

IN THE SUPREME COURT OF FLORIDA

ROBERT J. PLEUS, JR.,
Petitioner,

v.

Case No. SC09-565

HON. CHARLES CRIST, GOVERNOR,
Respondent.

FILED
THOMAS D. HALL
2009 APR 17 P 3:11
CLERK, SUPREME COURT
BY _____

**AGREED MOTION FOR LEAVE TO FILE AMICUS BRIEF BY
THE APPELLATE PRACTICE SECTION OF THE FLORIDA BAR**

Comes now the Appellate Practice Section of The Florida Bar, pursuant to Florida Rule of Appellate Procedure 9.370, and respectfully moves that this Honorable Court grant the Appellate Practice Section leave to appear as amicus curiae in support of the Petitioner in this cause.¹

Movant's Interest

The Appellate Practice Section of The Florida Bar is comprised of 1,589 appellate lawyers, judges, and court personnel. The Appellate Practice Section has

¹ The Section's decision to file an amicus brief is in response to the unanimous request of the judges of the Fifth District Court of Appeal, approved under the Section's bylaws by a 21-2 vote of its Executive Council, which has 38 voting members.

Pursuant to its standing policy on amicus curiae positions, the Executive Committee of the Board of Governors of The Florida Bar has approved the filing of this motion.

The positions taken in this motion and in the contemplated amicus brief are solely that of the Section and do not necessarily reflect the positions of either The Florida Bar or the judges of the Fifth District.

a strong interest in the integrity of the judicial selection process in Florida and in the administration of justice by the appellate courts in Florida.

Issues to Be Addressed

The Appellate Practice Section seeks to address the legal requirements of the judicial appointment process and the impact of a Governor's failure to appoint a judge from the list of nominees certified by a judicial nominating commission.

Why the Section's Participation Will Assist the Court

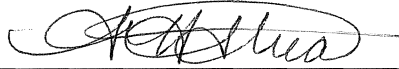
The Appellate Practice Section's involvement in and strong interest in these issues puts it in a unique position to assist the Court in resolving this proceeding in accordance with the Florida Constitution and case law and to ensure public confidence in the nonpartisan nature of the judicial appointment process.

Consent of Parties

The undersigned counsel has conferred with Talbot D'Alemberte, Esq., Counsel for Petitioner, and Erik Figlio, Esq., Assistant General Counsel for Respondent, and is authorized to represent that both parties consent to the Appellate Practice Section's request to file an amicus brief.

WHEREFORE, the undersigned respectfully requests this Honorable Court grant the Appellate Practice Section of The Florida Bar leave to file an amicus brief in support of the Petitioner.²

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to **Talbot D'Alemberte, Esq.**, 1117 Myers Park Drive, Tallahassee, Florida 32301, attorney for Petitioner Robert J. Pleus, Jr., and **Jason Gonzalez, Esq. and Erik Figlio, Esq.**, General Counsel, Executive Office of the Governor, 400 S. Monroe Street, Room 209, Tallahassee, Florida 32399, attorney for Respondent Governor Charles Crist, by U.S. mail this 16th day of April, 2009.



Of Counsel

² The contemplated brief is currently being drafted and will be submitted for approval by the Executive Committee of The Florida Bar Board of Governors.