

THE SUPREME COURT OF FLORIDA

DANE P. ABDOOL, et al.
Petitioners,

v.

NO. SC-13-1123

PAMELA JO BONDI, ATTORNEY GENERAL,
AND STATE OF FLORIDA,
Respondents.

**BRIEF OF AMICUS CURIAE FLORIDA STATE COMMITTEE OF THE
AMERICAN COLLEGE OF TRIAL LAWYERS IN SUPPORT OF
COURTS ALL WRITS JURISDICTION.**

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STATEMENT OF IDENTITY AND INTEREST

This amicus brief is submitted pursuant to Florida Rule of Appellate Procedure 9.390 by the Florida State Committee of the American College of Trial Lawyers. The College is an honorary, by invitation only, professional association of lawyers and judges who are skilled and experienced in the trial of cases and dedicated to maintaining and improving the standard of trial practice, the administration of justice, and the ethics of the profession. One of its committees is the Access to Justice and Legal Services Committee. Its mission is to encourage and facilitate, through the National Access to Justice Committee and State and Province Access to Justice Committees, the provision of pro bono legal services by individual Fellows of the College to persons who are unable to afford counsel competent to represent such persons effectively in litigation of the complexity and difficulty presented.

Over the years, Florida Fellows of the American College of Trial Lawyers have accepted appointment as pro bono counsel in capital post-conviction proceedings, including the critical period before Capital Collateral representation was funded by the Legislature. Under the leadership of James Rinaman of Jacksonville, a Fellow of the American College of Trial Lawyers, a successful drive was conducted to recruit leading lawyers to help with the large backlog of cases. This effort was made at the request of this Court. Thus, many Florida

Fellows have an interest in assuming that participation in pro bono representation of death-sentenced inmates in post-conviction proceedings is not chilled by the legislation being challenged in this action, and particularly by the provision that cancels registry contracts for capital representation - a provision evoking the earlier days when this Court had to reach out to private, pro bono lawyers.

STATEMENT OF THE CASE

On Wednesday, June 26, 2013, various petitioners filed an Emergency Petition To Invoke This Court's All Writs Jurisdiction, To Declare Unconstitutional Provision Of The Timely Justice Act of 2013, And For Immediate Temporary Injunctive Relief.

ARGUMENT

Amicus takes no position, one way or the other, on the merits of the constitutional arguments advanced in that petition. Amicus does, however, urge this Court to accept jurisdiction and preclude it from taking effect until this Court has determined the constitutionality of this statute.

The history of capital punishment suggests caution in displacing established judicial procedures of review. Indeed, the recent report of this Court's Innocence Commission makes it clear that innocent people are convicted all too often. Many have been fully exonerated many years - sometimes decades - after their

convictions, sometimes by newly-available scientific methods such as DNA testing or other newly-discovered evidence.

Amicus believes it is crucial for this Court to consider the constitutional challenges to this Act, so as to assure that Florida's death penalty is enforced in a manner consistent with both the Florida Constitution and the United States and to minimize the possibility that an innocent man or woman is executed. Review is further crucial to assure that this legislative attempt to speed up the process of executions does not have some unintended consequences, such as discouraging participation by Fellows of the American College of Trial Lawyers and other lawyers as pro bono counsel, in light of the new shift in time schedules and procedures.

CONCLUSION

This Court should exercise its All Writs Jurisdiction to determine the constitutionality of the Timely Justice Act of 2013 before it is allowed to go into effect.

Date: July 16, 2013

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the Brief was served via e-mail and regular mail to the following on this 16th day of July, 2013.

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