



# Supreme Court of Florida

Office of the Clerk  
500 South Duval Street  
Tallahassee, Florida 32399-1927

JOHN A. TOMASINO  
CLERK  
MARK CLAYTON  
CHIEF DEPUTY CLERK  
KRISTINA SAMUELS  
STAFF ATTORNEY

PHONE NUMBER: (850) 488-0125  
[www.floridasupremecourt.org](http://www.floridasupremecourt.org)

April 29, 2015

The Honorable Lisa T. Munyon  
Chair, Florida Courts Technology Commission  
Ninth Judicial Circuit  
425 N. Orange Avenue, Room 2035  
Orlando, Florida 32801

RE: Private Attorneys and Batch E-Filing

Dear Judge Munyon,

At the direction of Chief Justice Labarga, I am writing you in your capacity as Chair of the Florida Courts Technology Commission to ask the Commission to consider the enclosed letter and documentation regarding private attorney access to and usage of the "batch" filing web services provided to certain governmental agencies.

Please have the Florida Courts Technology Commission examine the issues described in the enclosed letter and documents and relay your findings and/or recommendations directly to Mr. Rafael Millares, with a courtesy copy of the reply to my office.

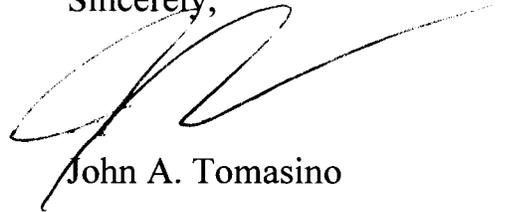
The Honorable Lisa T. Munyon

April 29, 2015

Page: 2

Thank you in advance for your attention to this matter, and please do not hesitate to contact me or the Court's liaison to your Commission, Justice Polston, if you have any questions.

Sincerely,

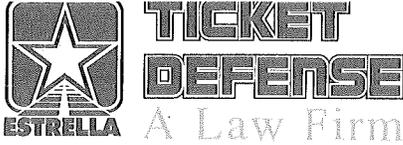
A handwritten signature in black ink, appearing to read "John A. Tomasino". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John A. Tomasino

JAT/vbv

Enclosures

cc: The Honorable Ricky L. Polston, Liaison to Commission  
Rafael E. Millares  
Mr. Alan Neubauer, State Courts Technology Officer  
The Honorable Tim Smith, Chair, E-filing Authority Board  
The Honorable Harvey Ruvlin, Clerk of the Courts, Miami-Dade County



Estrella Ticket Defense Law Firm, P.A.  
3750 West Flagler Street, 2nd Floor  
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www.EstrellaTicketDefense.com

April 23, 2015

Chief Justice Jorge Labarga  
Florida Supreme Court  
500 South Duval Street  
Tallahassee, Florida 32399-1927

**RE: Private Attorneys Being Denied Access to Batch E-Filing**

Dear Chief Justice Labarga,

Private attorneys in Florida are not permitted to batch file their pleadings through Florida's E-filing portal despite the fact that batch filing capability exists and is being offered to State Attorneys, Public Defenders and the Judiciary.

I respectfully request an emergency six-month extension of the mandatory E-filing requirements for private attorneys; specifically those that practice traffic ticket law in Miami-Dade, Broward and Palm Beach counties. This would give Florida's E-filing Authority time to obtain the requisite approvals and provide private attorneys access to the state portal's batch filing capability. The proposed extension would last until October 1, 2015.

This request is made pursuant to The Florida Supreme Court's Administrative Order AOSC15-7 which cites to AOSC14-1:

Any clerk, court, state attorney, public defender, or other defense counsel that determines it cannot comply with the above mandatory e-filing deadlines must file an individual request for an extension of time, no more than 30 days and no less than 15 days prior to its respective deadline, that sets forth specific reasons for the non-compliance and details the specific date of expected Portal e-filing compliance.

Many private attorneys have large caseloads and routinely need to file hundreds of documents in a single day. (Example-some of my larger traffic ticket colleagues get 400 new clients per day.)

Not having batch filing capability imposes an enormous financial burden on my traffic ticket colleagues, myself and practitioners in other high-volume areas. To comply with Miami-Dade's compliance deadline of May 1<sup>st</sup> (see attached memo-Exhibit "A") I would have to hire 2-3 new employees whose sole job would be to sit at a computer and E-file each client's case one by one.

RECEIVED, 04/24/2015 04:43:56 PM, Clerk, Supreme Court

Please note that E-filing requires staff to print, scan and pdf all relevant documents and then go through seven to nine steps on the E-filing portal for each case.

I have a programmer ready to write whatever code is needed for my law firm to connect to the portal's existing batch filing system/API, as do many of my colleagues. The problem is that the E-filing authority never saw a need for private attorneys to use batch filing so they did not plan for it. As a result they are 2-4 months or more away from getting the required approvals and setting up the infrastructure that private attorneys could use. I learned this via my recent E-mail exchange with Carolyn Weber, Portal Program Manager, which is attached as Exhibit "B."

**TIMELINE:**

I first started raising this issue in January of 2014 when I wrote my local FACDL president about the then-looming deadline for Broward County (see exhibit "C"). I was surprised to learn that no Batch filing was available to private attorneys. Despite his and the BACDL president's efforts, they were unable to find a solution. I was forced to hire an additional employee to take care of E-filing my Broward cases and this has strained my law firm's finances (Miami-Dade produces more case volume than Broward).

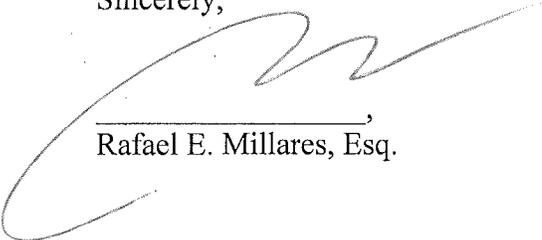
I then met Thomas Hall, who consults with the State's E-Filing Authority, at a Rules of Judicial Administration Committee meeting where I again brought the batch filing issue up. Thomas and I corresponded via E-mail (See Exhibit "D") in June of 2014 and he told me that he would bring this issue up to the "technical people at the portal." I assume that he did as he promised but...no relief came.

On April 23<sup>rd</sup> 2015 I received a memo (Exhibit "A") from the Miami-Dade Clerk's Office that states the clerk will stop accepting paper filing on May 1, 2015. After learning of this deadline I heard from other traffic attorneys who are concerned. I spoke with people from the Miami-Dade County Clerk's Office, the Miami-Dade State Attorney's office, the Traffic Court Rules Committee, the Rules of Judicial Administration Committee, Thomas Hall and Carolyn Weber. While all empathize with my situation, none have been able to provide relief. Thus I feel that I have no other alternative but to seek an emergency extension of and waiver from the mandatory electronic filing requirement.

I pray that the Supreme Court of Florida provides all traffic attorneys and possibly all private attorneys in Florida the relief sought.

Thank you for your attention in this matter.

Sincerely,



\_\_\_\_\_  
Rafael E. Millares, Esq.

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I N T E R



\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
O F F I C E

MEMO

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**To:** Attorneys  
**From:** Traffic & Misdemeanor Division  
**Subject:** Electronic Filing  
**Date:** April 23, 2015

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In accordance with the Supreme Court of Florida in regards to Electronic Filing in the State Courts System, (Fla. Admin. Order # AOSC13-48), as of **May 1<sup>st</sup>, 2015**, the **Miami-Dade Traffic and Misdemeanor Division** will no longer accept Attorney filed pleadings (paper) through the front counter, mail, or fax. All attorneys including the State and the Public Defender's Office must file through the portal as of that date.

A

## R.Millares

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**From:** Carolyn Weber [cweber@flclerks.com]  
**Sent:** Thursday, April 23, 2015 10:59 AM  
**To:** R.Millares  
**Subject:** RE: Urgent E-Filing Issues-No Batch filing available in Miami Dade or Broward

Please see below.

Carolyn

---

Carolyn Weber  
Portal Program Manager  
(850) 577-4653

---

**From:** R.Millares [mailto:rmillares@estrellaticketdefense.com]  
**Sent:** Thursday, April 23, 2015 10:45 AM  
**To:** 'Carolyn Weber'  
**Subject:** RE: Urgent E-Filing Issues-No Batch filing available in Miami Dade or Broward

Hi Carolyn,

I hope you are well.

I would like your feedback on this.

Since you are working on a solution (which I deeply appreciate) and it will take 2-4 months, I am unsure what to do about this Miami-Dade deadline coming up on May 1<sup>st</sup>. **[Carolyn Weber]** We are in the initial stages of this and that estimate of time was to get it off the ground. I cannot predict how long the finished product will take.

Can your E-filing Authority issue an extension to Miami-Dade County so they can continue accepting paper files or does that have to be done by the FL Supreme Court. **[Carolyn Weber]** The Florida Supreme Court

If it has to be the Supreme Court, are you in the process of asking them for said extension before the May 1<sup>st</sup> deadline?**[Carolyn Weber]** No

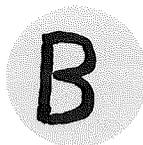
If not, would it be prudent for me to file an emergency request for an extension from the Supreme Court myself?  
**[Carolyn Weber]** Completely up to you.

I believe that they would grant it to me because of undue hardship due to no fault of my own.

Your thoughts?

Thank you

Rafael E. Millares, Esq.  
Managing Shareholder  
Estrella Ticket Defense  
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Phone: (305) 503-4124  
Fax: (305) 443-9132  
[rmillares@estrellaticketdefense.com](mailto:rmillares@estrellaticketdefense.com)





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**From:** Carolyn Weber [<mailto:cweber@flclerks.com>]  
**Sent:** Monday, April 20, 2015 3:02 PM  
**To:** R.Millares  
**Cc:** Tony Basallo; Maciel Morales  
**Subject:** RE: Urgent E-Filing Issues-No Batch filing available in Miami Dade or Broward

Please see below.

Carolyn

---

Carolyn Weber  
Portal Program Manager  
(850) 577-4653

---

**From:** R.Millares [<mailto:rmillares@estrellaticketdefense.com>]  
**Sent:** Monday, April 20, 2015 2:52 PM  
**To:** 'Carolyn Weber'  
**Cc:** 'Tony Basallo'; 'Maciel Morales'  
**Subject:** RE: Urgent E-Filing Issues-No Batch filing available in Miami Dade or Broward

Hi Carolyn,

Thank you for your fast response.

- 1) How long do you think that approval may take? **[Carolyn Weber]** We will need to present this to the Board so I would anticipate at least two to three months.
- 2) If longer than one week, should I request an extension of time while that gets worked out so that I don't have problems with Miami-Dade County's clerk's office?**[Carolyn Weber]** There is no way to get this done in one week. The Clerk could request a continuance of the date with the Florida Supreme Court.
- 3) If not them, who should I request an extension from?**[Carolyn Weber]** This AO was entered by the Florida Supreme Court so any requests for continuance would have to be addressed by them.
- 4) Is there anything that I could to help you expedite this approval process?**[Carolyn Weber]** Thank you for the offer -- but we can take it from here.

Thank you

Rafael E. Millares, Esq.  
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[rmillares@estrellaticketdefense.com](mailto:rmillares@estrellaticketdefense.com)  
[www.EstrellaTicketDefense.com](http://www.EstrellaTicketDefense.com)



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**From:** Carolyn Weber [<mailto:cweber@flclerks.com>]  
**Sent:** Monday, April 20, 2015 2:46 PM  
**To:** R.Millares  
**Cc:** Tony Basallo; Maciel Morales  
**Subject:** RE: Urgent E-Filing Issues-No Batch filing available in Miami Dade or Broward

Mr. Millares,

While this is a solution to your problem there are other approvals we need to obtain before we can proceed. The API is currently offered to the State Attorneys, Public Defenders and Law Enforcement/State Agencies. It has not been approved by the Florida Courts E-Filing Authority Board to be released to law firms as there are still hurdles we need to overcome to be able to do so. I will be in touch as soon as I can find out more information for you.

Thank you,

Carolyn

---

Carolyn Weber  
Portal Program Manager  
(850) 577-4653

---

**From:** R.Millares [<mailto:rmillares@estrellaticketdefense.com>]  
**Sent:** Monday, April 20, 2015 2:37 PM  
**To:** [cweber@flclerks.com](mailto:cweber@flclerks.com)  
**Cc:** 'Tony Basallo'; 'Maciel Morales'  
**Subject:** RE: Urgent E-Filing Issues-No Batch filing available in Miami Dade or Broward  
**Importance:** High

Hi Caroline,

I hope you had a great weekend.

I just spoke with Hamilton Davies and he said you had recently gotten off the phone with him.

He and I now think that the solution to this problem is for me to put my programmer in contact with your programmers so that we can gain access to the State E-filing portal API.

That way our case management system can speak directly with the portal's API and we could benefit from a streamlined and automated process in order to file our large volume of cases.

Do you agree that this is the best solution?

Who should my programmer contact at your office and what is their contact info?

My programmer is named \_\_\_\_\_ and he is cc'd here.

Thank you

Rafael E. Millares, Esq.

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---

**From:** R.Millares [<mailto:rmillares@estrellaticketdefense.com>]  
**Sent:** Friday, April 17, 2015 4:15 PM  
**To:** 'cweber@flclerks.com'  
**Subject:** Urgent E-Filing Issues-No Batch filing available in Miami Dade or Broward  
**Importance:** High

Hi Caroline,

It was good speaking with you.

I just received the attached memo and I am panicking along with many of my colleagues down here in Miami. (I am the incoming Chair of the Florida Traffic Court Rules Committee and I can tell you that I am not the only lawyer panicking)

**Miami Dade County is not making batch E-filing available to us.** They point the finger at the FCCC because the original thinking was that no one but the PD's, State Attorneys and Judges would need batch filing.

Let me assure you that Traffic Ticket Attorneys, especially in Broward and Miami need batch filing...

We are a large traffic ticket firm and it is impossible for me to stay in business filing each and every client via E-filing one by one.

The cost of hiring employees to do that is cost prohibitive.

I have anecdotally heard that the Miami PD's office does not have the ability to batch file either.

Miami Dade's courts process thousands of cases per day. Without batch filing I fear the system really will come crashing down.

Any help you can give me is appreciated.

Please keep me in the loop.

Thank you

Rafael E. Millares, Esq.  
Managing Shareholder  
Estrella Ticket Defense

## R.Millares

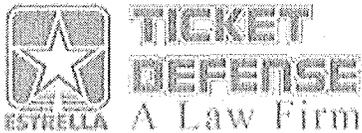
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**From:** R.Millares [rmillares@estrellaticketdefense.com]  
**Sent:** Friday, January 10, 2014 9:33 AM  
**To:** 'Eddie Pereira'  
**Subject:** RE: FACDL FW: E-Filing questions and EMERGENCY- Re: Traffic Citations-

Thank you Eddie,

I really appreciate you and the FACDL's support.

Rafael E. Millares, Esq.  
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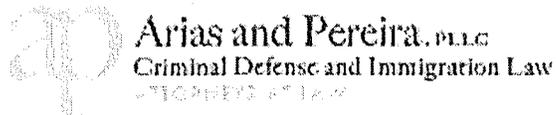
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**From:** Eddie Pereira [mailto:eddie@ariasandpereira.com]  
**Sent:** Friday, January 10, 2014 12:23 AM  
**To:** R.Millares  
**Subject:** Re: FACDL FW: E-Filing questions and EMERGENCY- Re: Traffic Citations-

Rafael,

I tried reaching out to my counterpart in Broward today but have not gotten a response. I will try again tomorrow with him and the clerks office and get back to you and the membership.

Best,  
Eddie



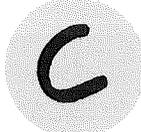
Grove Forest Plaza 2937 SW 27th Avenue | Suite 206 | Coconut Grove, FL 33133  
Office Number: (786) 360-1341 | Mobile: (305) 726-7206 | Fax: (305) 442-7279  
E-mail: [eddie@ariasandpereira.com](mailto:eddie@ariasandpereira.com)

[website](#) | [blog](#) | [map](#)



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**From:** "R.Millares" <[rmillares@estrellaticketdefense.com](mailto:rmillares@estrellaticketdefense.com)>  
**Date:** Thu, 9 Jan 2014 12:16:07 -0500  
**To:** Eduardo Pereira <[eddie@ariasandpereira.com](mailto:eddie@ariasandpereira.com)>  
**Subject:** FACDL FW: E-Filing questions and EMERGENCY- Re: Traffic Citations-



Hi Eddie,

I hope you are doing great.

We are experiencing big problems with Broward's mandatory E-filing and I am sure every other Traffic Court practitioner in the FACDL is also experiencing these problems.

Problem 1)

In cases where the traffic citation is not in Broward's clerk system yet and the 30 days are about to expire, Broward's E-filing system is not letting me file a "request for hearing" or a "notice of appearance." Since the citation number is not in their system yet, the e-filing computer won't allow me to file anything. This could cause tremendous problems for us and our clients because many tickets are entered into their system after the 30 days has already expired. Historically our solution has been to file a hard copy/written "request for hearing" and "Notice of Appearance" with the clerk before the 30 day period expires. These documents are date stamped by the clerk within the 30 day window giving us proof that we had complied... whenever there were problems we could pull out those stamped documents and the clerk would fix their mistake (we have had to pull them out numerous times when the clerk makes a mistake)... It is essential for us and our clients to know that if there was ever an issue we can pull out the stamped copy to prove that we had filed within the 30 day window.

We sent them an e-mail and you can see her response below. She is saying don't worry that you are outside the 30 day window?!

Just keep checking the system every week?!

We have thousands of cases, we cannot just keep looking up every single open case every week for months until they feel like entering the traffic ticket into the system. It would overload us and it will eventually overload their computer system.

As an emergency solution, until they fix the e-filing portal to allow us to file things using case numbers that are not yet in their system, I suggest they let us do things the old way. I tried sending my runners to get date stamps on some documents and they were turned away.

Problem 2)

Apparently no provision was made for batch filing (large volume filings) in the E-filing portal. If they did, I am not aware of it. Large traffic ticket law firms like ours are going to experience problems entering these cases one at a time.

I don't mean to drop these problems on your doorstep but I am looking for help from anywhere and everywhere.

Obviously problem 1 is more of an emergency than problem 2.

Thank you in advance for your help Eddie

Rafael E. Millares, Esq.  
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[www.EstrellaTicketDefense.com](http://www.EstrellaTicketDefense.com)



----- Forwarded message -----

**From:** Traffic EClerk <[trafficclerk@browardclerk.org](mailto:trafficclerk@browardclerk.org)>  
**Date:** Thu, Jan 9, 2014 at 9:18 AM  
**Subject:** FW: E-Filing questions and EMERGENCY- Re: Traffic Citations-  
**To:** "[rlacayo@estrellaticketdefense.com](mailto:rlacayo@estrellaticketdefense.com)" <[rlacayo@estrellaticketdefense.com](mailto:rlacayo@estrellaticketdefense.com)>

The citation must be filed with the Clerk's Office by the Police agency and a case number assigned before you can E-File. Please note that if the citation is submitted after the original "comply by" date, additional time to comply is given. You should check the status of the citation at least once a week to avoid late fees and/or driver license suspension.

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**From:** eFiling  
**Sent:** Thursday, January 09, 2014 8:54 AM  
**To:** Traffic EClerk  
**Subject:** FW: E-Filing questions and EMERGENCY- Re: Traffic Citations-

Please offer assistance.

eFiling rl

[eFiling@browardclerk.org](mailto:eFiling@browardclerk.org)

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**From:** Ronald Lacayo [mailto:[rlacayo@estrellaticketdefense.com](mailto:rlacayo@estrellaticketdefense.com)]  
**Sent:** Wednesday, January 08, 2014 11:20 AM  
**To:** efilng  
**Cc:** Rafael Millares  
**Subject:** E-Filing questions and EMERGENCY- Re: Traffic Citations-

Hello,

I am having trouble e-filing notices of appearance for cases that are not yet in the system because the e-filing portal is asking me to enter in a case number. This is a problem because these cases are not in the system yet and they have not been assigned a case number. This is causing a huge problem for me because if a ticket is entered into the system after the 30 day limit the ticket will be already late by the time I am able to file a notice of appearance.

Please advise as to how I should proceed on this issue. My contact information is listed below. I would really appreciate any assistance on this matter.

Thank you,

Ronald A. Lacayo, Esq.

Associate

Estrella Ticket Defense

3750 West Flagler Street

2nd Floor

Miami, Florida 33134

Phone: [\(305\) 503-4124](tel:(305)503-4124) Fax: [\(305\) 443-9132](tel:(305)443-9132)

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[www.EstrellaTicketDefense.com](http://www.EstrellaTicketDefense.com)

## R.Millares

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**From:** R.Millares [rmillares@estrellaticketdefense.com]  
**Sent:** Monday, June 30, 2014 4:23 PM  
**To:** 'Thomas Hall'  
**Subject:** RE: E-Filing Issues

Thank you so much Tom.

I really appreciate that.

Rafael E. Millares, Esq.  
Managing Shareholder  
Estrella Ticket Defense  
3750 West Flagler Street  
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[rmillares@estrellaticketdefense.com](mailto:rmillares@estrellaticketdefense.com)  
[www.EstrellaTicketDefense.com](http://www.EstrellaTicketDefense.com)



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**From:** Thomas Hall [mailto:thall@mills-appeals.com]  
**Sent:** Monday, June 30, 2014 4:25 PM  
**To:** 'R.Millares'  
**Subject:** RE: E-Filing Issues

It was nice meeting you and I will pass this on to the technical people at the Portal although at first glance this would seem to be an issue with the case maintenance system at the court or docketing issues with the clerk's office. I will let you know what I find out.

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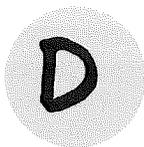
**From:** R.Millares [mailto:rmillares@estrellaticketdefense.com]  
**Sent:** Friday, June 27, 2014 6:09 PM  
**To:** [t.hall@tlhconsultinggroup.com](mailto:t.hall@tlhconsultinggroup.com); Thomas Hall  
**Subject:** E-Filing Issues  
**Importance:** High

Hi Thomas,

It was a pleasure meeting you yesterday at the RJA meeting.

The E-mail below is one that I sent to my local chapter of the Florida Association of Criminal Defense Lawyers. It outlines the two main problems we are facing with Broward and potentially other municipalities.

Dear Eddie,



We are experiencing big problems with Broward's mandatory E-filing and I am sure every other Traffic Court practitioner in the FACDL is also experiencing these problems.

#### Problem (1)

In cases where the traffic citation is not in Broward's clerk system yet and the 30 days are about to expire, Broward's E-filing system is not letting me file a "request for hearing" or a "notice of appearance." Since the citation number is not in their system yet, the e-filing computer won't allow me to file anything. This causes tremendous problems for us and our clients because many tickets are entered into their system after the 30 days has already expired. Historically our solution has been to file a hard copy/written "request for hearing" and "Notice of Appearance" with the clerk before the 30 day period expires. These documents are date stamped by the clerk within the 30 day window giving us proof that we had complied... whenever there were problems we could pull out those stamped documents and the clerk would fix their mistake (we have had to pull them out numerous times when the clerk makes a mistake)... It is essential for us and our clients to know that if there was ever an issue we can pull out the stamped copy to prove that we had filed within the 30 day window.

We sent them an e-mail and you can see her response below. She is saying don't worry that you are outside the 30 day window...

Just keep checking the system every week???

We have thousands of cases, we cannot just keep looking up every single open case every week for months until they feel like entering the traffic ticket into the system. It would overload us and it will eventually overload their computer system.

As an emergency solution, until they fix the e-filing portal to allow us to file things using case numbers that are not yet in their system, I suggest they let us do things the old way, but.... I tried sending my runners to get date stamps on some documents at the Broward Clerk's window and the clerk would not accept the documents, my runners were turned away.

#### Problem (2)

Apparently no provision was made for batch filing (large volume filings) in the E-filing portal for private attorneys. If they did, I am not aware of it. Large traffic ticket law firms like ours are experiencing problems entering these cases one at a time.

I know the portal was set up to handle batch filings from the State Attorney's office, why can't the Broward portal handle it from private Attorneys?

Every county should have volume/batch filing capabilities.

Thank you for your time and assistance Thomas!

Rafael E. Millares, Esq.  
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