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From: "The Florida Bar President" <president@flabar.org>
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Sent: Saturday, March 19, 2011 8:31 AM
Subject: LEGISLATIVE BRIEFING FROM FLORIDA BAR PRESIDENT MAYANNE DOWNS
LEGISLATIVE BRIEFING FROM FLORIDA BAR PRESIDENT MAYANNE DOWNS

To all Florida Bar members:

The Florida House of Representatives and the Florida Senate have released a **series of bills and proposed constitutional amendments that would materially change the judicial branch**, the selection and retention of judges, the funding of the judiciary, judges' and government lawyers' retirement benefits, and rulemaking. The number, timing, scope and quick release of these proposals are unprecedented, and The Florida Bar is on constant alert for additional filings.

Bills are currently pending that would:

- Strip rulemaking from the Supreme Court, and give it to the Legislature--
- Eliminate all JNC's at the appellate court level and require Senate confirmation of gubernatorial appointees--
 - Eliminate JQC confidentiality--
 - Pay judges based on how many cases they decide--
 - Split the Supreme Court--
 - Raise the vote from 50% to 60% for merit retention--
- Remove The Florida Bar entirely from the JNC process--

While legislative proposals are ever-changing, **I want you to know what The Florida Bar is doing on behalf of the legal profession and the judiciary**. Over the next six weeks, we will actively participate in the legislative process to ensure that reasonable approaches and alternatives are being considered as these proposals are heard.

First and foremost, the Bar is committed to adequate funding for the third, co-equal branch of our government. We are keenly aware that court funding is central to all that we do, and we are pushing forward on all fronts to secure that funding. **The need for sufficient and stable funding of Florida's court system is the Bar's top priority.** The gap between what the court system needs and what it receives has widened dangerously as the recession has forced cuts at the same time that Floridians and businesses are increasingly turning to our courts for relief -- which is their constitutional right.

In addition, it is important for every Florida Bar member to know:

- **We are committed to working with the Legislature to find common ground and common sense solutions to the issues these proposed bills seek to address.** While it may not be possible to bridge the Bar's points of view and the Legislature's, we are working hard on options, with the principle firmly in mind that **any proposal to change Article V must clearly demonstrate improved judicial administration and efficiency, while maintaining the integrity and independence of our judiciary.**
- **We are working to maintain existing supportive relationships and to build**

new ones. We are reaching out in particular to our lawyer legislators, and you should too. This is a tough legislative climate with stark budgetary problems, and these legislators deserve our gratitude and respect for their willingness to serve.

- **We continue to meet with editorial boards** of Florida newspapers with very good results thus far. At the bottom of this email are links to recent editorials supporting the judiciary, and links to keep you current on the status of proposed legislation and to contact state lawmakers.
- **The Florida Bar has an extraordinary advocacy team.** Our lobbyists are respected, experienced and skilled, and Bar leadership and dedicated volunteers are actively involved as well.

Yesterday, the House Civil Justice Subcommittee approved bills that would propose to amend Article V to split the Supreme Court into two, five-member specialty panels for civil and criminal appeals; remove The Florida Bar's responsibility to nominate JNC lawyer members, giving complete authority for all JNC appointments to the governor; and abolish appellate JNCs and require Senate confirmation of gubernatorial appointments to the appellate courts. I testified on all of these proposals and **urged caution and careful consideration about making such major systemic changes.**

These are challenging times. I cannot promise that the results of this session will be everything we want, or that final legislation will be non-controversial. I can promise, though, that your Bar leadership team is fully and completely engaged, and is passionately fighting for the very best outcomes we can obtain.

Regards,



LINKS

[Florida Newspaper Editorials in Support of Adequate Court Funding](#)

[2011 Bill Reports](#)

[Florida Bar Webpage: Legislative Activity](#)