Court Judges and the Conference of County Court Judges. The Conferences would nominate those judges.

d. A limited number of the Commenters who would be willing to serve. The Court would select those Commenters from those willing.

e. Lastly, in light of the discussion about ways in which rules-writing can be improved going forward, a representative(s) of the OSCA staff who was (were) involved in the technical drafting of the proposals in the Workgroup's Report.

7. The selection of each of these ad hoc members to assist the efforts of the CPRC would, of course, be subject to the Court's review.

8. The undersigned have consulted with Lance Curry, the Chair of the CPRC, who has no objection to any referrals that this Court may choose to make being sent to the CPRC.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I have this day, the 16th day of December 2022, filed a copy of the attached Motion with the Florida Portal and directed that the Portal serve all parties and counsel in this rules case.

/s/ Paul R. Regensdorf