

IN THE SUPREME COURT OF FLORIDA

IN RE: AMENDMENTS TO RULE
REGULATING THE FLORIDA BAR 1-7.3

CASE NO. SC 14-1165

COMMENT OF THE FLORIDA BAR MEMBERS
PAUL C. DOYLE AND ANNE L. SWERLICK JOINED BY THE
ORGANIZATIONS LISTED AT THE END OF THE COMMENT

As explained by this Honorable Court:

Lawyers as advocates are essential to our common law adversary system. An adversarial system of justice requires legal representation on both sides in order for it to work properly. Without adversaries, the system would not work. Consequently, the obligation to represent the ‘defenseless and oppressed’ is critical to our judicial system if it is to work properly for all segments of our society.”

In re AMENDMENTS TO RULES REGULATING THE FLORIDA BAR – 1-
3.1(A) AND RULES OF JUDICIAL ADMINISTRATION – 2.065 (LEGAL AID),
573 So. 2d 800, 804 (Fla. 1990).

Unfortunately, the “great recession” and the 88% decline in Interest on Trust Account (IOTA) revenue is creating a crisis in the infrastructure of the Florida legal aid delivery system and the representation of the “defenseless and oppressed.” The adversary system does not work when those who prey on the poor and low income families, like predatory lenders, home repair scammers, fraudulent foreclosure rescue organizations, unscrupulous landlords, wage theft employers, and domestic violence batterers, have representation but the victims do not.

The trend that this Court recognized back in 1992 of the growing number of government laws and regulations that increases the amount of government involvement in individual lives has only continued at even a greater pace since 1992. This is even truer for the poor and low income families. As this Honorable Court pointed out,

It is the lawyers who bring cases before a court and advocate issues which assure the integrity of the Constitution and protect individual rights in our society. The availability of lawyers to challenge government conduct that interferes with constitutional rights is essential to assure that these rights are protected. ... We find it is important for an independent legal profession to provide a portion of indigent representation to ensure proper challenges against government violations of individual rights.

In re AMENDMENTS TO RULES REGULATING THE FLORIDA BAR – 1-3.1(A) AND RULES OF JUDICIAL ADMINISTRATION – 2.065 (LEGAL AID), 598 So. 2d 41, 43 (Fla. 1992).

It is the legal aid system in Florida that has largely represented special education students, dependent children, public housing tenants, food stamp recipients, unemployment compensation claimants, institutionalized persons with mental illness and development disabilities, nursing home residents, prisoners, etc. when government and those they regulate have violated individual rights.

The modest increase in The Florida Bar membership fee being requested in the petition can preserve the critical infrastructure of the legal aid system and in so doing help preserve the rule of law in Florida. The integrated Florida Bar has a

responsibility to the public as the arm of the court to ensure meaningful access to our legal system. As this Honorable Court has pointed out,

We do reiterate, however, that this Court, as the administrative head of the judicial branch, has the responsibility to ensure that access to the courts is provided for all segments of our society.

In re AMENDMENTS TO RULES REGULATING THE FLORIDA BAR – 1-3.1(A) AND RULES OF JUDICIAL ADMINISTRATION – 2.065 (LEGAL AID), 630 So. 2d 501, 502 (Fla. 1993).

Respectfully submitted,

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Joined by the following organizations:

Centro Campesino Farmworker Center, Inc.
Coalition of Florida Farmworker Organizations
Fanm Ayisyen Nan Miyami, Inc.
Farm Labor Organizing Committee
Florida New Majority
Men and Women United in Justice Education & Reform
Project Light of Manatee, Inc
Redlands Christian Migrant Association
Sarasota/Manatee Farm Worker Supporters
Sembrando Flores (of Homestead)
South Florida Voices for Working Families
Southern Poverty Law Center
The Farmworker Association of Florida
WeCount! of Florida

I hereby certify that a copy of the foregoing has been served by email on Raoul G. Cantero at rcantero@whitandcase.com and on John F. Harkness, Executive Director of The Florida Bar, at jharkness@flabar.org on this 13th day of August, 2014.

/s/ Anne L Swerlick
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