



CHARLIE CRIST
GOVERNOR

FILED
THOMAS D. HALL

2009 JAN -6 P 2:55

CLERK, SUPREME COURT

January 6, 2009

BY _____

Honorable Peggy A. Quince
Chief Justice and
the Justices of the Supreme Court of Florida
Tallahassee, Florida

Re: Request for Advisory Opinion

Dear Justices:

On January 5, 2009, I received a letter from Chief Judge Kathleen J. Kroll, of the Fifteenth Judicial Circuit, in which she expressed uncertainty as to the position of Circuit Judge-Elect William Abramson. A copy of Chief Judge Kroll's letter is attached hereto for your reference. In response to Chief Judge Kroll's letter, I am requesting an advisory opinion as to how Mr. Abramson's recent suspension from The Florida Bar, as described in the attached correspondence, affects his ability to hold the constitutional office of circuit judge. This request is made pursuant to Article IV, Section 1(c) of the Florida Constitution as it relates to the Justices' interpretation of the Governor's authority under Article IV, Section 1(a) to commission a circuit judge-elect who is serving a suspension from the practice of law at the time the judge-elect is to take office.

Thank you for your consideration of this request and for your service to the people of Florida.

Sincerely,

A handwritten signature in black ink that reads "Charlie Crist".

Charlie Crist

CC/jg/ko

Enclosure

cc: Honorable Kathleen J. Kroll, Chief Judge, Fifteenth Judicial Circuit
William Abramson, Esq.



THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT
OF FLORIDA

CHAMBERS OF
KATHLEEN J. KROLL
CHIEF JUDGE

COUNTY COURTHOUSE
WEST PALM BEACH, FLORIDA 33401
561/355-4378

January 5, 2009

Via Email and United States Mail

Governor Charlie Crist
State of Florida
The Capital
400 S. Monroe Street
Tallahassee, Florida 32399-0001

Re: Circuit Judge-Elect William Abramson

Dear Governor Crist:

As you are aware from my December 23, 2008 letter to Chief Justice Peggy Quince, I am unclear, as chief judge of the Fifteenth Judicial Circuit, as to the position of judge-elect William Abramson.

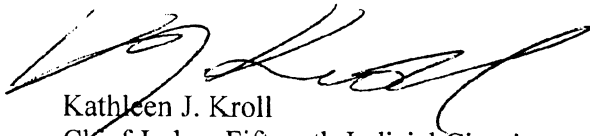
Article V section 8 of the Florida Constitution provides that "no person shall be eligible for the office of circuit judge unless the person is, and has been for the preceding five years, a member of the bar of Florida." The Rules Regulating the Florida Bar are somewhat inconsistent. While Rule 3-5.1(e) states that during a suspension the respondent shall continue to be a member of the Florida Bar but without the privilege of practicing, the rule further states that if the attorney receives a suspension greater than ninety (90) days that the attorney must apply for reinstatement. Moreover, Rule 3-7.8(g) of the Rules Regulating the Florida Bar states that admission or reinstatement of attorneys disbarred or suspended by proceedings in circuit courts shall be governed as elsewhere provided in these rules. Thus it appears that upon the ninety-second (92) day, when the suspension expires, Mr. Abramson will no longer be a member of the bar unless and until he has been reinstated. Should Mr. Abramson not be reinstated to membership in the Florida Bar, then it appears he would not meet the qualifications to be eligible for the office of circuit judge as the Florida Constitution so requires.

Under Article IV, section 1(c) of the Florida Constitution, the governor has the right to request in writing the opinion of the justices of the Florida Supreme Court as to the interpretation of any portion of this constitution upon any question affecting the governor's executive powers and duties. To ensure that the citizens of Florida are

confident that the rulings and decisions that Mr. Abramson may make as a circuit judge are binding and lawful, I would respectfully request that you ask the Florida Supreme Court for an advisory opinion as to how Mr. Abramson's suspension from the Florida Bar affects his ability to hold the constitutional office of Circuit Judge.

I appreciate your consideration and assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Kroll', written in a cursive style.

Kathleen J. Kroll
Chief Judge, Fifteenth Judicial Circuit

cc: William Abramson, Esq.