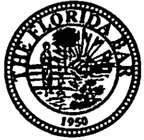

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Letters

Loan Modifications

There have been many recent stories in legal papers, the *Daily Business Review*, and on the news about lawyers taking money to represent people in the process of seeking loan modifications and the client complaints resulting therefrom.

I am not specializing in this area, but I do have clients that I have represented in other matters who have come to me regarding this service, and I have tried to assist in short sales, deeds in lieu, and modifications, and I have to say it is almost an impossible task.

With one successful modification with Bank of America, the bank came back after the deal was fully executed as if it never happened. I have had Wells Fargo and JP Morgan Chase "lose" submissions on a number of occasions. I have had them not respond for many weeks, only to e-mail and state that they needed additional documentation in 24 or 48 hours or they would close the file. I have had lenders close the file and then want everything resubmitted by fax in order to start over.

These are just a few examples of the frustrations in dealing with these situations. It has not happened to me, but I can see that if a lawyer were to see this area of the law as providing an opportunity and naively thought that the lenders who took TARP money would act in good faith, they most likely would end up facing clients' complaints for "doing nothing," when, in fact, they have an inordinate amount of time in each file.

Each case stands on its own, but when a person says "my attorney did nothing for his or her up-front fee," don't be too sure there isn't much more to the story.

Michael J. Ryan

e subsidizing of public law schools producing o many lawyers? Is there a better use of ax monies in these tight budgetary times?

Finally, if the commission is going o review the ethics of "robosigning" of ortgage foreclosures, to be fair, shouldn't ve also look at unethical foreclosure efenses, such as those set forth in *Korte* v. *US Bank Nat'l Ass'n.* (Fla. 4th DCA 2011) nd *JP Morgan Chase v. Hernandez.* (Fla. d DCA 2011)?

Kerry H. Brown
St. Petersburg

Confidentiality Rules

Our Supreme Court suffers from the same mass hysteria that has affected our society generally. In adopting the recent rules changes (2.425 *et al.*), it tries to put out the house fire by hiding the house.

Redacting email addresses? Telephone numbers? What is next? Redacting surnames?

A Social Security number is merely a way to identify a person, like a name, albeit with more precision. It is only a tool for identity thieves, because banks and others allow it to be used for that purpose.

Hiding information that is already in the public domain is not logical and is not a solution.

The solution to identity theft is to adopt a statute that places the loss solely on the party that deals with the thief, or who otherwise allows an identity to be used by an unauthorized person, and requires indemnification of the victim.

Banks and other institutions will quickly adopt appropriate security measures to prevent identity theft.

It is time for our government to adopt a rational approach to this problem.

circuses. No party to the case should be permitted to discuss the case in public at any time before, during, or even after the trial. The media should only be permitted to report the case after the jury has handed down its verdict. Trials should not be televised so that, among other concerns, the alleged victim need not fear the publicity which television coverage produces. And no more "perp walks"! And no more making defendants wear handcuffs in public!

Nor should the trial judge ever be permitted to discuss any aspect of the case, even after the trial has concluded, or how the sentence was determined.

Nor should the jurors ever be permitted to discuss the case after the trial.

Prosecutors and judges should be appointed in order to insulate them from political motivation and influence and professional ambition.

A criminal trial (or a civil trial) should be an effort to find the truth of the matter, rather than a jousting match in which each party attempts through pretrial publicity to win over the media and the public and thus, hopefully, the minds of the prospective jurors.

The rush to judgment by the media and the public about the defendant before the jury decides the case threatens the integrity and fairness of the justice system.

Stephen Schoeman
Westfied, NJ

Diversity

I had to re-read the above-the-fold article in the June 15 *News*: "Voluntary associations use Bar grants to promote diversity at the local level." The first paragraph says: "[w]hile the legal community in Miami-Dade County is likely the most diverse in the state, it can — at times — seem

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This time, justices answer questions

By Jan Pudlow
Senior Editor

Sitting alongside his court colleagues, Chief Justice Charles Canady sparked laughter when he said: "This is an unusual session of the Supreme Court. We don't usually answer questions."

As soon as Appellate Practice Section Chair Matt Conigliaro asked the first question, Canady's first answer was: "I'm not getting into that."

But mostly, for more than 40 minutes, the Discussion with the Justices of the Florida Supreme Court event at the Bar's Annual Convention provided lively, up-close-and-personal banter.

Topics included court funding, combating misinformation at legislative committee meetings, judges chatting on Facebook, expanding the court's jurisdiction, ending the Commission on Capital Cases, and protecting the judicial branch. (And all the justices participated, except Peggy Quince, who was previously scheduled to be at another event.)

AG Bondi asks federal judge to reconsider death penalty ruling

By Gary Blankenship
Senior Editor

A Miami federal judge has ruled that Florida's death penalty is unconstitutional, a finding that came only days before Gov. Rick Scott signed his first death penalty warrant.

Those actions came against the backdrop of closing the legislative agency that tracked death cases in Florida and its director joining a call for a review of Florida's death penalty process.

The federal ruling came in a habeus corpus petition filed by inmate Paul H. Evans, and Attorney General Pam Bondi's office has announced it will ask the judge to reconsider his ruling and if necessary will appeal to the U.S. 11th Circuit Court of Appeals. The ruling at present affects only Evans' case.

BONDI

Judge Jose E. Martinez ruled on June 20 that Florida's death penalty statute does not meet the requirements the U.S. Supreme Court set out in *Ring v. Arizona*, 536 U.S. 584 (2002). *Ring*, relying on precedents in earlier rulings, held that defendants "are entitled to a jury determination of any fact on which the Legislature conditions an increase in their maximum punishment."

In Florida, the judge

See Death, page 5

Liberty v. Security

By Jan Pudlow

by actor Paul Scofield) in a