

# In the Supreme Court of Florida

Case No. 00-1644

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*DENNIS G. KAINEN, GERALD F. RICHMAN,  
JOHN L. (JIM) HAMPTON, DON L. HORN,  
REBEKAH J. POSTON, and NORMAN DAVIS,*

Petitioners,

v.

*KATHERINE HARRIS,  
as Secretary of State of the State of Florida,*

Respondent.

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## **AMENDED AMICUS BRIEF OF FORMER PRESIDENTS OF THE FLORIDA BAR IN SUPPORT OF PETITION FOR WRIT OF MANDAMUS**

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On Petition to the Supreme Court

### **Amicus Former Presidents of The Florida Bar**

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Howard C. Coker, *Jacksonville*

Marshall Criser, *Jacksonville*

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***CERTIFICATE OF FONT SIZE AND STYLE***

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## ***SUMMARY OF THE ARGUMENT***

The Amicus urges the Court to grant the Petition of Dennis G. Kainen, *et al.* to require the ballot language contained in the 2000 Amendments to Section 101.161, Florida Statutes (S.B. 2104), regarding the selection and retention of circuit and county judges, to be stricken from the November 7, 2000 Ballot and replaced with constitutional ballot language, for the reasons set forth below and in the Petition for Writ of Mandamus filed in this matter by Petitioners.

## *ARGUMENT*

The Florida Bar has had a longstanding commitment to the independence of the judiciary of this state and has long supported the institution of processes by which judges may be selected and courts constituted in such a way as to promote, to the maximum extent possible, the independence of the judiciary of this state. In light of that commitment, the Amicus Former Presidents of The Florida Bar (“Amicus”) (as herein listed) has considered the petition of Petitioners Dennis G. Kainen, Gerald F. Richman, John L. (Jim) Hampton, Don L. Horn, Rebekah J. Poston, and Norman Davis, herein, and files this its Amicus Brief in Support of the Petition.

In 1998, the Constitutional Revision Committee proposed a change to the Florida Constitution, and that proposal was later passed by a majority of the voters of the State and incorporated into the Constitution, providing for

[a] vote to exercise a local option to select circuit court judges and county court judges by merit selection and retention rather than by election . . . .

Article V, § 10(b)(3)(a.), Fla. Const.

The Amicus believes that the provision is in danger of being eviscerated by the ballot language passed by the Legislature in the 2000 amendments to section 101.161 because the amendments are neither accurate or informative, and because they mislead the electorate. The Amicus supports the position of the Petitioners in this matter and urges the Court to grant the relief sought in the Petition for Writ of Mandamus, for the reasons therein argued.

## **CONCLUSION**

For the foregoing reasons, the Amicus Former Presidents of The Florida Bar requests that this Court grant the Petition of Dennis G. Kainen, *et al.* to require the ballot language contained in the 2000 Amendments to Section 101.161, Florida Statutes (S.B. 2104), regarding the selection and retention of circuit and county judges, to be stricken from the November 7, 2000 Ballot and replaced with constitutional ballot language.

Respectfully submitted,

**Amicus Former Presidents of  
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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been sent by U.S. Mail on this \_\_\_\_\_ day of October, 2000, to:

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