

## STATE OF FLORIDA

BILL McCOLLUM  
ATTORNEY GENERAL

July 27, 2007

Bob Butterworth  
Secretary  
Department of Children and Families  
1317 Winewood Boulevard  
Tallahassee, FL 32399-0700

Re: *In the Matter of the Adoption of*  
*11th Judicial Circuit, Case No. 06-033881 FC 04, Judge Cindy S. Lederman.*

Dear Secretary Butterworth:

Thank you for requesting the Office of the Attorney General to represent the Department of Children and Families in this constitutional challenge to Florida Statutes 63.042(3).

As you and I discussed yesterday and my staff followed up with your staff today, the attorneys handling this case and our Solicitor General who will handle any appeal strongly recommend that the Department engage George A. Rekers, P.h.D., Professor of Neuropsychiatry and Behavioral Science, University of South Carolina School of Medicine, as an expert in this case. They believe that this expert and his testimony are necessary to ensure a successful result in this case.

It is my understanding that you are concerned with the fees of Dr. Rekers and have advised that the Department is declining to engage his services. I have been advised that the fee arrangement Dr. Rekers insists upon is \$300 an hour with an up front payment of a retainer of \$60,900. Some of our attorneys have suggested that based on his hourly rate the total might eventually reach as much as \$200,000. To mitigate this we suggested to you and your Department that we attempt to secure a contract with a cap of \$100,000 or some lower figure agreeable to you, but my staff advises that you have rejected this suggestion and wish us to proceed only with the expert testimony of Dr. Walter Schumm. Dr. Schumm is a good expert, but his areas of expertise are different from Dr. Rekers. Our attorneys handling this case have searched long and hard for other expert witnesses with comparable expertise to Dr. Rekers and have been unable to identify any

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who would be available for this case.

We have secured an extension until this Monday, July 30, 2007 to file our expert witness list. Unless we hear otherwise from you before 3:00 p.m. Monday afternoon, we shall proceed to file only the name of Dr. Schumm.

Sincerely,

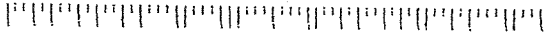
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Bill McCollum

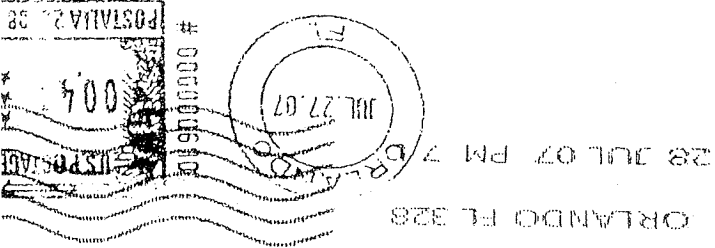
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Bob Butterworth  
Secretary  
Department of Children and Families  
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State of Florida  
Department of Children and Families

Charlie Crist  
Governor

Robert A. Butterworth  
Secretary

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July 30, 2007

Bill McCollum, Attorney General  
State of Florida  
The Capitol  
Tallahassee, FL 32399

Re: *In the Matter of the Adoption*  
*Children, 11<sup>th</sup> Judicial Circuit, Case No. 06-033881, Judge Cindy S. Lederman*

Dear General:

Thank you for your letter of July 29, 2007, regarding expert testimony to defend this constitutional challenge to section 63.042(3), Florida Statutes. I appreciate the efforts of your office in representing the Department of Children and Families in this litigation.

In order to defend the validity of the statute, I give great weight to the analysis and recommendation of your staff as to the importance of securing the testimony of Dr. George A. Rekers in the above styled case.

Due to declining state revenues, this department is under a mandate to reduce its budget by a minimum of \$72 million this year. As such, I am reluctant to agree to an open-ended contract which could, as you point out, result in an obligation of as much as \$200,000. In Dr. Reker's estimated fee schedule, contained in his "Retainer Rate Sheet," he quotes an estimated cost of \$60,900 for services through trial. Therefore, I agree with your proposal to seek to secure a contract with Dr. Rekers for his testimony at a rate of \$300 an hour. The Department is willing to contribute \$60,900 to cover his fees or portion thereof.

Sincerely,

Robert A. Butterworth

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1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

Mission: Protect the Vulnerable, Promote Strong and Economically Self-Sufficient Families, and Advance Personal and Family Recovery and Resiliency