

IN THE COURTS OF THE THIRD JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA

Administrative Order No. 2008-002

IN RE: APPOINTMENT OF THE OFFICE OF CRIMINAL CONFLICT AND  
CIVIL REGIONAL COUNSEL, FIRST DISTRICT OF FLORIDA

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ORDER

WHEREAS, pursuant to Florida law, the Office of Criminal Conflict and Civil Regional Counsel, First District (hereinafter **RCC1**) is to be appointed on all conflict cases, civil and criminal, within the Third Judicial Circuit effective January 1, 2008; and

WHEREAS, **RCC1** has notified this court through the attached documents of its inability to become fully operational and that it is only able to handle Certain criminal conflict cases in Dixie County and Lafayette County of the Third Judicial Circuit and that an order has been entered in Leon County Circuit Court enjoining **RCC1** from accepting new cases and **RCC1** asks this Court to grant its omnibus motion to withdraw; and

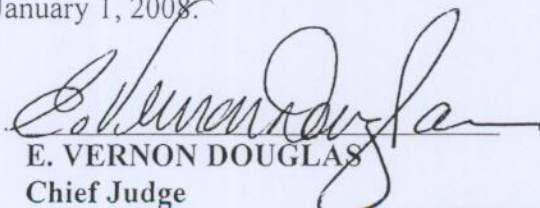
WHEREAS, the interest of justice and due process require that this court insure the continued appointment of alternative counsel to assist the indigent citizens of the Third Judicial Circuit, it is hereby

**ORDERED:**

1. This Court finds that the **RCC1** is not sufficiently operational to handle divisions and cases within the Third Judicial Circuit (other than those cases noted above and for which appointments have been made). In those cases in which the Public Defender is granted leave to withdraw from a case because of a conflict; therefore, the Omnibus motion to withdraw filed by the **RCC1** is **GRANTED**.

2. The **RCC1**'s omnibus motion for leave to withdraw applies to all cases for which **RCC1** has been appointed since January 1, 2008 (with the exception of those cases noted above). Further, based upon the ruling in *FACDL v. Gov. Charlie Crist, et. al.*, which lifted the stay and which presently enjoins Regional Counsels from accepting any new cases, the court finds that **RCC1** is unavailable, or has a "conflict", so as to require appointment of attorneys from the registry of attorneys as provided by law. Therefore, in all cases where **RCC1** has been appointed since January 1, 2008 (except as noted above), and all cases in which the **RCC1** will be appointed pursuant to statutory requirement subsequent to this order, the court shall appoint qualified counsel from the registry of conflict attorneys maintained in this circuit for this purpose. [The undersigned Chief Judge recognizes the statutory authority requiring appointment of the **RCC1** in various types of cases under various sections of the law. The undersigned recognizes that continued appointment of the **RCC1** may be required under existing law. In those cases, after the appointment of the **RCC1**, a copy of this order with the attachment shall be placed in the file and shall serve as the record order of withdrawal. Subsequent to the withdrawal of the **RCC1**, the procedure set forth in Paragraph 3 herein shall be followed.]
3. **Until further notice by this Court**, the Clerk of Court in each county within the Third Judicial Circuit and the Judges of each court within the Third Judicial Circuit will continue the appointment process of conflict counsel through the use of the existing Attorney Registry Lists or to the applicable division conflict counsel in those divisions where division conflict counsel is currently assigned.

DONE AND ORDERED in Chambers at Lake City, Columbia County, Florida, on this 14 day of January, 2008, nunc pro tunc January 1, 2008.

  
E. VERNON DOUGLAS  
Chief Judge

 **COPY**

Photocopies and electronic copies furnished to:

All Judges, Third Judicial Circuit

All Clerks of Court, Third Judicial Circuit

Trial Court Administrator, Third Judicial Circuit

Victoria Montanaro, Executive Director, Justice Administrative Commission

Jeffrey Lewis, Regional Conflict Counsel, District 1





STATE OF FLORIDA  
OFFICE OF CRIMINAL CONFLICT &  
CIVIL REGIONAL COUNSEL, FIRST REGION

Post Office Box 1019 (32302)  
227 N. Bronough Street  
Suite 1125  
Tallahassee, FL 32301

Jeffrey E. Lewis  
Regional Conflict Counsel, 1<sup>st</sup> DCA Region  
Tel: (850) 274-1356 (Tallahassee)

Daniel W. Clark  
Assistant Regional Conflict Counsel, 1<sup>st</sup> DCA Region

January 10, 2008

Hon. E. Vernon Douglas  
Chief Judge, Third Judicial Circuits  
PO BOX 2075  
Lake City, FL 32056-2075

RE: NOTICE THAT THE REGIONAL OFFICE IS NOT SUFFICIENTLY OPERATIONAL AND OMNIBUS  
MOTION TO WITHDRAW

Dear Judge Douglas:

The Office of Criminal Conflict and Civil Regional Counsel, First District (RCC1) has been accepting appointments to certain criminal cases in Dixie County and Lafayette County, only, in the Third Circuit, as previously noticed. On December 20, 2007, Judge Davey of the Leon County Circuit Court ruled in favor of FACDL in a lawsuit to declare Regional Counsels unconstitutional. We appealed and an automatic stay was invoked. Thereafter, attorneys have backed away from earlier commitments to come to work at RCC1. While we cannot fault their concerns, it has caused a delay in getting RCC1 fully operational in this circuit. On January 9, 2008, Judge Davey, granted a motion filed by ACDL to lift the stay of his earlier order. Although the RCC1 will be permitted to continue to represent clients in cases to which it has been appointed, the order is expected to prohibit RCC1 from receiving any new appointments. Accordingly, RCC1 is not able to accept any new cases at this time. An exception is expected for cases where current, assistant regional counsels are withdrawing from registry cases and asking to have those cases reassigned to RCC1. RCC1 will notify the Court in writing if, and when, it is able to accept appointments.

Until further notice, upon appointment of RCC1 to all case types, RCC1 respectfully requests the Court to consider this Notice as its motion to withdraw from each such case. As basis to withdraw, RCC1 requests that the Court find that the circuit court in Leon County has found SB 1088 unconstitutional and enjoined Regional Counsels from accepting new cases and that RCC1 is not sufficiently operational to provide representation in the case, that this constitutes a conflict, and to discharge RCC1 from the case without further motion by RCC1. RCC1 requests that the Court appoint counsel to the case from the registry of attorneys who have entered into the Agreement for Attorney Services with the Justice Administrative Commission.

Any notices should be sent to the Regional Counsel Offices at Post Office Box 1019, Tallahassee, FL 32302 and to Post Office Box 2698, Lake City, FL 32056. Please do not hesitate to contact me should you have any questions regarding this matter.

Sworn to as true and correct this 10<sup>th</sup> day, January 2008.

Jeffrey E. Lewis  
Regional Counsel First DCA Region

cc: Hon. Dennis Roberts, Public Defender, 3<sup>rd</sup> Circuit  
Victoria Montanaro, Dir. JAC  
~~Shea Hagen, Assistant Court Administrator, Alachua County~~