

IN THE SUPREME COURT OF THE STATE OF FLORIDA

IN RE: AMENDMENT TO
FLORIDA RULE OF CRIMINAL
PROCEDURE 3.113

Case No.: SC23-0803

COMMENT OF ANTHONY G. RYAN, ESQUIRE

I am respectfully requesting the Court to adopt the pending amendment to Florida Rule of Criminal Procedure 3.113. The amendment was overwhelmingly supported by the Criminal Rules Committee, after vigorous debate amongst all interested parties.

The amendment would only apply to short, non-evidentiary matters like pretrial conferences and case managements or other uncontested, routine matters that frequently take five minutes or less. If adopted, the amendment would provide uniformity and consistency throughout all state courts in Florida.

For example, in the Twelfth Judicial Circuit, where I practice, courts have taken very different stances towards virtual hearings. In Sarasota County, almost all the courts have set up hybrid systems for routine matters (including pleas) allowing litigants to appear in person or over zoom as they choose. In neighboring Manatee County, however, the Circuit Court has eliminated all

virtual appearances for even simple, uncontested matters. The lack of uniformity creates hardships for some and efficiency for others. As written, the current rule creates a different procedure based upon the whim or preference of each judge. The rules of procedure should be written to promote uniformity and fairness amongst the different circuits.

In my estimation, the greatest benefit to allowing virtual hearings is the open access to justice it provides for the public. Defendants, especially indigent ones, are able to attend hearings without missing a day's pay. Likewise, victims and other interested parties can more easily follow a case without having to constantly call the State Attorney's Office, which frequently leads to frustration, anger, and disappointment with the legal system. Virtual hearings make it much easier and less stressful to follow what is happening. Open access to criminal hearings eases suffering and allows victims to ask questions and get answers as the case progresses. This ultimately increases the public's understanding and confidence in our legal system, which is essential to the rule of law.

Finally, allowing virtual hearings is fiscally responsible. JAC lawyers who are paid by the state will greatly reduce the hourly time billed while waiting in court. If JAC attorneys are permitted to appear by Zoom they would only bill for the time when they are actually on the record. The experts, like psychologists, who frequently bill court administration, JAC, the State or the public defenders by the hour for time travelled, time waiting, and time spent testifying, would be greatly reduced for many fairly routine but necessary hearings (like competency hearings where both sides agree, for example).

Allowing virtual participation allows all of the stakeholders to benefit from technology equally. As an attorney who has practiced criminal law for more than twenty-five years, I understand the reticence of some to fully embrace this new way of practicing law that was literally thrust upon all of us out of necessity. But now that we have been dragged kicking and screaming into the future, there really is no going back.

“I am a slow walker, but I never walk backwards.”

Earl Warren, slightly misquoting Abraham Lincoln.

Respectfully submitted,

/S/ Anthony G. Ryan

Anthony G. Ryan

2184 Main Street

Sarasota, FL 34237

FL Bar #: 0136719

agryanlaw@msn.com

(941) 954-7132

CERTIFICATE OF SERVICE

COMES NOW the undersigned attorney, and hereby certifies that the above comment has been electronically served on all parties on the e-service list on this the 3rd day of August, 2023.

/S/ Anthony G. Ryan

Anthony G. Ryan