

LAW OFFICES OF THE  
**PUBLIC DEFENDER**  
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA  
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September 11, 2013

The Honorable Ricky Polston  
Chief Justice  
Florida Supreme Court  
500 South Duval Street  
Tallahassee, FL 32399-1927

Dear Chief Justice Polston,

On behalf of the 11<sup>th</sup> Judicial Circuit Public Defender's Office, I am requesting a deferment of the October 1, 2013 start date for e-filing and e-mail service. It is my understanding that Clerks' offices that cannot import an electronically-filed document into a Case Management System, even during a single session, are not considered ready for e-filing. In the 11<sup>th</sup> Circuit, we are not all ready for even single session filing. But, that's not the only reason we need an extension of time. Below, I provide more context and detail for our request.

Managing the sheer volume of case files and documents in our circuit has always been difficult under the best of circumstances. During the last fiscal year, just in our felony caseload, my office produced almost 110,000 documents that would be subject to e-filing and/or e-service under the new rule. During the same time period, we set 21,633 felony depositions and generated related notices to the State Attorney's office and co-counsel on cases with co-defendants. The 110,000 figure does not include numerous deposition resets occasioned by a witness' failure to appear or a scheduling conflict. In addition to felony cases, we also handle juvenile, misdemeanor, criminal traffic and domestic violence cases which add to the number of documents we would be e-filing and e-serving. Such a volume requires an efficient and automated solution to make effective and economical use of e-filing and e-service. Given the reality of our present staffing levels, the sheer volume of cases and filings from this office, renders the use of single session e-filing impractical for our office. The resources required to make use of that method would cause significant interruptions to existing defense services, as well as court business. We are aware of issues with the batch interface

(non-delivery of receipt e-mail, issues with submitted corrected filings, document information not retained, etc.), but our business practices and the volume of filings required in our circuit necessitate that we focus on the most efficient method of delivery services. Specifically, during the time extension, we will focus on our internal programming efforts and implementation of batch filing with our partners.

Transitioning to e-filing and e-mail service, while maintaining existing operations for document processing and delivery of diligent quality representation, has forced us to re-engineer our operations, re-train IT staff, hire IT staff with different expertise, and engage more than one hundred employees in discussions for process improvement. We anticipate spending significant additional time and resources in the testing of systems, the training of nearly 400 employees on e-filing and e-service processes, and the related extensive changes that must be made to our existing operations.

At the same time, we are being required to implement additional operational changes resulting from the anticipated use of an electronic arrest affidavit by 5 of 36 local police agencies, while the other departments maintain the manual hard copy process traditionally used in this circuit.

Requiring this office to implement single session filing at this time will not only disrupt our ability to meet our statutory duties and responsibilities to our clients, but will also necessitate our diverting resources that would be better expended on more efficient batch filing, thereby delaying its readiness. Therefore, I am requesting a deferral for e-filing and e-service until such time as batch filing and our internal programming is completed and tested, and our attorneys and assistants can be trained on its use.

Be assured that I want my office to be e-filing, participating in e-service and having our own electronic case files without delay. I greatly appreciate your careful consideration of this matter. If you need further information, please feel free to contact me at your earliest convenience.

Sincerely,

A handwritten signature in black ink that reads "Carlos J. Martinez". The signature is written in a cursive, flowing style.

Carlos J. Martinez  
Public Defender