

**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 ELDER LAW SECTION OF THE FLORIDA BAR’S MOTION TO
JOIN IN MOTION FOR LEAVE TO FILE BRIEF AS AMICUS CURIAE
IN SUPPORT OF APPELLEE MICHAEL SCHIAVO,
AS GUARDIAN OF THE PERSON OF THERESA MARIE SCHIAVO**

The Elder Law Section of the Florida Bar (“Section”) moves to appear in this case as a friend of the Court and states as follows:

1. The Section is comprised of over 1700 Florida lawyers who principally practice in the areas of elder law and disability law and who are dedicated to serving all Florida lawyers and the public in these fields of practice. The Section produces educational materials and seminars, drafts legislation and rules of procedure, provides

pro bono services and, on occasion, seeks to file an *amicus* brief on issues related to the Section's fields of practice.

2. The Section is interested in this case because the issue will impact an important aspect of elder and disability law. The Section believes that it can provide a perspective involving the issue that may benefit the Court in deciding the case.

3. The Executive Council of the Section voted to appear in this case if permitted by the Court. The request for approval of the Section's participation in this matter if permitted by the Court is presently pending before the Board of Governors of the Florida Bar.

4. The Section certifies that we have contacted counsel in this matter to determine their position regarding our participation as *amicus curiae*. Counsel for the parties have no objection to the Section's participation as *amicus*.

5. The Section further requests that, if it is permitted to appear as *amicus*, the Section would join in the filing of the amicus brief to be submitted by the ACADEMY OF FLORIDA ELDER LAW ATTORNEYS, INC. ("AFELA") and the NATIONAL ACADEMY OF ELDER LAW ATTORNEYS ("NAELA"), provided the Court permits those organizations to appear as amicus.

WHEREFORE, the Elder Law Section of the Florida Bar, respectfully requests 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.

MARY L. WAKEMAN

Florida Bar Number: 0694703

RUSSELL E. CARLISLE

Florida Bar Number: 011812

LAUHLIN T. WALDOCH

Florida Bar Number: 0262749

Post Office Drawer 229

Tallahassee, FL 32302-0229

Telephone: 850.222.8121

Facsimile: 850.222.4359

Attorneys for Amicus Curiae

The Elder Law Section of the Florida Bar