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The Jurisdiction of the Florida Supreme Court

by Gerald Kogan and Robert Craig Waters

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I. Discretionary Original Jurisdiction

The Florida Supreme Court's discretionary original jurisdiction involves a class of legal "writs" that, with some exceptions, originated centuries ago in the English common law. Most Floridians know little about these writs, with the possible exception of habeas corpus, and even some lawyers tend to lose sight of the creative ways the writs can be used. In truly exceptional circumstances, one of these so-called "extraordinary writs" may provide jurisdiction when nothing else can.

Because most of the writs are ancient, there is a highly detailed body of case law governing their use. The constitution itself does little more than identify the writs and assign the court jurisdiction over them,[1] so the Florida Supreme Court almost always gauges these cases based on long-standing judicial precedent. As a result, these cases tend to be analyzed under a kind of "common law" approach, although, strictly speaking, the jurisdiction arises from the constitution itself. There are some limitations imposed by the constitution that did not arise from the common law, but these usually involve the specific class of persons to whom a writ may be issued by the Court.

Technically speaking, the Florida Supreme Court has jurisdiction over any petition that merely requests some form of relief available under this category. The Court's discretion, however, is severely limited in some cases by the body of case law and common law principles defining the scope of permissible judicial action. The "jurisdiction/discretion" distinction is usually of little real consequence here. If the Court lacks discretion to issue a writ, it cannot grant relief as surely as if it lacked jurisdiction.

Nevertheless, there are aspects of the controlling case law that can be explained only by the distinction. For example, the Court's discretion to issue any of the extraordinary writs is defined by the applicable standard of review, which differs with each writ. It is common (though not precise) to use the word "jurisdiction" in its loose sense to include limitations on discretion, in which case the Court's "jurisdiction" over the extraordinary writs also would be determined by the standard of review.

However, there are cases where the Court expressly accepts jurisdiction, hears the case, and issues a full opinion determining that the standard of review has not been met and a writ cannot be issued.[2] If the Court lacked jurisdiction of such cases, then it could not even hear them, much less accept jurisdiction and issue a full opinion.

There is another aspect of "discretion" that deserves some mention. The fact that the Court's discretion to issue the writs is limited by judicially created case law leaves open

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Message from the Chair

by Christopher L. Kurzner

Our section has made great strides in quite a short time. It seems like only last week that a dozen or so of us sat in the conference room (or by telephone) at the Fowler, White firm in Miami deciding our initial slate of executive council members and officers. Now, we have nearly 1,000 members, and have done more than I had expected or hoped we would by this time.

However, with the growth both in size and in activity, our section runs the risk of experiencing growing pains. We are not mature enough to sustain unforeseen setbacks on more than an occasional frequency. For example, this past year, through no fault of any of our CLE steering committee volunteers, we were unable to present either of the two programs that we had taken considerable time and effort to produce. Not only did the section suffer a loss of revenue, but more importantly, we lost the opportunity to offer our members and the Bar our expertise.

Because of our relative infancy, and because of the risks that still lurk as we continue to expand our activities, my goal this year is to focus on making the projects currently under development the best they can be, and to reflect on how prior projects have fared, with an eye toward deciding what works best for us as a section. Critical in making this year a success is your input of time and talent. My hope is for our committees to become even stronger and more active than they currently are. Accordingly, please take time during the next several weeks to consider your current level of involvement with the Section, and if you have not been particularly active, consider becoming more active on the committee level. If you have not been active in the past, I can assure you that our Section offers considerable opportunity for those who wish to make bar activities a worthwhile endeavor.

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the possibility of the Florida Supreme Court refining or modifying the standards of review. Such modifications are unusual, but they do happen.[3] It would be hard to say in these cases that the Court somehow has modified its own "jurisdiction," because this would imply some inherent power to depart from the constitution. On the whole, the infrequent modifications made to standards of review are best understood as changes in discretion, not changes in jurisdiction.[4]

A. Mandamus

The first extraordinary writ is "mandamus," whose name in Latin means "We command."[5] As the name suggests, mandamus is a writ of commandment, a fact underscored by its history. In ancient times, the writ issued as a command from the Sovereigns of England when they sat personally as judges; but, it later came to be a prerogative of judges of the Court of King's Bench.[6] Because of the writ's coercive nature, its use is subject to severe restrictions developed in Florida and earlier English case law. In broad terms, the Florida Supreme Court today may issue mandamus only to compel state officers and state agencies to perform a purely ministerial action where the petitioner otherwise would suffer an injury and has a clear and certain right to have the action done. There are a number of concerns here.

In the Florida Supreme Court, unlike other state courts, mandamus may issue only to state officers and state agencies.[7] This limitation arises from the constitution itself, and is the only restriction on mandamus expressly imposed there.[8] The Court has never fully defined what the terms "state officers" and "state agencies" mean. The cases appear to assume that these terms include agencies and public office holders within the three branches of state government, but nothing establishes this with any finality. Arguably, state officers could include persons holding an office created by the Florida Constitution,[9] but the Court has never clearly said so. Moreover, the constitution itself seems to contrast "state officers" with "constitutional officers" elsewhere, implying they are not the same thing.[10]

Someone seeking mandamus also must establish that the action being sought is "ministerial." An action is ministerial only to the extent that the respondent has no discretion over the matter. There are self-evident reasons for this requirement. No court can compel that lawful discretion be exercised to achieve a particular result, however fair it may seem to do so.[11] Any other rule would permit judges to exercise dictatorial powers through the simple expedient of mandamus. Thus, a respondent's lack of discretion is an absolute prerequisite to mandamus.

However, the lack of discretion can be partial because it is possible for an action to be partly ministerial and partly discretionary. This most commonly arises where the law grants discretion to take some action but specifies a particular kind of review process and factors that must be considered when and if discretion is exercised. Sometimes a respondent may depart from the required process. When so, mandamus can issue only to require a proper review, not to mandate that any particular discretionary outcome must be reached.

Thus, the Court has held that mandamus cannot compel the discretionary act of granting parole to an inmate; yet, mandamus potentially could be used to compel the Florida Parole and Probation Commission to conform its parole review process to the clear requirements of the constitution.[12] Likewise, mandamus cannot be used to compel the Florida Department of Corrections to perform the discretionary act of awarding "early release" credits to inmates; yet mandamus can be used to require the Department to employ a constitutionally required process in review of such cases.[13]

The person seeking mandamus also must show the likelihood that some injury will occur if the writ is not issued.[14] If there is no possibility of injury, then mandamus is an inappropriate remedy.[15] Thus, mandamus will not be issued if doing so would constitute a useless act[16] or would result in no remedial good.[17] This situation might exist, for example, where the action that would be compelled already has been done.[18]

For example, the Court has found the writ inappropriate where a license was taken away improperly but had been obtained in the first instance through fraud or deceit.[19] In other words, a valid reason existed to revoke the license, and, therefore, it would be a useless act to issue mandamus merely because an improper reason had been given for revocation. Moreover, injury does not exist if petitioners are able to perform the ministerial acts in question for themselves.[20] However, injury can include some generalized harm, such as a disruption of governmental functions[21] or the holding of an illegal election.

Petitioners seeking mandamus also must establish that they have a "clear and certain" right imposing a corresponding duty on the respondents to take the actions sought.[22] A right is clear and certain only if it is already plainly established in preexisting law or precedent.[23] Thus, the opinion in which mandamus will be issued cannot be used as the vehicle for creating a right previously uncertain or not yet extended to the situation at hand. The right already must have come into existence through some other legal authority.[24] Moreover, the right must be "complete" and unconditional at the time the petition is brought. The existence of any unfulfilled condition precedent renders mandamus improper.[25] Likewise, mandamus cannot be used to achieve an illegal or otherwise improper purpose, because there is no right to break the law or violate public policy.[26]

On occasion, Florida courts imposed another element for which a petitioner had to show the existence of no other adequate remedy.[27] This was justified on the grounds that mandamus exists to correct defects in justice, not to supersede other adequate legal remedies. The extraordinary nature of the writ supports this rationale. However, in 1985, the Florida Supreme Court seemed to indicate that the "no adequate remedy" requirement no longer exists, at least in cases involving "strictly legal constitutional" questions.[28]

The reasons for this conclusion are not clear, nor is the validity of the result certain. The opinion making these statements obviously misread the precedent on which it relied[29] and could be criticized or overruled on that basis. The "no adequate remedy" requirement serves a useful purpose in that it requires petitioners to exhaust other sufficient means before burdening the Florida Supreme Court's docket. Possibly the Court may see fit to reinstate the requirement at some point. In any event, the writ of mandamus remains discretionary and can be refused without reason if the Court believes a petitioner has another good remedy.

The terms "state officers and state agencies" as used in the constitution include judges and courts,[30] though the Florida Supreme Court generally seems to confine its "judicial" mandamus cases to petitions directed at the district courts of appeal. In these cases, one specialized use of the writ is to require the respondent-judges to exercise jurisdiction that has been wrongly denied in the lower court. At earlier common law, this device was known as the writ of procedendo,[31] though today the same concept has been subsumed under mandamus.[32] However, mandamus would be inappropriate unless the law clearly required the lower court to exercise its jurisdiction and it failed to do so.[33]

Finally, the Florida Supreme Court has a long-standing custom—but one not uniformly followed—regarding the actual issuance of mandamus. As a matter of courtesy, the Court sometimes says it will withhold issuing the writ because the justices are confident a respondent will conform to the majority opinion.[34] The practice is a sound one, if only because it may blunt some of the sting the losing party may feel. In any event, if a respondent later refused to conform, the Court could still issue a previously "withheld" writ on a proper motion to enforce the mandate. The fact that a writ is actually issued, however, never indicates any special onus.

B. Quo Warranto

The second extraordinary writ is quo warranto, whose name in Latin poses the question, "By what right?" As the name suggests, quo warranto is a writ of inquiry. Historically, the Crown of England developed the writ as a means of calling upon subjects to explain some alleged abuse of an office, franchise, or liberty within the Crown's purview.[35] Today, quo warranto continues in Florida as the means by which an interested party can test whether any individual improperly claims or has usurped some power or right derived from the State of Florida.[36]

Standing to seek quo warranto can be inclusive. The Florida Supreme Court has held that any citizen may bring suit for quo warranto if the case involves "enforcement of a public right."[37] In practice, quo warranto proceedings almost always involve a public right because the Florida Supreme Court can issue the writ only to "state officers or state agencies."[38] (This limitation is the only express restriction imposed by the constitution, all others being derived from case law.) Thus, the cases taken to the Court usually are limited to those involving some allegedly improper use of state powers or violation of rights by these officers or agencies.

One use of quo warranto is to test the outcome of a disputed election, such as where one person has claimed the powers of the elective office but another contends this was unlawful.[39] Actions of this variety are governed in part by Florida Statutes specifying that the petition be brought by the Attorney General or, if the latter refuses, by the person claiming title to the office.[40] If the Court grants the petition, it can issue a judgment of ouster[41]which has the effect of vesting the claimant with title to the office. However, if the Attorney General did not consent to the suit, the judgment remains subject to challenge by the state.[42] There are other uses of quo warranto. For example, quo warranto has been used by a legislator who argued that the Governor exceeded his constitutional authority in calling a special session of the Legislature.[43] In that instance, the petition for quo warranto was

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filed by the legislator as an original proceeding in the Court.[44] The writ has also been used to decide whether a state public defender's office exceeded its statutory authority by representing indigent clients in federal court proceedings.[45] As in the case of mandamus, the Florida Supreme Court sometimes has "withheld" issuance of a writ of quo warranto as a matter of courtesy where it appears the Court's decision will be honored.[46] This custom has not been followed uniformly, however, and the failure to withhold issuance has no real significance. In any event, quo warranto is a somewhat exotic legal device that is used only occasionally by the Court.

C. Writs of Prohibition

The third extraordinary writ is that of prohibition. Like the two writs discussed above, the writ of prohibition has an ancient origin in English law. It arose out of the early struggle between the royal courts controlled by the Crown and the ecclesiastical courts controlled by the Church. Its primary purpose was to prevent an ecclesiastical court from encroaching upon the prerogatives of the Sovereign.[47] Thus, the writ of prohibition came into being as a preventive writ and retains that quality to this day.

In Florida, prohibition is now the process by which a higher court prevents an inferior tribunal from exceeding its jurisdiction.[48] The writ may be obtained only by a petitioner who can demonstrate that a lower court is without jurisdiction or is attempting to act in excess of jurisdiction regarding a future matter, and the petitioner has no other adequate legal remedy to prevent an injury that is likely to result.[49] There are a number of concerns here.

The writ may only be directed to a lower court and not to state agencies, state officers, or state commissions. This restriction is imposed by the constitution[50] as a result of the 1980 jurisdictional reforms, which deleted the Florida Supreme Court's authority to issue writs of prohibition to some quasi-judicial commissions.[51] In effect, this ended the Court's earlier jurisdiction over state administrative agencies when they acted in their quasi-judicial capacities.[52] Under long-standing precedent, writs of prohibition clearly cannot reach an action that is purely legislative or executive in nature.[53]

However, the Florida Supreme Court's power to issue writs of prohibition to courts is now the same for both the district courts[54] and the circuit courts.[55] Prior to the 1980 reforms, the authority over trial courts had been limited to "causes within the jurisdiction of the supreme court to review."[56] The restriction was deleted in 1980, effectively vesting the Florida Supreme Court with potential prohibition jurisdiction over any cause arising in a trial court.[57] Presumably, this includes the county courts, though in practice such cases will seldom involve matters of such gravity for the Court to exercise its discretion.

Petitioners must also show that the lower court is without jurisdiction or is attempting to act in excess of jurisdiction. For example, prohibition is proper to restrain a lower court that clearly lacks jurisdiction over the subject matter.[58] The Florida Supreme Court often has contrasted "lack of jurisdiction" with those situations in which a court merely exercises jurisdiction erroneously. In theory, a writ of prohibition is not proper for the latter.[59] In practice, however, there is no realistic way to draw a clear distinction between the lack of jurisdiction and the erroneous exercise of jurisdiction as the two often blur together.

Perhaps as a result, the case law often reaches results that seem hard to reconcile with a strict "lack of jurisdiction" element. In several cases, for example, the Florida Supreme Court has used prohibition to prevent a lower court from imposing restraints on a prosecutor's discretion to seek the death penalty in a criminal trial. This has occurred even though the lower court plainly had jurisdiction over the issues but had merely engaged in conduct best characterized as a clear error.[60]

On policy grounds, such a use of prohibition has some merit. It could promote judicial economy by allowing the Florida Supreme Court to prevent a clear error from infecting the entire proceeding. This would forestall the likelihood of a useless trial that must inevitably be reversed on appeal. Nevertheless, such a rule comes close to vesting the Court with a kind of interlocutory appellate jurisdiction, which could become onerous if not used with restraint. As a practical matter, it seems unlikely the Court will extend this particular use of prohibition much beyond the unusual factual pattern from which it arose.

The next element a petitioner must show in order to obtain a prohibition writ is that the alleged improper actions of the lower court will occur in the future.[61] The Florida Supreme Court often has noted that prohibition is a preventive writ, not a "corrective" one.[62] Thus, prohibition can be directed only to future acts, not past ones. The cases suggest that the future act must to some degree be "impending."[63] "Past acts" can include an order already entered or proceedings already completed.[64] Additionally, prohibition has been allowed for orders previously entered if the primary effect is on a proceeding that has not yet occurred.[65] This use is justifiable in that such orders are directed to the future, but the result is a blurring of the distinction. The best interpretation probably is that a "past act" involves a significant degree of finality, whereas a "future act" does not.

To obtain prohibition, a petitioner must also show that no other adequate remedy exists.[66] The key word is "adequate." Other remedies may exist that are inadequate, incomplete, or unavailable to the petitioner; if so, then prohibition is not foreclosed.[67] As a general rule, the fact that an appeal will give the petitioner an adequate and complete remedy renders prohibition unavailable.[68] If another extraordinary writ provides an adequate and complete remedy, then prohibition also should be denied.[69] However, the Court still might review the case by treating the petition as though it had requested the proper remedy.[70]

The final element is that prohibition can be issued only to prevent some likely and impending injury.[71] Prohibition is not available if the issues have become moot by the passage of time,[72] nor can it be used to issue a purely advisory opinion establishing principles for future cases.[73] Opinions discussing the writ often describe it as being appropriate only

in "emergencies,"[74] implying that the likelihood of some injury must be real and immediate.

As with many of the other extraordinary writs, the Florida Supreme Court sometimes withholds formal issuance even when prohibition is granted.[75] This is a custom not uniformly followed in the cases, and is usually done as a matter of courtesy or when the Court is confident a respondent will adhere to the decision. Failure to withhold a writ in particular cases thus has no real significance, because the result is the same.

D. Habeas Corpus

The best known of the extraordinary writs is habeas corpus, whose name in Latin means "You should have the body."[76] The name arises from the fact that the writ always began with these words, which were directed to one who was detaining another person. The writ typically required the respondent to bring the body of the detained person into court so that the validity of the detention might be examined.[77] Habeas corpus thus arose as a writ of inquiry used to determine whether the detention is proper[78] or, put more accurately, whether the restraint on liberty is lawful.[79] Potentially, any deprivation of personal liberty can be tested by habeas corpus, and for that reason it is often called the Great Writ.[80]

The obvious relationship to the constitutional right of liberty[81] explains why habeas corpus is the only writ specifically guaranteed by the Florida Constitution's Declaration of Rights, which forbids suspension of habeas corpus except in cases of rebellion or invasion.[82] Habeas corpus is also the most frequently used and most generously available of the extraordinary writs. For that reason, the case law is exceedingly complex. Entire treatises have been written addressing the writ's many nuances. A full discussion of habeas corpus thus is not possible within the limited space of this article.

The standard of reviewing habeas claims can also be complex. In very broad and general terms, the Court has said that habeas cannot be issued except where the petitioner shows reasonable grounds to believe that a present, actual, and involuntary restraint on liberty is being imposed without authority of law and that no other remedy exists. Habeas is improper if the restraint has ended,[83] if there is no actual restriction on liberty,[84] or if restrictions on liberty are mere future possibilities[85] or have not been coercively imposed.[86] Even limited restraints on liberty can be sufficiently coercive to justify habeas relief, including an unlawfully imposed parole.[87]

Habeas is also proper only if the restraint is without legal justification[88] and no other remedy exists to correct the problem.[89] It is often said that habeas cannot substitute for remedies available by appeal, by motion to dismiss, or by proper use of procedural devices that were available prior to the time the restraints on liberty were imposed.[90] Thus, strictly speaking, habeas would not be a proper remedy where counsel failed to make a timely motion that could have prevented the restraint on liberty, though the matter potentially might be reviewable as a claim for ineffective assistance of counsel.

Likewise, habeas is improper to the extent that the restraint on liberty itself is not the true issue. This often hinges on fine distinctions. For example, inmates alleging that "early release" credits were computed in an unconstitutional manner would not be entitled to habeas. In that instance, the real issue was not the self-evident restraint on liberty, but the improper performance of a ministerial act (computing "early release" credits) that may or may not reflect on the lawfulness of the detention; and habeas thus, was not the proper remedy.[91]

In sum, habeas is not a proper remedy if some unfulfilled condition precedent still must occur to render any further restraint on liberty unlawful even if the writ were issued. But habeas would be one possible remedy at a later date if "early release" credits were properly computed, the inmate clearly was entitled to release, and prison officials failed to honor the law. It is worth noting, however, that an allegedly invalid death penalty itself constitutes a restraint on liberty even where there is no question that the defendant will remain in prison even if the penalty is vacated.[92] But the habeas petitioner's claim must genuinely be directed at the validity of the penalty itself, not at some other matter.[93]

There are three special aspects of habeas corpus that deserve a passing mention. The most common and obvious use of habeas corpus is by inmates who wish to challenge the lawfulness of their present imprisonment. Dozens of petitions to this effect come to the Florida Supreme Court every week.[94] However, habeas corpus is not strictly confined to a penal or even a criminal law setting. "Civil detention" of a person can potentially be tested by the writ of habeas corpus, including matters beyond the obvious example of involuntary commitments for psychiatric treatment.[95] Even detention imposed on someone by a private individual potentially can be tested by habeas corpus. The most common use is where one parent alleges that the other parent has taken custody of a child wrongfully.[96]

The second point deserving mention is that the remedy available by habeas corpus has been supplemented and modified somewhat since the 1960s by innovations in the Florida Rules of Court. Some types of habeas claims by inmates now must be brought under Rule of Criminal Procedure 3.850[97] in the trial court where the matter in question originated. Rule 3.850 was originally created by the Florida Supreme Court as an emergency means of dealing with the substantial turmoil created by the decision of the United States Supreme Court in *Gideon v. Wainwright*.[98] At the time, the Rule's immediate purpose was to prevent the Florida Supreme Court from being overwhelmed by habeas petitions prompted by *Gideon's* holding that Florida had violated the rights of hundreds of indigent felony offenders convicted without benefit of counsel.[99]

Over the years, Rule 3.850 has retained its original purpose of creating a procedural "channel" through which a large class of "habeas" claims must flow. There is already a detailed body of case law interpreting the Rule, so bulky that an adequate outline cannot be given in an article of this size. However, the Court has not lost sight of Rule 3.850's origin as a

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refinement of habeas corpus.

In a 1988 case, for example, the Court described Rule 3.850 as "a procedural vehicle for the collateral remedy otherwise available by writ of habeas corpus," one that creates a fact-finding function in the trial courts and a uniform method of appellate review.[100] In 1992, the Court further suggested that Rule 3.850 must be construed in a manner consistent with the Florida Constitution's stricture that habeas corpus shall be "grantable of right, freely and without cost."[101]

These refinements to habeas corpus again show how even the extraordinary writs evolve over time. Obviously, further evolution will occur in years ahead as new problems arise that are unanticipated in the thousand years of Anglo-American precedent upon which Florida's legal system draws. Such changes are not necessarily bad, nor do they necessarily require amendment of the constitution. The upheaval caused by Gideon, for example, was met and overcome through the Court's rulemaking powers, described more fully below. The Court "channelized" habeas corpus into an orderly procedural process that not only was consistent with the constitution but helped ensure that fundamental rights would be honored without delay.

The final point to note is that the Florida Constitution does something very unusual with the habeas power it grants: The power is conferred upon each justice of the Florida Supreme Court individually.[102] In other words, the constitution permits each justice to issue the writ as an individual without the necessity of obtaining assent from a majority of the Court. The justices' individual power of granting habeas corpus underscores that ready access to the writ was intended as part of the constitution's protection of liberty.

E. "All Writs"

The state constitution also grants the Florida Supreme Court authority to issue "all writs necessary to the complete exercise of its jurisdiction."[103] The operative constitutional language here has remained essentially unchanged for many decades now,[104] although the construction placed on that language has fluctuated almost erratically at times. As a result, the Court's "all writs" authority remains one of the most confusing and unsettled areas of jurisdiction, a problem worsened by the infrequency of all writs cases. The all writs clause cannot be understood apart from its history.

Prior to 1968, the cases dealing with the all writs clause plainly stood for two things. First, the all writs power could not be invoked unless a cause was already pending before the Court on some independent basis of jurisdiction. Second, the Court's authority in this regard could only be directed at purely ancillary matters. In sum, "all writs" meant ancillary writs in pending proceedings.[105]

Then, in the 1968 case of *Couse v. Canal Authority*,[106] the Court suddenly and dramatically overruled its earlier standard of review. "All writs" authority would now exist over any matter falling within the Court's "ultimate power of review" even if no case on the matter was pending in the Florida Supreme Court at the time. The 1968 Court, then sua sponte, amended the Rules of Appellate Procedure to set forth its new standard: All writs jurisdiction exists "only when it is made clearly to appear that the writ is in fact necessary in aid of an ultimate power of review."[107] In sum, the standard of review was changed from "ancillary writs" to "aiding ultimate jurisdiction," though it was not altogether clear in *Couse* what this change meant.

Two years later, the Court mentioned its all writs powers in a way that apparently expanded them even further. In a rancorous dispute between the Governor and the Legislature, the 1970 Court seemed to suggest that it was exercising some form of original all writs jurisdiction because the case "vitally affect[ed] the public interest of the State."[108] However, the case is vague and actually may have involved the issuance of a writ of prohibition, with the Court imprecisely referring to "the all writ section" as the basis for jurisdiction,[109] a misreference that has also happened elsewhere.[110]

Later cases, unfortunately, have read this same vague language quite expansively. In 1974, the Court confronted a case involving the all writs authority of the district courts of appeal. While deciding the case, the Court detoured into dicta reiterating the 1968 standard of review and adding to it: The Florida Supreme Court's original all writs jurisdiction now would extend to "certain cases [that] present extraordinary circumstances involving public interest where emergencies and seasonable consideration are involved that require expedition."[111] It was unclear whether this dictum was a revision of the *Couse* standard or merely added an additional requirement that must be met before all writs jurisdiction could be invoked. If the former, "all writs" could have been converted into a form of "reach-down" jurisdiction by which any sufficiently important case could originate in the Florida Supreme Court, with all trial and appellate issues potentially being resolved in one sitting.

For the next two years, the Court made little effort to explain whether its all writs power would operate so sweepingly.[112] Then in 1976 another dramatic reversal occurred: The Court suddenly reverted to its pre-1968 standard of review. No real reason for doing so was given,[113] and the Court did not mention or overrule the relevant cases it had issued since the late 1960s. Nor did the Court even note that the relevant Rule of Appellate Procedure still contained the language added sua sponte to enforce *Couse*.[114] The Court's decision was criticized as being "rightly decided but wrongly explained."[115]

The older ancillary writs standard does seem dated in light of modern procedural innovations. Common-law "ancillary writs" such as audita querela have vanished from the law, replaced by procedural rules no longer even identified by the somewhat quaint term "writ." In the Florida Supreme Court, modern-day descendents of the old ancillary writs are sometimes still seen, such as the writ of injunction and the related concept of a judicial "stay." However, the Court in recent years has never attempted to use the all writs clause as the basis of jurisdiction over such matters. Rather, the Court routinely finds some other basis of jurisdiction.[116] In this light, an ancillary writs standard risks converting "all writs"

into something essentially meaningless, contrary to the settled rule that all constitutional language should be construed to have an effect if at all possible.[117]

Nevertheless, by the late 1970s, the Court seemed to be applying the restrictive ancillary writs standard, though it typically did so with a minimum of explanation.[118] Then, in 1982, everything changed again: Another dispute between the Legislature and the Governor came to the Court that was hard to pigeonhole into any particular basis of jurisdiction. To hear the case, the Court abruptly returned to the less restrictive *Couse* standard it had adopted in 1968 and apparently abandoned in 1976. Once again, no effort was made to overrule or reconcile the inconsistent cases.[119]

Significantly, the 1982 Court made no mention of its earlier dicta suggesting that all writs jurisdiction would exist if the issue was merely important enough. Rather, the Court applied the earlier "aiding ultimate jurisdiction" standard that had been developed in 1968 by *Couse*. The Court found that it had all writs jurisdiction in this particular case because the Governor had taken actions that might restrict the Legislature's ability to reapportion the state's legislative and congressional districts. Florida's constitution requires the Court to review all apportionment plans for constitutionality,[120] so the Governor's actions could have limited the Court's ultimate exercise of that jurisdiction.

Very little has happened in more recent years to illuminate the all writs power. In 1984, the Court cited the all writs clause as the basis for hearing a death-row inmate's request for a judicial order requiring a competency hearing, though no relief was granted.[121] Exercising jurisdiction in this manner was consistent with the "aiding ultimate jurisdiction" standard. The state constitution assigns the Florida Supreme Court exclusive and mandatory appellate jurisdiction over cases involving death sentences.[122] Thus, the Court has the ultimate jurisdiction to ensure that executions are conducted lawfully. The all writs clause could be invoked, in other words, to review any matter or to issue any order necessary to ensure the propriety of a death sentence. An example would be ordering a judicial determination of competency where there was a serious enough question.

Nevertheless, the only rule that can be distilled from this confusing body of law is that the "aiding ultimate jurisdiction" standard apparently prevails at the moment. Its true scope remains somewhat unclear, especially since the earlier dicta about "sufficiently important" cases has never actually been overruled.

The better view probably is that the Court rejected these dicta by ignoring them in its more recent opinions, or else regards them as an additional requirement above and beyond "aiding ultimate jurisdiction." There are sound reasons for this conclusion. A "sufficient importance" standard could convert "all writs" into a broad form of reach-down jurisdiction, even though the 1980 jurisdictional reformers considered and rejected much the same thing. Moreover, sufficient importance is an inherently subjective concept that would be hard to define in practice.

The *Couse* standard is probably best seen as very limited and cases qualifying under it would be rare. The policy of "aiding ultimate jurisdiction" makes most sense when confined to a class of cases over which the Court normally would have some form of original or appellate jurisdiction, but where the full and complete exercise of that jurisdiction seems likely to be curtailed or defeated before the Court could otherwise hear the case. That would mean there are two elements: the existence of "ultimate jurisdiction" found in the text of the constitution, and some unusual and impending factor likely to limit or frustrate the complete exercise of that jurisdiction.[123] This is consistent with the constitution, which itself says that the purpose of "all writs" is to allow a "complete exercise" of jurisdiction.[124]

The "ultimate jurisdiction" requirement would also mean that properly written court opinions should identify at least two constitutional provisions establishing jurisdiction. One would be the provision creating the ultimate basis of jurisdiction, and the other would be the all writs clause. In other words, "all writs" as conceived in *Couse* has a "dual jurisdiction" requirement.[125]

The few cases already decided in this subcategory suggest another significant conclusion: The Court's all writs power is on its firmest footing in death cases, especially those involving pending executions,[126] and in pressing governmental crises.[127] In that vein, it is worth noting that the case *In re Order on Prosecution in Criminal Appeals*,[128] is probably best understood as an all writs case mistakenly assigned to the wrong category of jurisdiction. The case obviously involved a pressing governmental crisis, as the Court expressly noted.[129] A strong argument existed there that the county governments affected by the district court's sua sponte order should have been joined as parties below under the rule of due process. Moreover, the Florida Supreme Court had "ultimate jurisdiction" over the kind of case involved,[130] and the district court's failure to join the counties threatened to deprive the Florida Supreme Court of the full exercise of its ultimate jurisdiction because of a technical lack of standing. This would justify "all writs" review under the *Couse* standard.

Another recent death case illustrates much the same situation. In 1993, death-row inmate Michael Durocher, the subject of an active death warrant, mailed a letter to the Florida Supreme Court seeking to dismiss his attorney and announcing that he would not oppose his own pending execution. His attorney, meanwhile, argued that Durocher was mentally incompetent and could not make an intelligent decision. The Court accepted the case and ordered the trial judge to hold a hearing to determine whether Durocher was making an intelligent waiver of his right to counsel.[131]

As a basis of jurisdiction, the Court cited only its habeas powers.[132] However, the Court elsewhere has noted that the writ of habeas corpus is inappropriate if the actual dispute is not the lawfulness of a restraint on liberty.[133] That certainly was the case with Durocher because the only issue was whether his attempt to dismiss counsel was effective. The restraint on liberty was not in question. On the whole, Durocher's case is probably best understood as an all writs case

continued...

mistakenly assigned to the wrong category of jurisdiction. All writs authority clearly was appropriate because of the unusual facts and the Court's ultimate jurisdiction to ensure the lawfulness of state executions.[134]

A few other aspects of all writs jurisdiction deserve comment. As noted above, the Court occasionally has cited the all writs clause as a basis for jurisdiction over writs such as prohibition, which are actually authorized by separate clauses or provisions of the constitution. This is a practice that promotes confusion and should be avoided. The Court's all writs authority now has evolved into a distinct concept, so it muddies the waters to use the phrase "all writs" as a generalized reference to any or all of the extraordinary writs. The 1970 case of *Pettigrew* apparently made this mistake and was later cited as authority in a questionable effort to expand the all writs power. The better practice is to confine all writs jurisdiction to those cases applying the *Couse* standard, at least to the extent this is possible.

In this vein, it should be noted that there is at least one extraordinary writ, error coram nobis, for which the Court has tended to cite the all writs clause as a basis for jurisdiction.[135] However, that is an unusual case and in any event, error coram nobis now has been rendered largely obsolete. Previously the writ of error coram nobis[136] was the method by which a prior conviction could be challenged on the basis of newly discovered evidence.[137] In 1989, the Florida Supreme Court essentially abolished the writ as it applies to persons still incarcerated. Challenges by such persons now must be presented to the trial court pursuant to Florida Rule of Criminal Procedure 3.850.

Error coram nobis appears to remain available only for persons not presently in custody.[138] Even this limited remnant is hard to justify. The only evident reason for retaining it is that Rule 3.850 technically is available only to prisoners in custody.[139] Yet this fact alone hardly seems to justify retaining the far more restrictive coram nobis standard[140] only for persons already released from custody. The better practice would be to allow all persons the same remedy when newly discovered evidence is presented to challenge a prior conviction. This would require a change in the Rules of Criminal Procedure,[141] but one that would seem worthwhile and fairer.

Attempts have sometimes been made to use the all writs clause as a means of resurrecting a variety of writs that existed in earlier common law. An example is the common-law writ of certiorari. This is an extraordinary "writ of review" that should be distinguished from the separate "appellate certiorari" jurisdiction previously granted to the Court by provisions of the Florida Constitution deleted in 1980. Common-law certiorari exists to review and correct actions by a lower tribunal that violate the essential requirements of the law where no other adequate remedy exists.[142] However, it is now clear that the Florida Supreme Court cannot issue the writ. The Court's authority in this regard was abolished in the 1957 jurisdictional reforms that created the district courts of appeal[143] and was not revived by the 1980 reforms.[144]

English common law at one time had developed many other legal devices labeled "writs." In theory, any of these could be "revived" by interpreting the Florida Constitution's all writs clause as a generalized reference. In practice, however, such a thing is unlikely to be necessary or wise. Most of the common-law writs dealt with problems fully covered by a variety of modern legal practices and procedures, most of which are no longer even considered to be "writs."[145] On the whole, it appears likely that the Florida Constitution's reference to "all writs" should be understood as creating a single highly specialized writ available in the extraordinary circumstances contemplated by *Couse*, with the possible exception of the highly limited (and questionable) form of error coram nobis that seems to remain today.

II. Exclusive Jurisdiction

The constitution assigns the Florida Supreme Court exclusive original jurisdiction in five categories, most of which deal with regulation of Florida's Bench and Bar. The only exception is in the case of legislative apportionment, which is a unique concern. Jurisdiction is both exclusive and original because most of the topics embraced within this category involve the Court's administrative powers over the state's judiciary and lawyers. In the case of apportionment, jurisdiction is premised on the necessity of a final and swift legal determination that Florida's electoral districts are constitutionally valid each time they are altered.

A. Regulation of The Florida Bar

The state constitution assigns the Florida Supreme Court exclusive jurisdiction over the discipline of persons admitted to practice law.[146] As a result, attorneys are the only profession that cannot be regulated through agencies created by the Legislature. They fall within the exclusive purview of the Court. Moreover, on June 7, 1949, the Florida Supreme Court "integrated" The Florida Bar;[147] that is, it designated it as an arm of the Court for purposes of regulating the practice of law. The Bar maintains that function to this day.[148] Integration effectively means that no one can practice law in Florida without first becoming a member of The Florida Bar.

Regulation of attorneys operates on a number of levels. For one thing, the Court controls admissions to the Bar and promulgates rules that regulate the profession's governance and the procedures used in court. The Court's most significant power is its ability to discipline lawyers for improprieties based on a detailed set of ethical rules governing attorney conduct,[149] with The Florida Bar serving as primary enforcer.

Allegations of unethical conduct are investigated and, if meritorious, may be reviewed by Bar counsel or Bar grievance committees. The matter then may be examined by the Board of Governors of The Florida Bar. Subject to the Board of Governor's control, Bar counsel then may file a complaint with the Florida Supreme Court, which initiates formal charges against the lawyer in question. At this point, the chief justice usually appoints a "referee" to resolve factual issues and make recommendations regarding discipline. Referees ordinarily are sitting county or circuit judges, however, retired

judges also can be appointed.[150]

Procedures before the referee are highly regulated by court rules and are conducted as adversary proceedings, like a trial. After hearing the evidence, the referee will issue a report setting down factual findings and recommended discipline, if any. The report is then forwarded to the Court. At this point, many attorneys decline to challenge the referee's findings and recommendations, which the Court then summarily affirms. If attorneys dispute the reports, their cases usually are accepted for review as a "no request" (without oral argument), although in rare cases oral argument is granted. The Bar also can challenge a referee's report.

Factual findings contained in the referee's report are presumptively correct and are accepted as true by the Court unless such findings lack support in the evidence,[151] or, stated another way, unless clearly erroneou[s..152]

Proceedings before the Florida Supreme Court are not trials de novo in which all matters might be revisited.[153] However, the referee's purely legal conclusions (including disciplinary recommendations) are subject to broader review,[154] though they come to the Court with a presumption of correctness.[155] In practice, the Court will depart from recommended discipline deemed too harsh or too lenient. However, the Court almost never exceeds the discipline actually requested by Bar counsel.

Discipline can range from a reprimand to disbarment. Nearly all forms of discipline result in a public record of the attorney's misconduct. Disbarred attorneys typically cannot be readmitted to practice law unless at least five years have passed and they prove they have been rehabilitated—a difficult thing to do in many cases.[156] Occasionally, the Court disbars without leave to reapply, in which case readmission is possible only by petitioning the Court for permission.[157]

B. Admission to The Florida Bar

The constitution also grants the Florida Supreme Court exclusive jurisdiction over admitting persons to practice law.[158] To oversee Bar admissions, the Court has created the Florida Board of Bar Examiners. This agency reviews all applications for admission using detailed standards included in the Rules of Court.[159] Every Bar applicant must undergo a rigorous background investigation conducted by the Bar Examiners, must successfully complete a two-day examination on legal knowledge, and must pass a separate examination on legal ethics.

If the background investigation reveals anything reflecting poorly on an applicant's character or fitness, the Bar Examiners are also authorized to conduct a series of hearings to resolve the matter. Any decision coming out of this process can be taken to the Court by petition for further review. The Court can then accept, reject, or modify the recommendations of the Bar Examiners. Bar admission cases are usually confidential, though a few are occasionally made public and published in Southern Second, often with the applicant identified only by initials.[160]

C. Rules of Court

The development and issuance of all rules governing practice and procedure before Florida Courts lies within the exclusive jurisdiction of the Florida Supreme Court.[161] Development of rules has been delegated to various committees of The Florida Bar, except local rules, which are developed by the state's lower courts, reviewed by the Local Rules Committee, and submitted to the Florida Supreme Court for approval.

Every four years these committees submit proposals for revisions, which the Court then accepts, rejects, or modifies. This "quadrennial" revision process is often supplemented in off-years by special proposals by the committees, petitions for revisions filed by Bar members, and the much rarer sua sponte revisions issued by the Court to meet some special need. Though it seldom happens, court rules can be repealed by a two-thirds vote in each house of the Legislature.[162] The lower courts cannot ignore or amend controlling rules.[163]

The Court's rule-making authority extends only to procedural law, not substantive law. Though the boundary separating the two is not entirely precise, the Court has said that "procedural law" deals with the course, form, manner, means, method, mode, order, process, or steps by which substantive rights are enforced.[164] "Substantive law" creates, defines, and regulates rights. In other words, "procedure" is the machinery of the judicial process while "substance" is the product reached.[165]

These distinctions are important because they separate the rule-making authority of the Court from the law-making authority of the Legislature. Thus, it is possible for the Legislature to enact a "procedural" statute that can be superseded by court rule[166] just as it is possible for the Court to enact a rule so substantive in nature that it violates the Legislature's prerogative.[167] Tussles between the two branches of government have erupted in the past, most noticeably in the development of the Florida Evidence Code. On occasion, the Court has even called for a "cooperative" effort with the Legislature in eliminating problems between conflicting statutes and rules.[168] The Court has also announced that it will make every effort to harmonize rules with relevant statutes, on the theory that legislative enactments embody the popular will. However, the Court lacks any authority to issue rules governing administrative proceedings, which fall within the legislature's authority.[169]

It is worth noting that by promulgating a rule, the Court does not vouch for its constitutionality. A court rule could thus be challenged in a future proceeding on any valid constitutional ground. This is because rules are issued as an administrative function of the Court, not as an adjudicatory function. For much the same reason, the act of promulgating a rule does not foreclose challenges that it contains "substantive" aspects and to that extent is invalid. Questions such as these can only be decided when affected parties bring an actual controversy for resolution.

D. Judicial Qualifications

The next form of exclusive jurisdiction governs "judicial qualifications," which exists solely for the purpose of disciplining the state's judges and justices for improprieties. It is analogous to Bar discipline, though accomplished through a different administrative agency. Jurisdiction

continued...

here rests on a constitutional provision that specifies in considerable detail how such cases are reviewed.[170] Cases of this type are commenced at the instance of the JQC, which is authorized to investigate alleged impropriety by any judge or justice. Upon recommendation of two-thirds of the JQC's members, the Florida Supreme Court is then vested with jurisdiction to consider the case.

Jurisdiction here is exclusive, however, because the findings and proposals of the JQC are considered to be only recommendations.[171] The JQC operates as an "arm of the court" much in the nature of a fact-finding referee in a Bar discipline proceeding. The JQC's recommendations are persuasive but not conclusive,[172] and the Florida Supreme Court has sometimes departed from recommended discipline.[173] Moreover, the JQC does not constitute a "court" in itself and thus, is not subject to the writ of prohibition.[174] Discipline recommended by the JQC will be imposed only when supported by clear and convincing proof of the impropriety in question.[175]

The Court has held that judicial qualification proceedings are not in the nature of a criminal prosecution and thus are not subject to the constitutional restraints peculiar to criminal law.[176] The doctrines of res judicata and double jeopardy do not apply[177] and the JQC can, therefore, inquire into matters previously investigated in other contexts. The constitution automatically disqualifies the sitting justices of the Florida Supreme Court to hear a proceeding brought against one of their own number. Instead, a panel of specially appointed "Associate Justices" will hear the case.

E. Review of Legislative Apportionment

In every year ending in the numeral "2," the Florida Legislature is required to reapportion the state's legislative and congressional districts to reflect the latest United States Census. Reapportionment must be finalized before the fall's elections that same year, which might not be possible if lawsuits on the question began in some lower court and wended through the appellate system. Accordingly, the state constitution has given the Florida Supreme Court exclusive, original, and mandatory jurisdiction to review each decennial reapportionment plan approved by the Legislature.[178]

The Court's authority in this regard is extraordinary. All questions regarding validity of the reapportionment plan can be litigated to finality in a single forum, for both trial and appellate purposes. Moreover, if the Legislature is unable to reapportion within certain time constraints, the Court itself has authority to impose a reapportionment plan by order.[179] Judicial apportionment, for example, was necessary in 1992 with respect to some of the state's districts.[180] In that instance, the Court was swayed by arguments of the United States Justice Department regarding the federal Voting Rights Act.[181] Thus, federal issues are an important concern here. It should be noted, however, that the Florida Supreme Court's determination of validity does not necessarily bind the federal courts.

III. Conclusions

The Florida Supreme Court was created in 1845 and held its first sessions the following year. Since that time, a considerable body of custom and precedent has come into existence regarding the Court's operation and jurisdiction. This body is not widely known outside the Court, nor has there been much previous effort to compile information about routine operations in one more or less comprehensive collection. The present article is an effort to fill this gap, providing information to lawyers and laypersons about their state's highest court.

On the whole, the review of custom and precedent shows a Court that is operating smoothly and fairly efficiently following the jurisdictional reforms of 1980. There have been occasional cases that may be difficult to square with the Court's limited jurisdiction, but these have been rare and are largely confined to categories seldom entertained. The Court's docket is manageable, and the present staff structure enables the justices to fulfill their various duties efficiently, while also disposing of their case assignments. Today, the Florida Supreme Court is one of the success stories in the state's more recent efforts to modernize its constitution.

Endnotes

[1] In many instances, however, jurisdiction is not exclusive. The lower courts would also have jurisdiction to consider issuing one of the writs, except that petitioners usually are forbidden to seek the same remedy from another court simply because they did not like the last court's decision.

[2] *E.g., Florida League of Cities v. Smith*, 607 So. 2d 397, 398, 400-01 (Fla. 1992).

[3] *E.g., Jones v. State*, 591 So. 2d 911, 913 (Fla. 1991) (modifying error coram nobis); *Richardson v. State*, 546 So. 2d 1037, 1039 (Fla. 1989) (modifying error coram nobis).

[4] In theory, modifications to "discretion" could be so drastic as to essentially constitute a change in jurisdiction. In practice, it is unlikely the Court would take any such drastic step, which probably would invite efforts to curb the Court's actions by way of statute or constitutional amendment.

[5] *Black's Law Dictionary* 961 (6th ed. 1991).

[6] *See State ex rel. State Live Stock Sanitary Bd. v. Graddick*, 89 So. 361, 362 (Fla. 1921).

[7] Thus, the Florida Supreme Court presently cannot issue a writ of mandamus to private individuals or businesses, as it sometimes could in the past. *See, e.g., State ex rel. Ranger Realty Co. v. Lummus*, 149 So. 650 (Fla. 1933).

[8] Fla. Const. Art. V, §3(b)(8).

[9] Examples include sheriffs, clerks of the circuit court, and property appraisers. *See* Fla. Const. Art. VIII, §1(d).

[10] *See* Fla. Const. Art. V, §3(b)(3).

[11] *E.g., Moore v. Florida Parole & Probation Comm'n*, 289 So. 2d 719 (Fla. 1974).

[12] *Id.* at 719-20.

[13] *Waldrup v. Dugger*, 562 So. 2d 687, 694 (Fla. 1990).

[14] *Florida League of Cities v. Smith*, 607 So. 2d 397, 399 (Fla. 1992).

[15] *Id.*

[16] *E.g., Bishoff v. State ex rel. Tampa Waterworks Co.*, 30 So. 808, 812 (Fla. 1901).

[17] *E.g., McAlpin v. State ex rel. Avriett*, 19 So. 2d 420, 421 (Fla. 1944).

[18] *E.g., State ex rel. Fidelity & Casualty Co. v. Atkinson*, 149 So. 29, 30 (Fla. 1933).

[19] *State ex rel. Bergin v. Dunne*, 71 So. 2d 746, 749 (Fla. 1954).

[20] *E.g., Gallie v. Wainwright*, 362 So. 2d 936 (Fla. 1978).

[21] *E.g., Dickinson v. Stone*, 251 So. 2d 268 (Fla. 1971).

[22] *State ex rel. Eichenbaum v. Cochran*, 114 So. 2d 797, 800 (Fla. 1959).

[23] *Florida League of Cities*, 607 So. 2d at 401.

[24] *Id.*

[25] *State ex rel. Bergin*, 71 So. 2d at 749.

[26] *See, e.g., State ex rel. Edwards v. County Comm'rs of Sumter County*, 22 Fla. 1, 7 (1886).

[27] *E.g., Shevin ex rel. State v. Public Serv. Comm'n*, 333 So. 2d 9, 12 (Fla. 1976); *State ex rel. Long v. Carey*, 164 So. 199, 205 (Fla. 1935).

[28] *Hess v. Metropolitan Dade County*, 467 So. 2d 297, 298 (Fla. 1985). *Contra Department of Health and Rehabilitative Servs. v. Hartsfield*, 399 So. 2d 1019, 1020 (Fla. 1st Dist. Ct. App. 1981).

[29] The Court cited *Fine v. Firestone*, 448 So. 2d 984 (Fla. 1984), which involved an alleged defect in a constitutional amendment that would be put to voters. *Fine* did not mention the "no adequate remedy" requirement. However, it was clear that no other adequate remedy existed there: The right to a fair election was at stake, and a fair election would not be possible if a defective constitutional amendment was allowed to remain on the ballot. *Id*. at 985. Moreover, there was precedent that the defects in the proposed amendment would be "cured" by the act of being approved in the election, unfair though it may be.

[30] *See* Fla. Const. Art. V, §3.

[31] *See Linning v. Duncan*, 169 So. 2d 862, 866 (Fla. 1964) (citing *Newport v. Culbreath*, 162 So. 340 (Fla. 1935)).

[32] *E.g., Pino v. District Court of Appeal*, 604 So. 2d 1232 (Fla. 1992).

[33] *Id*.

[34] *E.g., Caldwell v. Estate of McDowell*, 507 So. 2d 607, 608 (Fla. 1987).

[35] *State ex rel. Watkins v. Fernandez*, 143 So. 638 (Fla. 1932).

[36] *Id*.; *Martinez v. Martinez*, 545 So. 2d 1338, 1339 (Fla. 1989).

[37] *Martinez*, 545 So. 2d at 1339 (citing *State ex rel. Pooser v. Wester*, 170 So. 736, 737 (Fla. 1936)).

[38] Fla. Const. Art. V, §3(b)(8). For a discussion of this limitation and its likely meaning, see supra text accompanying notes 7-10. Under earlier law, quo warranto sometimes could be used to test the validity of actions done pursuant to a franchise granted by the state, including the right to incorporate. Thus, the writ sometimes could issue against a private concern. *E.g., Davidson v. State*, 20 Fla. 784 (1884). The Florida Supreme Court no longer has such authority. *See* Fla. Const. Art. V, §3(b)(8).

[39] *State ex rel. Gibbs v. Bloodworth*, 184 So. 1 (Fla. 1938).

[40] Fla. Stat. §80.01 (1991).

[41] *Id*. §80.032.

[42] *Id*. §80.04.

[43] *Martinez*, 545 So. 2d at 1338.

[44] *Id*.

[45] *State ex rel. Smith v. Jorandby*, 498 So. 2d 948 (Fla. 1986).

[46] *E.g., Id*. at 950; *Greenbaum v. Firestone*, 455 So. 2d 368, 370 (Fla. 1984).

[47] *English v. McCrary*, 348 So. 2d 293, 296 (Fla. 1977).

[48] *Id*.

[49] *Id*. at 296-97; *accord Sparkman v. McClure*, 498 So. 2d 892 (Fla. 1986).

[50] Fla. Const. Art. V, §3(b)(7).

[51] *Moffit v. Willis*, 459 So. 2d 1018, 1020 (Fla. 1984).

[52] For an example of this superseded form of jurisdiction, *see State ex rel. Vining v. Florida Real Estate Comm'n*, 281 So. 2d 487 (Fla. 1973) (prohibition issued against quasi-judicial proceedings of Florida Real Estate Commission).

[53] *State ex rel. Swearingen v. Railroad Comm'rs*, 84 So. 444 (1920).

[54] *See, e.g., Peltz v. District Court of Appeal*, 605 So. 2d 865 (Fla. 1992).

[55] *See, e.g., Department of Agric. v. Bonanno*, 568 So. 2d 24 (Fla. 1990).

[56] Arthur J. England, Jr., et al., *Florida Appellate Practice Manual* §2.23(a), at 57 (D & S/Butterworths 1992 Supp.).

[57] *Id*.

[58] *Crill v. State Rd. Dep't*, 117 So. 795 (Fla. 1928).

[59] *English*, 348 So. 2d at 297.

[60] *E.g., State v. Donner*, 500 So. 2d 532 (Fla. 1987); *State v. Bloom*, 497 So. 2d 2 (Fla. 1986). But see Peacock v. Miller, 166 So. 212 (Fla. 1936) (prohibition not proper where inferior court has jurisdiction but commits error). The use of prohibition in the prosecutorial discretion cases following the 1980 jurisdiction reforms apparently began with *Bloom*, which cited as authority *Cleveland v. State*, 417 So. 2d 653 (Fla. 1982). However, this is an obvious overextension of *Cleveland*, which was an "express and direct conflict" case holding only that a court could not interfere with a prosecutor's discretion to refuse to allow a defendant to be placed in a pretrial intervention program. *Id*. *Cleveland* had nothing to do with prohibition. Nevertheless, the "abuse of discretion" cases do gain some support by analogy to the well established precedent that prohibition sometimes may be used as a means of disqualifying biased judges even though they clearly have jurisdiction. *E.g., Bundy v. Rudd*, 366 So. 2d 440 (Fla. 1978); *State ex rel. Bank of Am. v. Rowe*, 118 So. 5 (Fla. 1928). Judicial disqualification comes much closer to being a question of abuse of discretion than abuse of jurisdiction.

[61] *English*, 348 So. 2d at 296.

[62] *E.g., Sparkman*, 498 So. 2d at 895.

[63] *E.g., Joughin v. Parks*, 143 So. 145 (Fla. 1932).

[64] *Id*.

[65] *E.g., Donner*, 500 So. 2d at 532; *Bloom*, 497 So. 2d at 2.

[66] *English*, 348 So. 2d at 297.

[67] *E.g., Sparkman*, 498 So. 2d at 892; *Curtis v. Albritton*, 132 So. 677 (Fla. 1931).

[68] *Sparkman*, 498 So. 2d at 892.

[69] *E.g., State ex rel. Placeres v. Parks*, 163 So. 89 (Fla. 1935) (if mandamus is available, prohibition should be denied); *State ex rel. Booth v. Byington*, 168 So. 2d 164 (Fla. 1st DCA 1964) (if quo warranto is available, prohibition should be denied).

[70] *See, e.g., Waldrup v. Dugger*, 562 So. 2d 687 (Fla. 1990).

[71] *English*, 348 So. 2d at 297.

[72] *Wetherell v. Thursby*, 129 So. 345 (Fla. 1930).

[73] *English*, 348 So. 2d at 293.

[74] *Id*. at 296.

[75] *E.g., Bloom*, 497 So. 2d at 3.

[76] *American Heritage Dictionary* 586 (2d ed. 1985).

[77] There no longer is any absolute requirement that the detained person be brought to court, and this earlier practice rarely occurs in the Florida Supreme Court today.

[78] *Allison v. Baker*, 11 So. 2d 578 (Fla. 1943).

[79] *Sylvester v. Tindall*, 18 So. 2d 892 (Fla. 1944).

[80] *See State ex rel. Deeb v. Fabisinski*, 152 So. 207 (Fla. 1933). In ancient times, the writ of habeas corpus was divided into many subcategories, most of which now are irrelevant or have been superseded by other devices such as the capias or bench warrant.

[81] Fla. Const. Art. I, §9.

[82] Fla. Const. Art. I, §13. However, habeas corpus to some extent is regulated by statute. *See* Fla. Stat. §§79.01-.12 (1991).

[83] *Rice v. Wainwright*, 154 So. 2d 693 (Fla. 1963).

[84] *Sellers v. Bridges*, 15 So. 2d 293 (Fla. 1943).

[85] *Thompson v. Wainwright*, 328 So. 2d 487 (Fla. 1st DCA 1976).

[86] *See Sullivan v. State*, 49 So. 2d 794 (Fla. 1951).

[87] *Carnley v. Cochran*, 123 So. 2d 249 (Fla. 1963), *rev'd on other grounds*, 369 U.S. 506 (1962).

[88] *State ex rel. Davis v. Hardie*, 146 So. 97 (Fla. 1933).

[89] *Brown v. Watson*, 156 So. 327 (Fla. 1934).

[90] *Adams v. Culver*, 111 So. 2d 665 (Fla. 1959).

[91] *Waldrup*, 562 So. 2d at 687.

[92] *Compare Fitzpatrick v. Wainwright*, 490 So. 2d 938 (Fla. 1986) (death penalty vacated on habeas petition, and case remanded for new proceedings), with *Fitzpatrick v. State*, 527 So. 2d 809 (Fla. 1988) (death penalty ultimately reduced to life imprisonment for same defendant).

[93] The Court itself sometimes overlooks the fine distinctions that can be involved in determining whether a petition genuinely is challenging a restraint on liberty, not some other matter. See discussion of the case of Michael Durocher infra text accompanying notes 133-136.

[94] These petitions often are in the form of handwritten notes that do not meet the Court's usual filing requirements. However, the Court accepts all such "pro se" petitions if they fairly appear to be seeking some form of relief, sometimes even assigning volunteer counsel to assist in exceptional cases. The Court has held that even informal communications can be sufficient to petition for habeas corpus. *Crane v. Hayes*, 253 So. 2d 435, 442 (Fla. 1971).

[95] *E.g., In re Hansen*, 162 So. 715 (Fla. 1935).

[96] *E.g., Crane v. Hayes*, 253 So. 2d 435 (Fla. 1971); *Porter v. Porter*, 53 So. 546 (Fla. 1910).

[97] Fla. R. Crim. P. 3.850.

[98] 372 U.S. 335 (1962). The problems *Gideon* caused, as well as the Florida Supreme Court's response, are recounted in *Roy v. Wainwright*, 151 So. 2d 825 (Fla. 1963).

[99] *Roy*, 151 So. 2d at 827.

[100] *State v. Bolyea*, 520 So. 2d 562, 563 (Fla. 1988) (citing *State v. Wooden*, 246 So. 2d 755, 756 (Fla. 1971)).

[101] *Haag v. State*, 591 So. 2d 614, 616 (Fla. 1992) (quoting Fla. Const. Art. I, §13).

[102] Fla. Const. Art. V, §3(b)(9).

[103] Fla. Const. Art. V, §3(b)(7). For a discussion of the history underlying this provision and the case law, see Robert T. Mann, *The Scope of the All Writs Power*, 10 Fla. St. U. L. Rev. 197 (1982).

[104] *Compare* Fla. Const. Art. V, §3(b)(7) with *Couse v. Canal Authority*, 209 So. 2d 865, 867 (Fla. 1968) (quoting Fla. Const. of 1885, Art. V (1957)).

continued...

[105] *E.g., State ex rel. Watson v. Lee*, 8 So. 2d 19, 21 (Fla. 1942).

[106] 209 So. 2d 865 (Fla. 1968).

[107] *Couse*, 209 So. 2d at 867 (quoting Fla. R. App. P. 4.5(g)(1) (as amended)). Apparently, the new standard merely expanded jurisdiction. The Court still continued to issue ancillary writs in pending proceedings under its all writs power. *See Booth v. Wainwright*, 300 So. 2d 257, 258 (Fla. 1974).

[108] *State ex rel. Pettigrew v. Kirk*, 243 So. 2d 147, 149 (Fla. 1970).

[109] *See Id*. The headnote says that prohibition was issued, though the text of the opinion is vague on this point. Id.

[110] *E.g., City of Tallahassee v. Mann*, 411 So. 2d 162, 163 (Fla. 1981) (all writs clause cited as basis of jurisdiction in granting prohibition). The misreference also was tempted by another fact: Both prohibition and "all writs" are authorized by the same sentence in the constitution, though the two actually are distinct and subject to radically different standards of review. *See* Fla. Const. Art. V, §3(b)(7).

[111] *Monroe Educ. Ass'n v. Clerk, Dist. Ct. of Appeal*, 299 So. 2d 1, 3 (Fla. 1974).

[112] *E.g., McCain v. Select Committee on Impeachment*, 313 So. 2d 722, 722 (Fla. 1975). The *McCain* case involved an effort by a sitting justice of the Florida Supreme Court to stop impeachment proceedings against him. When he sought relief under the all writs clause, the Court rejected it on the grounds that it failed to set forth "a claim within the jurisdiction and responsibility of the court." *Id*. This statement, while vague, seemed much more limited than the sweeping statements the Court had made only a year earlier in 1974.

[113] The Court only cited one case that had nothing to do with the all writs clause and a 1942 case that clearly had been overruled in 1968. *Shevin ex rel. State*, 333 So. 2d 9, 12 (Fla. 1976) (citing *Wilson v. Sandstrom*, 317 So. 2d 732 (Fla. 1975)); *State v. Lee*, 8 So. 2d 19 (Fla. 1942)).

[114] Fla. R. App. P. 4.5(g)(1). The Rule's language was even quoted two years later in an opinion apparently applying the pre-1968 standard of review. *Besoner v. Crawford*, 357 So. 2d 414, 415 (Fla. 1978).

[115] Robert T. Mann, *The Scope of the All Writs Power*, 10 Fla. St. U. L. Rev. 197, 212 (1982).

[116] *E.g., Jones v. State*, 591 So. 2d 911, 912, 916 (Fla. 1991) (stay of pending execution based on Court's jurisdiction over judgments imposing sentence of death); *The Florida Bar v. Dobbs*, 508 So. 2d 326, 327 (Fla. 1987) (writ of injunction against unlicensed practice of law based on Court's jurisdiction to regulate practice of law).

[117] *Burnsed v. Seaboard Coastline R.R.*, 290 So. 2d 13, 16 (Fla. 1974).

[118] *Id*.; *St. Paul Title Ins. Corp. v. Davis*, 392 So. 2d 1304, 1304-05 (Fla. 1980) (all writs clause cannot confer jurisdiction over district court PCA).

[119] *Florida Senate v. Graham*, 412 So. 2d 360, 361 (Fla. 1982).

[120] Fla. Const. Art. III, §16(c).

[121] *Alvord v. State*, 459 So. 2d 316, 317-18 (Fla. 1984).

[122] Fla. Const. Art. V, §3(b)(1).

[123] Obviously, this could include such traditional ancillary concerns as issuance of a temporary injunction or the stay of lower court proceedings. *See* Mann, supra note 117 at 200-02.

[124] Fla. Const. Art. V, §3(b)(7).

[125] *Accord Florida Senate*, 412 So. 2d at 361 (citing both all writs clause and ultimate basis of jurisdiction).

[126] *E.g., Alvord*, 459 So. 2d at 316.

[127] *Florida Senate*, 412 So. 2d at 360; *accord Mize v. County of Seminole*, 229 So. 2d 841 (Fla. 1969).

[128] *In re Order on Prosecution of Criminal Appeals*, 561 So. 2d 1130 (Fla. 1990).

[129] *Id*. at 1131.

[130] "Ultimate jurisdiction" potentially existed here on a number of bases, including the Florida Supreme Court's authority to review cases affecting a class of state or constitutional officers, the basis actually cited for jurisdiction in the case. *See* Fla. Const. Art. V, §3(b)(3).

[131] *Durocher v. Singletary*, No. 81,986 (Fla. Aug. 12, 1993).

[132] *Id*. at 1.

[133] *Waldrup*, 562 So. 2d at 687.

[134] *Accord Alvord*, 459 So. 2d at 317-18.

[135] *E.g., Richardson v. State*, 546 So. 2d 1037, 1037 (Fla. 1989). Coram nobis is not mentioned in the constitution's grant of jurisdiction. See Fla. Const. Art. V, §3(b).

[136] The name is a peculiar blending of English and Latin. "Coram nobis" means "before us." The writ exists to bring an error "before us" for review, i.e. before the court. *Black's Law Dictionary* 543 (6th ed. 1991).

[137] *Richardson*, 546 So. 2d at 1037.

[138] *Jones*, 591 So. 2d at 915.

[139] Fla. R. Crim. P. 3.850(a).

[140] *See Jones*, 591 So. 2d at 915.

[141] This could be done simply by stating that persons not in custody who are challenging a prior conviction based on newly discovered evidence may proceed under Rule 3.850 the same as a person in custody. There will be a need for some procedure of this type, because persons released from custody sometimes do find new evidence that could exonerate them and clear their records. It hardly seems fair to apply the liberalized Rule 3.850 remedy to those in custody, while restricting all others to the hidebound and quirky standards that made error coram nobis virtually impossible to obtain. *See Id*.

[142] *E.g., Kilgore v. Bird*, 6 So. 2d 541 (Fla. 1942).

[143] *Robinson v. State*, 132 So. 2d 3, 5 (Fla. 1961).

[144] *Allen v. McClamma*, 500 So. 2d 146, 147 (Fla. 1987).

[145] For example, the writ of audita querela now has been supplanted by the motion for relief from judgment authorized in the Rules of Civil Procedure. *Black's Law Dictionary* 131 (6th ed. 1991).

[146] Fla. Const. Art. V, §15.

[147] *In re Florida State Bar Ass'n*, 40 So. 2d 902 (Fla. 1949).

[148] Fla. R. Regulating The Fla. Bar 3-3.1.

[149] *See generally* Fla. R. Regulating The Fla. Bar.

[150] *Id*. 3-7.5.

[151] *The Florida Bar v. Bajoczky*, 558 So. 2d 1022 (Fla. 1990).

[152] *The Florida Bar v. McKenzie*, 442 So. 2d 934 (Fla. 1983).

[153] *The Florida Bar v. Hooper*, 507 So. 2d 1078 (Fla. 1987).

[154] *The Florida Bar v. Langston*, 540 So. 2d 118 (Fla. 1989).

[155] *The Florida Bar v. Poplack*, 599 So. 2d 116 (Fla. 1992).

[156] *The Florida Bar re Lawrence H. Hipsh, Sr.*, 586 So. 2d 311 (Fla. 1991).

[157] *Id*.

[158] Fla. Const. Art. V, §15.

[159] See Fla. Sup. Ct. Bar Admiss. Rule.

[160] *E.g., Florida Bd. of Bar Examiners, Re: S.M.D.*, 619 So. 2d 297 (Fla. 1993).

[161] *Haven Fed. Sav. & Loan Ass'n v. Kirian*, 579 So. 2d 730, 732 (Fla. 1991).

[162] Fla. Const. Art. V, §2(a).

[163] *State v. McCall*, 301 So. 2d 774 (Fla. 1974).

[164] *Haven Fed. Sav. & Loan Ass'n*, 579 So. 2d at 732.

[165] *Id*.

[166] *E.g., Id*.

[167] *E.g., State v. Furen*, 118 So. 2d 6 (Fla. 1960).

[168] *Leapai v. Milton*, 595 So. 2d 12, 14 (Fla. 1992).

[169] *Gator Freightways, Inc. v. Mayo*, 328 So. 2d 444 (Fla. 1976); *Bluesten v. Florida Real Estate Comm'n*, 125 So. 2d 567 (Fla. 1960).

[170] Fla. Const. Art. V, §12.

[171] *State ex rel. Turner v. Earle*, 295 So. 2d 609, 611 (Fla. 1974).

[172] *Id*.

[173] *In re Inquiry Concerning a Judge, William A. Norris, Jr.*, 581 So. 2d 578, 579-80 (Fla. 1991).

[174] *State ex rel. Turner*, 295 So. 2d at 611.

[175] *In re LaMotte*, 341 So. 2d 513, 516 (Fla. 1977).

[176] *In re Kelly*, 238 So. 2d 565, 569-70 (Fla. 1970).

[177] *Id*. at 570.

[178] Fla. Const. Art. III, §16(c).

[179] *Id*.

[180] *In re Constitutionality of Senate Joint Resolution 2G*, 601 So. 2d 543 (Fla. 1992).

[181] *Id*. at 546-47.

***Justice Gerald Kogan**, currently the Chief Justice of the Supreme Court of Florida, has been a member of the Supreme Court since 1987. He received his J.D. from the University of Miami.*

***Robert Craig Waters** has been a law clerk with the Supreme Court of Florida, from 1987 to present. He received his J.D. from the University of Florida in 1986 and an A.B., from Brown University in 1979.*

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Appellate Rules Liaison Committee Report

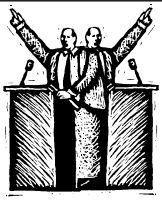
The Appellate Rules Liaison Committee was created to keep our Section members informed of events transpiring in the Appellate Court Rules Committee of The Florida Bar. In the following issues of *The Record*, we will advise you of major action undertaken by that Committee, proposed additions or deletions to the Florida Rules of Appellate Procedure, and any other matters of general concern emanating from that Committee.

The following chart contains the most recent proposed rule changes. If you have comments or concerns about these changes, please contact Judge Marguerite Davis, Chair of the Appellate Rules Liaison Committee or Judge Gerald Cope, Chair of the Appellate Court Rules Committee. Our Committee also welcomes any suggestions, comments, or concerns you may have about the appellate rules in general.

RULE	VOTE TAKEN ON	ACTION
9.800(a)	1-12-96 approved 35-5	Removes requirement for parallel cite to Florida Reports renumbers subdivisions
9.140(i) [was sub. (j) on 6/21/96]	6-21-96 approved 21-0	specifies that a court can grant "other appropriate relief" as well as an evidentiary hearing in appeals of summary denial of motions for post-conviction relief.
9.130	9-6-96 approved 36-0	amends rule title to include "specified final orders"
9.030(c)(1)(B)	9-6-96 approved 38-0	9.030(c)(1)(B) amended to reflect that appellate jurisdiction of circuit courts is prescribed by general law and not by Rule 9.130, as clarified in *Blore v. Fierro*, 636 So.2d 1329 (Fla. 1994)
9.130(a)(1) (accompanies amendment to 9.030(c)(1)(B)	9-6-96 approved 38-0	9.130(a)(1) amended to reflect that appellate jurisdiction of circuit courts is prescribed by general law and not by this rule, as clarified in *Blore v. Fierro*, 636 So.2d 1329 (Fla. 1994)
9.040(b)	1-24-97 approved 19-13	determines appropriate court to review non-final orders after change of venue

continued...

9.130(a)(7)	1-24-97 approved 27-5	subdivision deleted because it is superseded by proposed 9.040(b)(2)
9.020(h)	1-24-97 approved	subdivision (h)(4), regarding rendition in district courts of appeal, created to correct problem noted in *St. Paul Fire & Marine Insurance Co. v. Indemnity Insurance Co. of North America*, 675 So.2d 590 (Fla. 1996); text of subdivision (i) moved into main body of subdivision (h) to retain consistency; subdivision (i) deleted
9.210(a)(1)	1-24-97 approved 31-0	deletes requirement that, if printed, briefs should measure 6" by 9"
9.210(a)(2)	1-24-97 approved 19-9	deletes requirement that text in briefs shall be printed in type of no more than 10 characters per inch to facilitate use of modern proportional fonts and to better re flect current technology and practice
9.210(a)(3)	1-24-97 approved 31-0	editorial change to clarify that briefs shall be bound along the left side or stapled in the upper left corner
9.800(i)	1-24-97 approved 32-0	amends citation style for Florida Standard Jury Instructions (Criminal)
9.130(a)(3)(C)(iv)	6-27-97 approved 27-3	repeals rule allowing appeals of non-final orders that determine liability in favor of a party seeking affirmative relief
9.130(a)(3)(C)(viii)	6-27-97 approved 21-15	repeals rule allowing appeals of non-final orders that determine, as a matter of law, a party is not entitled to absolute or qualified immunity in a civil rights claim arising under federal law
9.130(a)(3)(C)(vi)	6-27-97 approved 22-3	repeals rule allowing appeals of orders denying Workers' Compensation Immunity
9.210(b)	Sent to Special Subcommittee	proposal to add section requiring initial briefs to set forth the standard of review
9.330	Sent to Special Subcommittee	proposes to revise rehearing rule to comport more with present practice



The Florida Bar's General Meeting of Sections and Committees will be held at the Tampa Airport Marriott, September 3-6, 1997. For a complete meeting schedule and travel information, refer to The Florida Bar *News*.

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Seeking Review in the Florida Circuit Courts

Table of Appellate Information

Compiled by James Edward Cheek, III
Winderweedle, Haines, Ward & Woodman, P.A.,
Orlando, Florida

First Judicial Circuit
Escambia, Okaloosa, Santa Rosa & Walton Counties

ESCAMBIA COUNTY
850/436-5149
File original + 1 copy Notice of Appeal in County Court
Filing fee $50 (County), $75 (Circuit) — 2 checks
No Appellate Division
Judge randomly assigned

OKALOOSA COUNTY
850/689-5800
File original Notice of Appeal in County Court
Filing fee $75.
No Appellate Division
Judge assigned by computer

SANTA ROSA COUNTY
850/623-0135 X2101
File original + 1 copy Notice of Appeal with County Court
Filing fee $50 (County), $75 (Circuit) — 1 check for $125.
No Appellate Division
Judge randomly assigned

WALTON COUNTY
850/892-8115
File original Notice of Appeal with County Court
Filing fee $75 (County), $120.50 (Circuit) — 2 checks
No Appellate Division
Appeals heard by Judge Lindsey

Second Judicial Circuit
Franklin, Gadsen, Jefferson, Leon, Liberty & Wakulla Counties

FRANKLIN COUNTY
850/653-8861
File original + 2 copies of Notice of Appeal, copy of Order
Filing fee $125 – 1 check, additional $4 for Clerk's certificate
No Appellate Division
Appeals heard by Judge Davey

GADSEN COUNTY
850/875-8621/8601
File original Notice of Appeal, copy of Order in County Court
Filing fee $75 to County Clerk
No Appellate Division
Appeals heard by Judge Sauls

JEFFERSON COUNTY
850/342-0218
File original + 1 copy Notice of Appeal with County Court
Filing fee $75.
No Appellate Division
Appeals heard by Judge Clark

LEON COUNTY
850/488-7035
File original + 2 copies Notice of Appeal, copy of Order
Filing fee $50 (County), $75 (Circuit) — 2 checks
Appellate Division
Assigned randomly among 3 Judges

LIBERTY COUNTY
850/643-2215
File original + 1 copy Notice of Appeal, copy of Order
Filing fee $75 (County), $50 (Circuit) — 1 check for $125.
No Appellate Division
Appeals heard by Judge Sauls

WAKULLA COUNTY
850/926-3341
File original Notice of Appeal, copy of Order
Filing fee $70 (County), $95 (Circuit) — 2 checks
No Appellate Division
Appeals heard by Judge McClure

Third Judicial Circuit
Columbia, Dixie, Hamilton, Lafayette, Madison, Suwannee & Taylor Counties

COLUMBIA COUNTY
904/758-1041
File original + 1 copy Notice of Appeal with County Court
Filing fee $125 (County), $60.50 (Circuit)
No Appellate Division
Assigned by case number (odd/even) to Judge

DIXIE COUNTY
352/498-1200
File 2 original Notice of Appeals with County Court
Filing fee $50 (County), $75 (Circuit) — 2 checks
No Appellate Division
Appeals heard by Judge Kennon

HAMILTON COUNTY
904/792-1288
File original Notice of Appeal with County Court
Filing fee $75.

No Appellate Division
Assigned by case number (odd/even) to Judge

LAFAYETTE COUNTY
904/294-1600
File original Notice of Appeal with County Court
Filing fee $50 (County)
No Appellate Division
Appeals heard by Judge Land

MADISON COUNTY
850/973-1500
File original Notice of Appeal with County Court
Filing fee $125.
No Appellate Division
Assigned by case number (even/odd) to Judge

SUWANNEE COUNTY
904/364-3498
File original Notice of Appeal with County Court
Filing fee $75 (County), $55.50 (Circuit) — 2 checks
No Appellate Division
Assigned by case number (even Judge Kennon/odd Judge Bryan)

TAYLOR COUNTY
904/838-3506
File original Notice of Appeal, copy of Order with County Court
Filing fee $125.
No Appellate Division
Assigned by case number (even Judge Kennon/odd Judge Bean)

Fourth Judicial Circuit
Clay, Duval & Nassau Counties

CLAY COUNTY
904/269-6317
File original Notice of Appeal with County Court
Filing fee $125.
No Appellate Division
Judge randomly assigned

DUVAL COUNTY
904/630-2031
File original Notice of Appeal with Circuit Court
Filing fee $155.
No Appellate Division
Judge randomly assigned

NASSAU COUNTY
904/321-5709
File original Notice of Appeal with County Court
Filing fee $50 (County), $75 (Circuit) — 2 checks
No Appellate Division
Appeals heard by Judge Parsons

Fifth Judicial Circuit
Hernando, Lake, Marion, Citrus & Sumter Counties

HERNANDO COUNTY
352/754-4201
File original Notice of Appeal with County Court
Filing fee $125, $6 for 1st page + $4.50 each additional page for recording
No Appellate Division
Appeals heard by a panel of 3 Judges

LAKE COUNTY
352/742-4100
File original + 2 copies Notice of Appeal, copy of Order with County Court
Filing fee $125.
Appellate Division
Appeals heard by a panel of 3 Judges

MARION COUNTY
352/620-3904/3944
File original Notice of Appeal, copy of Order with County Court
Filing fee $75.
No Appellate Division
Judge randomly assigned

CITRUS COUNTY
352/793-9966
File original Notice of Appeal with County Court
Filing fee $50 (County), $75 (Circuit) — 2 checks
No Appellate Division
Judge randomly assigned

SUMTER COUNTY
352/793-0211 X2533
File original Notice of Appeal with County Court
Filing fee $50 (County), $75 (Circuit) — 2 checks
No Appellate Division
Judge randomly assigned

Sixth Judicial Circuit
Pasco & Pinellas Counties

PASCO COUNTY
352/521-4396
File original Notice of Appeal, copy of Order with County Court
Filing fee $125.

continued...

Appellate Division
Appeals heard by Judge Cobb

PINELLAS COUNTY
813/464-3267 X2481
File original + 1 copy Notice of Appeal, copy of Order with County Court
Filing fee $80 + $57 for 1st page + $1 for each additional page — 1 check
Appellate Division
Rotate between 2 Judges

Seventh Judicial Circuit
Flagler, Putnam, St. Johns & Volusia Counties

FLAGLER COUNTY
904/437-7430
File original Notice of Appeal, copy of Order with County Court
Filing fee $75 (County), $115 (Circuit)
No Appellate Division
Appeals heard by Judge Hammond

PUTNAM COUNTY
904/329-0361
File original Notice of Appeal with County Court
Filing fee $50 (County), $75 (Circuit) — 2 checks
No Appellate Division
Judge randomly assigned

ST. JOHNS COUNTY
904/823-2339
File original Notice of Appeal with Appeals Clerk
Filing fee $152.50.
Appellate Division (Appeals Clerk Terry DeGrande)
Judge randomly assigned

VOLUSIA COUNTY
904/736-5915
File original + 1 copy Notice of Appeal, copy of Order with County Court
Filing fee $50 (County), $85 (Circuit), $100 advance payment for preparation of Record on Appeal
Appellate Division (Appeals Clerk Diana)
Judge assigned by computer

Eighth Judicial Circuit
Alachua, Baker, Bradford, Gilchrist, Levy & Union Counties

ALACHUA COUNTY
352/374-3684
File original Notice of Appeal with Appeals Clerk
Filing fee $75.
Appellate Division (Appeals Clerk Yvonne)
Rotating panel of 3 Judges (rotates yearly)

BAKER COUNTY
352/259-3121
File original Notice of Appeal with County Court
Filing fee $125.
No Appellate Division
Panel of 3 Judges

BRADFORD COUNTY
904/964-6280
File original Notice of Appeal with County Court
Filing fee $125.
No Appellate Division
Panel of 3 Judges in Gainesville

GILCHRIST COUNTY
352/463-3170
File original Notice of Appeal with County Court
Filing fee $75.
No Appellate Division
Panel of Judges in Gainesville

LEVY COUNTY
352/486-5100/5228
File original Notice of Appeal with County Court
Filing fee $75.
No Appellate Division
Panel of Judges

UNION COUNTY
904/496-3711
File original + 1 copy Notice of Appeal, copy of Order with Circuit Court
Filing fee $85 (appeal fee), $81.50 (Circuit) — 1 check $166.50
No Appellate Division
Panel of Judges

Ninth Judicial Circuit
Orange & Osceola Counties

ORANGE COUNTY
407/836-2060
File Notice of Appeal with County Court
Filing fees $52 (County), $75 (Circuit) — 2 checks
Appellate Division
Rotating panel of 3 Judges

OSCEOLA COUNTY
407/847-1300
File Notice of Appeal with County Court
Filing fee $52 (County), $75 (Circuit) — 2 checks
No Appellate Division

All appeals heard by Judge Coleman

Tenth Judicial Circuit
Polk, Hardee & Highlands Counties

POLK COUNTY
941/534-4000
File original Notice of Appeal, copy of Order with County Court
Filing fee $50 (County), $75 (Circuit) — 2 checks
Appellate Division
Appeals heard by Judge Davis

HARDEE COUNTY
941/773-4174
File original Notice of Appeal with County Court
Filing fee $50 (County), $75 (Circuit)
No Appellate Division
Appeals heard by Judge Davis

HIGHLANDS COUNTY
941/385-2581/6564
File original Notice of Appeal with County Court
Filing fee $50 (County), $75 (Circuit) — 2 checks
No Appellate Division
Appeals heard by Judge Davis

Eleventh Judicial Circuit
Dade County

DADE COUNTY
305/375-5775
File original Notice of Appeal, copy of Order with County Court
Filing fee $50 for first page, $1 each additional page, + $1 to certify (County), $75 (Circuit) — 2 checks
Appellate Division
Panel of 3 Judges randomly assigned

Twelfth Judicial Circuit
Desoto, Manatee & Sarasota Counties

DESOTO COUNTY
941/993-4876
File Notice of Appeal with County Court
Filing fee $120.50
No Appellate Division
Appeals heard by Judge Parker

MANATEE COUNTY
941/749-1800
File original + 1 copy Notice of Appeal with Appeal Clerk
Filing fee $125.
Appellate Division
Judge randomly assigned

SARASOTA COUNTY
941/362-4066
File Notice of Appeal with County Court
Filing fee $100 (County), $75 (Circuit)
Appellate Division (Appeals Clerk Alex)
A-K Judge McDonald, L-Z Judge Rapkin

Thirteenth Judicial Circuit
Hillsborough County

HILLSBOROUGH COUNTY
813/276-8100 X7237
File Original Notice of Appeal, copy of Order with County Court
Filing fee $227.
Appellate Division (Appeal Clerk Jean)
Judge randomly assigned

Fourteenth Judicial Circuit
Bay, Calhoun, Gulf, Holmes, Jackson & Washington Counties

BAY COUNTY
904/747-5100
File original Notice of Appeal with County Court
Filing fee $75.
No Appellate Division
Judge randomly assigned

CALHOUN COUNTY
904/674-4545
File original Notice of Appeal, copy of order with County Court
Filing fee $125.
No Appellate Division
Appeals heard by Judge Foster

GULF COUNTY
904/229-6113
File original Notice of Appeal with County Court
Filing fee $80.
No Appellate Division
Appeals heard by Judge Hess

HOLMES COUNTY
904/547-1100
File original Notice of Appeal, copy of order with County Court
Filing fee $125.

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Appellate Division
Appeals heard by Judge Cole

JACKSON COUNTY
904/482-9552
File original Notice of Appeal with County Court
Filing fee $50 (County), $75 (Circuit) — 2 checks
Appellate Division (Appeals Clerk Jane)
Appeals heard by Judge Pitman

WASHINGTON COUNTY
904/638-6285
File original Notice of Appeal, copy of Order with County Court
Filing fee $50 (County), $75 (Circuit) — 2 checks
No Appellate Division
Appeals heard by Judge Cole

Fifteenth Judicial Circuit
Palm Beach County

PALM BEACH COUNTY
561/355-2996
File Notice of Appeal, copy of Order with County Court
Filing fee $80 (County), $85 (Circuit) — 2 checks
Appellate Division
Panel of 3 Judges, rotates monthly

Sixteenth Judicial Circuit
Monroe County

MONROE COUNTY
305/294-4641
File original Notice of Appeal with County Court
Filing fee $50 (County), $75 (Circuit) — 2 checks
Appellate Division
Judge randomly assigned

Seventeenth Judicial Circuit
Broward County

BROWARD COUNTY
954/831-5799
File original Notice of Appeal with County Court
Filing fee $50 (County), $75 (Circuit) — 2 checks
Appellate Division
Judge randomly assigned

Eighteenth Judicial Circuit
Brevard & Seminole Counties

BREVARD COUNTY
407/264-5256
File original Notice of Appeal in County Court
Filing fee $125 to attention of Appeals Clerk
Appellate Division
Appeals handled by Judge Moxley, may reassign

SEMINOLE COUNTY
407/323-4330
File original Notice of Appeal with County Court
Filing fee $117.
Appellate Division (Appeals Clerk Charlotte)
Rotating panel of 3 Judges

Nineteenth Judicial Circuit
Indian River, Martin, Okeechobee & St. Lucie Counties

INDIAN RIVER COUNTY
561/770-5185
File original + 1 copy Notice of Appeal, copy of Order & 3 sets of self addressed envelopes to all parties involved
Filing fee $125.
Appellate Division
Rotating panel of 3 Judges

MARTIN COUNTY
561/288-5736
File original + 1 copy Notice of Appeal, copy of Order & 3 sets of self addressed envelopes to all parties involved
Filing fee $75.
Appellate Division (Appeals Clerk Kathy)
Rotating panel of 3 Judges

OKEECHOBEE COUNTY
941/467-1986
File original Notice of Appeal, Clerk will send you an instruction sheet
Filing fee $125.
Appellate Division (Appeals Clerk Carol)
Rotating panel of 3 Judges

ST. LUCIE COUNTY
561/462-6900
File original + 1 copy Notice of Appeal, copy of Order & 3 sets of self addressed envelopes to all parties involved
Filing fee $50 (County), $75 (Circuit) — 2 checks
Appellate Division
Rotating panel of 3 Judges

Twentieth Judicial Circuit
Charlotte, Collier, Glades, Hendry & Lee Counties

CHARLOTTE COUNTY
941/637-2115
File original Notice of Appeal, copy of Order with County

Court
Filing fee $175.
Appellate division
Rotating panel of 3 Judges in Ft. Myers

COLLIER COUNTY
941/732-2646
File original Notice of Appeal and conformed copy with County Court
Filing fee $125 + $1 for each page + $1 to certify
Appellate division (Appeals Clerk Jan)
Rotating panel of 3 Judges

GLADES COUNTY
941/946-0113
File original Notice of Appeal with County Court
Filing fee $125.
No Appellate Division
Rotating panel of 3 Judges

HENDRY COUNTY
941/675-5217
File original + 1 copy Notice of Appeal, copy of Order with County Court
Filing fee $50 (County), $75 (Circuit) — 2 checks
No Appellate Division
Rotating panel of 3 Judges

LEE COUNTY
941/335-2582
File original Notice of Appeal with County Court
Filing fee $177 for 1st page, $1 for each additional page
Appellate Division
Rotating panel of 3 Judges

The Appellate Practice and Advocacy Section of the Florida Bar

Minutes of the Executive Council Meeting

Held on June 26, 1997, Walt Disney World Dolphin, Orlando, Florida

I. Call to Order

The Executive Council Meeting was called to order by Section Chair Tom Elligett at 9:43 a.m.

II. Approval of Minutes

The minutes of the previous meeting were approved.

III. Chair's Report

The Chair's report was deferred.

IV. Committee Reports

A. Programs Committee

Tom made a short report for Angela Flowers, Chair, who was delayed due to airplane mechanical problems. Tom thanked those who (or whose firms) had contributed money for the dessert reception, which was sponsored solely by the Section for the first time. He also expressed his thanks to Bonnie Kneeland, who assisted greatly in raising the sponsorship money.

B. Publications Committee

Roy Wasson, Chair, noted that the latest issue of *The Record* had been published and mailed, as had the 1997 Edition of the Florida Appellate Practice Guide. If anyone has not yet received a copy of the Guide, please contact Jackie Werndli.

C. CLE Committee

Jack Aiello, Chair, reported that the Hot Topics seminar was not held in November as scheduled because the new appellate rules, a fundamental part of the seminar, had not yet been approved. He also reported that the Federal Appellate Issues seminar did not take place on March 21, 1997, as planned, but it is now planned for April 17, 1998 in Orlando, and will feature the same speakers and topics. The CLE Committee is considering planning and budgeting to hold this seminar in Atlanta in 1999.

He noted that the Certification Review Course was held as planned on February 14, 1997, and that the next course will be held in Orlando on February 13, 1998. The 1998 program co-chairs are Cindy Hofmann and Jennifer Carroll. Jack also noted that several co-sponsored CLE seminars were given, which brought in additional revenue to make up for the cancellations.

Tom Hall then discussed the joint venture with Stetson to present a NITA-type, intensive seminar for Florida appellate practitioners. Tom said he got the idea from a program given years ago for new prosecutors. He said that Jan Majewski at Stetson's law school contacted Tom and let him know that Stetson would be willing to co-sponsor this program.

They are proposing a 4-day appellate practice workshop for approximately 40 people based on the NITA model. Stetson facilities are available from approximately July 21 - August 15. The proposed joint venture agreement was attached to the meeting agenda.

Tom announced that the CLE Committee recommended that the Executive Council approve going forward with the joint venture. He said profits would be split between the Section and Stetson. He noted that a similar seminar given by the labor law section had yielded a profit of $3,700 each. He said that the CLE Committee had voted to aim the seminar at the recent graduate (0 years practice) to 5 years of practice category.

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Jan Majewski of Stetson Law School spoke about the school's facilities and experience in giving similar seminars and entering similar joint ventures. He passed around a fact sheet and booklet about Stetson for Council members to review. He mentioned that Stetson has four courtrooms wired for audio and video, other wired classrooms are also available. There are six on-campus suites to house out-of-state speakers. Jan said that dorm rooms are available for participants at $40/night but that in his experience, lawyers bring their families, stay at a nearby hotel, and make a vacation out of it. Stetson has a staff to handle registration and do direct-mail marketing.

Marjorie Guardian Graham had a question about the tuition and what it included. She noted that, in addition to the tuition, the real cost of attending included lost billings, accommodations, and meals. The question was also posed: Why would a firm send someone to this seminar rather than the ABA-sponsored seminar. Jan and other Council members then discussed the pro and cons of the various appellate seminars. One of the benefits of doing our own seminar is the ability to concentrate the exercises on Florida law. Raoul Cantero noted that there is a "psychological barrier" in some firms about sending associates out of state for a seminar. Others agreed.

Discussion was also had on the possibility that not enough lawyers will register, and how the Section would handle any financial losses. Judge Webster inquired about the possibility of a tuition price break for government lawyers. Mention was made of sponsoring the seminar through the Bar's CLE Committee, but Tom Hall noted that we would have to give the Bar 80% of the profit. Discussion was then had on the $25.00 per person Administrative Fee charged as an expense to the program — why it was needed and who paid/benefitted from it, the Section, Stetson or both.

Jackie Werndli advised that the Section would need a budget item for this seminar, which could be put in the proposed budget in September. Jackie was fairly confident that the Section would not lose money, and that with $38,000 in the fund, the Section could afford to take this minimal risk.

Tom Hall moved for approval of the joint venture; Kitty Pecko seconded the motion. The motion carried.

D. Membership Committee

Raoul Cantero, Chair, reported that, due to the efforts of the membership committee last fall (described in the Minutes to the January 1997 meeting), 3,000 attorneys were identified as potential members of the Section. Letters were sent to these lawyers inviting them to join the Section. This effort resulted in approximately 150 new members. As of June 2, 1997, there are 964 Section members.

E. Civil Appellate Practice Committee

It was announced that since the Committee Chair, Bob Sturgess, could not be here, Kim Stafford would be conducting this afternoon's Committee meeting in his place.

V. Old Business

A. Bylaw Amendments

1. Supreme Court Seat

It was moved to amend the bylaws to make the Supreme Court seat a voting seat. The motion carried unanimously.

2. Amicus Committee

The motion to amend the bylaws to add the Amicus Committee as a Section standing committee carried unanimously.

B. Florida Bar Website Report Section Homepage

Steve Stark reported on the Florida Bar's Technical Advisory Meeting held at the Tampa Airport Bar Offices on April 28, 1997. He stated that the Bar had signed a contract with Andy Adkins who published the "Internet Lawyer." Andy provides to the Bar and its Sections contracts to use as models when negotiating with vendors. Now the Bar provides a 600 word Webpage for each Section; anything more than that is a Section responsibility. Andy advised Section representatives that the cost of creating, developing, and implementing a site can cost between $1,500 and $15,000.

Steve noted that the Environmental and Land Use Law Section set up and maintains a webpage with the assistance of a University of Florida student. Payment to the student for initial set up and the first 6 months of maintenance was approximately $2,500. Internet provider charges were $200 for set up and $50.00 a month for maintenance.

Steve plans to give a full report on his recommendations for the Appellate Section at the September Council meeting. He noted that we would need a service provider and someone to set up the site. He said the effort

Amicus Curiae Committee Seeks Volunteers

The Executive Council of the Bar's Appellate Practice and Advocacy Section officially established an *Amicus Curiae* Committee at the June meeting. The Committee will submit briefs on behalf of the Section for "cases that present procedurally significant but substantively neutral issues" in the appellate arena.

The Committee is presently comprised of a seven person panel whose function is to analyze and recommend whether a particular case is appropriate for *amicus* participation. The panel will forward its recommendations in favor of participation to the officers of the Section's Executive Council and, if approved, to the Florida Bar Board of Governors. If approved by the Council and the Board, the panel will select an attorney who has indicated a willingness to submit an *amicus* brief on behalf of the Section to participate in the appeal.

Any attorney interested in submitting an *amicus* brief on behalf of the Section should contact the Chair of the *Amicus Curiae* Committee, John G. Crabtree of MacQuarie & Crabtree, at (352) 351-8000.

is 20% technology and 80% content. We have to decide what we want to make available. He also said that the Michigan Bar Appellate Practice Section is the only other appellate section online right now.

Steve's initial recommendations were to continue the committee and get a liaison from other committees (i.e. CLE, Publications, Membership, Appellate Court Liaison) to work with Steve to come up with content and develop a time line. He also recommended budgeting $2,000 to develop and $750/year for maintenance. He suggested we obtain templates from the Bar, and that the Section as a group propose to The Florida Bar that it create its own server.

Steve moved to put money in the budget and propose to the Bar the development of a server. Chris Kurzner seconded the motion. Tony Musto warned that if we put *The Record* and the Directory on the internet there would be no incentive to join the Section. He felt that $2,000 at this time was too great of a commitment.

Tom Elligett suggested that we discuss the budgeting aspects more fully at the September meeting when we would have a better idea of what the costs might be.

Tony moved to amend Steve's motion to continue to explore the options. Steve accepted the amendment and said he would present the numbers for the budget at the September meeting. The amended motion carried unanimously. Steve asked that anyone with any ideas on the subject please e-mail him.

C. Section Dues Increase

This issue was left on the table.

D. Directory/Appellate Practice Guide

Tom thanked Tammy Scrudders for her work on the latest edition of the Guide. Members were asked to call Jackie if they had not yet received a copy.

E. Other

Tom also mentioned that the cosponsorship with the General Practitioners Section at which Sharon Stedman, Tom Hall, and he had made presentations, was very successful.

VI. New Business

A. Committee Structure — Appellate Mediation Committee

It was announced that, while there is a continuing interest in appellate mediation, at this point it is probably better handled in the Appellate Court Liaison Committee.

B. Nomination/Election — Officers/Executive Council

Steve Stark moved to accept the slate as set forth in the Agenda. The motion passed unanimously. The officers for 1997-98 are: Chair-elect: Roy Wasson, Vice-chair: Cindy Hofmann, Secretary: Ben Kuehne, Treasurer: Hala Sandridge. New members of the Executive Council are: Raoul Cantero, Tony Musto, Kitty Pecko, Bob Sturgess, George Vaka, John Crabtree.

Tom introduced a new Section member, Professor Mike Finch from Stetson Law School. Professor Finch is interested in contributing to the Section by writing or editing as needed.

C. Joint Dues with Trial Lawyers

Chris Kurzner reported on the successful joint dues arrangement between the Government Lawyers and Criminal Law Sections. We have approached the members of the Trial Lawyers Section to see if they have any interest in a joint dues arrangement. Nothing has yet been formalized. Our dues are presently $25.00; theirs are $35.00. There would be a $5.00 discount for persons who join both sections. It has not been determined which section would forfeit the $5.00, but the consensus seems to be that is a small price to pay for 100-200 additional members.

Chris said that he was not going to make a formal motion, but is going to pursue it further. Ben noted that anyone who knows an officer or Executive Council member of the Trial Lawyers Section should discuss this matter with them, so when approached by their own section they are familiar with the pros and cons. Kitty Pecko suggested that we consider a similar arrangement with the Criminal Law Section.

D. Committee Space for September General Meeting

Chris reported that we had received a letter from the Executive Director of the Bar informing us of a lack of space for committee meetings at the September meeting to be held in Tampa. Both Tom Elligett and George Vaka have offered committees conference room space at their offices. Committees can also meet informally in lobby space or by telephone. Let Jackie know if you need formal space at the September meeting.

VII. Informational

A. 4/30/96 Statement of Operations

Attached to the meeting Agenda.

B. Internet Access to Florida Supreme Court Oral Arguments

Tom reported that he had received

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This newsletter is prepared and published by
the Appellate Practice and Advocacy Section of The Florida Bar.

a call from Sandy D'Alemberte's office on a pilot program to place Florida Supreme Court oral arguments on the internet (video and audio). Hala Sandridge and Angela Flowers may report on this project further in *The Record*.

C. Capital Collateral Counsel

The invitation to apply to this newly created position is attached to the meeting Agenda. The deadline for applying is July 1, 1997.

VIII. Final Remarks & Presentation of Awards — Outgoing Chair

A. Executive Council Awards

Tom announced that this year, instead of plaques, members would be recognized with certificates and copies of the book, *Celebrating Florida*. He then presented the following Section officers, members, and Council members with certificates of appreciation:

Tony Musto
Chris Kurzner
Hala Sandridge
Angela Flowers
Bonnie Kneeland
Jack Shaw
Jack Aiello
Judge Kitty Pecko
Cindy Hofmann
Roy Wasson
Raoul Cantero
Tammy Scrudders
Judge Marguerite Davis

B. James C. Adkins Award

Tom presented this year's James C. Adkins Award to Judge John M. Scheb, who served for 17 years on the Second District Court of Appeal and retired in 1992. Tom mentioned that Judge Scheb's professional courtesy, knowledge of those attorneys who practiced before his court, and his efforts in organizing the American Inns of Court in Lakeland and Sarasota were among his many attributes and contributions to the profession.

Tom then presented our administrator, Jackie Werndli, with a gift certificate for Jumbo Sports as a token of our appreciation for all of her help during the past year.

IX. Program Outline & Closing Comments — Incoming Chair

The first order of business for Chris was to present Tom with a plaque to commemorate his successful year as Chair of the Section. Chris then reminded everyone of the various committee meetings taking place in the afternoon, and of the Supreme Court discussion and Dessert Reception scheduled for later in the day.

X. Adjournment

The meeting was adjourned at 11:15 a.m.

Lucinda A. Hofmann
Secretary

MEMBERS PRESENT:
Jack Aiello
Judge Gerald Cope, Jr.
Judge Marguerite H. Davis
Tom Elligett
Judge Richard Frank
Marjorie Gadarian Graham
Thomas D. Hall
Judge Charles Murray Harris
Cindy Hofmann
Benedict P. Kuehne
Chris Kurzner
Tony Musto
Judge Kathryn Pecko
Harvey Sepler
Jack Shaw
Steve Stark
Sharon L. Stedman
Judge Barry Stone
Judge Gerald B. Tjoflat
George A. Vaka
Roy D. Wasson
Judge Peter Webster

MEMBERS ABSENT:
Angela Flowers
Bonnie Kneeland
Scott D. Makar
Stuart C. Markman
Christine M. Ng
Hala Sandridge

OTHER ATTENDEES:
David A. Acton
Raoul Cantero
Jennifer Carroll
John Crabtree
Michael Finch
Tracy Gunn
Keith Hope
Mary Judd
Jan Majewski
Debra Sutton
Jackie Werndli

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