

**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.

**FLORIDA LEGAL SERVICES' 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**

Florida Legal Services, Inc. ("FLS") moves to appear in this case as a friend of the Court and states as follows:

1. Florida Legal Services, Inc. (FLS) is a nonprofit organization founded in 1973 dedicated to ensuring that low income people have equal access to justice. As a statewide support center, FLS fulfills its mission primarily by working with more than thirty (30) legal aid and legal services providers (hereafter "legal aid programs") throughout Florida to improve their ability to provide legal assistance to those in need in their communities. FLS activities include coordination of advocacy

on statewide issues, training, case consultation and technical assistance for legal aid staff. FLS has also, on occasion, filed *amicus* briefs on civil legal issues impacting the low income community.

2. Over the years, Florida legal aid providers have served thousands of needy individual elders and senior groups, as well as persons with disabilities. A number of legal aid programs receive special funding through the Older Americans Act, 42 U.S.C. § 3001 *et seq.* earmarked to provide legal advice and representation to “older individuals with economic or social needs.” 42 U.S.C. § 3002 (31). Many legal aid programs have also adopted priorities targeting services to the most vulnerable elderly and persons with disabilities in their local communities. Legal aid staff throughout the state have substantial legal expertise to serve these unique populations.

3. FLS has an interest in the legal issues presented in this case because many legal aid clients seek advice and representation concerning end-of-life issues. It is vitally important that legal aid clients and the attorneys that counsel them have as much certainty as possible about the application of the provisions Chapter 765 Florida Statutes to their particular circumstances. Often low income individuals or their families do not have complete documentation of their end-of-life wishes. Nor do they have the resources to pursue protracted litigation to ensure that their end-of-

life wishes are honored. Therefore the clear and certain interpretation and application of proxy decision-making provisions in Florida statute pursuant to relevant case law and the Constitution of the State of Florida is critically important to low income individuals and families.

4. FLS certifies that we have contacted counsel for the parties in this matter to determine their position regarding our participation as *amicus curiae*. Counsel for the Appellee has no objection to FLS' participation as *amicus*. Counsel for the Appellant does not consent to FLS' participation as *amicus*.

5. FLS further requests that, if it is permitted to appear as *amicus*, it 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, Florida Legal Services, Inc., respectfully requests that this Court grant this Motion and any other relief it deems proper under the circumstances.

Respectfully submitted,

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CERTIFICATE OF MAILING

I HEREBY CERTIFY that a true copy of the foregoing was mailed on the _____ day of August, 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; and **Kenneth L. Connor, Esquire and Camille Godwin, Esquire**, Wilkes & McHugh, P.A., One North Mabry Street, Suite 800, Tampa, Florida 33609.

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