

**IN THE SUPREME COURT
IN AND FOR THE STATE OF FLORIDA**

**JEB BUSH, GOVERNOR OF THE
STATE OF FLORIDA,**

Appellant,

v.

CASE NUMBER: SCO04-925

**MICHAEL SCHIAVO,
as Guardian of the Person of
THERESA MARIE SCHIAVO**

Appellee.

_____ /

**THE ACADEMY OF FLORIDA ELDER LAW ATTORNEYS, INC.
AND THE NATIONAL ACADEMY OF ELDER LAW ATTORNEYS'
MOTION FOR LEAVE TO FILE BRIEF AS AMICUS CURIAE
IN SUPPORT OF APPELLEE MICHAEL SCHIAVO,
AS GUARDIAN OF THE PERSON OF THERESA MARIE SCHIAVO**

COMES NOW, the ACADEMY OF FLORIDA ELDER LAW ATTORNEYS, INC. ("AFELA"), a Florida not for profit corporation, and the NATIONAL ACADEMY OF ELDER LAW ATTORNEYS ("NAELA"), a non-profit professional association, by and through its undersigned counsel, pursuant to Rule 9.370 of the Florida Rules of Appellate Procedure, and file this Motion for Leave to file an Amicus Curiae Brief in support of the position of Appellee, MICHAEL SCHIAVO, as

Guardian of the person of THERESA MARIE SCHIAVO, as follows:

1. AFELA is composed of two hundred and sixty seven lawyers who are members of the Florida Bar and the National Academy of Elder Law Attorneys devoting their practice to the legal problems of Florida's elderly and disabled. NAELA, a non-profit professional association, is composed of approximately 4500 members. NAELA assists lawyers, bar organizations and others who work with older clients and their families. Established in 1987, NAELA provides a resource of information, education, networking and assistance to those who deal with the many specialized issues involved with legal services to the elderly and people with special needs. AFELA and NAELA, through their members and the thousands of disabled and elderly clients they represent, have an interest in the outcome of this case in that the clients of AFELA and NAELA members are the primary users of sections 765.401 and 765.404, Florida Statutes, the statutes at issue in this case.

2. Movants will attempt to provide this Honorable Court a broader perspective on the issues as they affect disability and elder law practitioners and their clients to assist the court in resolving this difficult matter.

3. The Movants certify that counsel for Governor Jeb Bush and counsel for Michael Schiavo have agreed to Movants filing an Amicus Curiae Brief.

4. Movants will comply with the briefing schedule of the court and the

Appellate Rules of Procedure.

WHEREFORE, Movants, the Academy of Florida Elder Law Attorneys, Inc. and the National Academy of Elder Law Attorneys, respectfully request that this Court grant this Motion and any other relief it deems proper under the circumstances.

CERTIFICATE OF MAILING

I HEREBY CERTIFY that a true copy of the foregoing was mailed on the _____ day of July, 2004 via fax and U.S. Mail to the following parties: **George J. Felos, Esquire** Felos & Felos, P.A., 595 Main Street, Dunedin, Florida 34698; **Thomas J. Perrelli, Robert M. Portman, Nicole G. Berner**, Jenner & Block, LLC, 601 13th Street, NW, Suite 1200, Washington, DC; **Randall C. Marshall**, Legal Director, American Civil Liberties Union of Florida, 4500 Biscayne Blvd, Suite 340, Miami, Florida 33137; **Jay Vail**, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399; **David Cortman**, ACLJ, 1000 Hurricane Shoals Road, Suite D-600, Lawrenceville, GA 30043; **Kenneth Connor, Esquire and Camille Godwin, Esquire**, Wilkes & McHugh, P.A., One North Mabry Street, Suite 800, Tampa, Florida 33609 and **Russell E. Carlisle, Esquire**, 1323 Southeast Third Ave., Fort Lauderdale, Florida.

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