



STATE OF FLORIDA  
JUSTICE ADMINISTRATIVE COMMISSION

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Victoria A. Montanaro  
Executive Director

RECEIVED

JAN 14 2008

LORENT J. LITTY  
CRIMINAL JUSTICE

January 8, 2008

Honorable Robert J. Morris, Jr.  
Chief Judge of the 6th Judicial Circuit  
41250-49<sup>th</sup> Street North  
Clearwater, Florida 33762

VIA Email and U.S. Mail

Dear Chief Judge Morris:

As you are probably aware, the Regional Counsel Offices are not fully operational in all circuits. Because the Regional Counsels were not appointed until August 21, 2007, the implementation plans have been delayed proportional to the delay in the appointment date. It is envisioned that all the Regional Counsels will be operational in all circuits for all services by late February or early March.

As long as a Regional Counsel is not sufficiently operational to accept appointment to a case, JAC staff will not contest appointment for court-appointed counsel and will process for payment bills submitted for these cases by court-appointed counsel. JAC will continue to pay the court-appointed counsel who are appointed during this brief transition period as long as court-appointed counsel entered into a contract with JAC.

Pursuant to section 27.5303, many appointments in judicial divisions or circuits may require a formal withdrawal of Regional Counsel before court-appointed counsel could be appointed. This requirement could place a significant administrative burden on Regional Counsel, the courts and court-appointed counsel. Therefore, where JAC has been informed by Regional Counsel that the office is not sufficiently operational to accept the case in question, either by case type or case location, JAC will not dispute compensation for court-appointed counsel on the basis that Regional Counsel did not formally withdraw.

This only applies where Regional Counsel has notified the courts and JAC that they are not sufficiently operational by case type or location. For other cases, the court must appoint Regional Counsel or *sua sponte* find that Regional Counsel has a conflict (s. 27.5303). If a court issues an order finding that Regional Counsel is not sufficiently operational for a case which Regional Counsel notified the court and JAC that the Regional Counsel was able to accept appointment, JAC may contest any compensation for court-appointed counsel as provided in the JAC Agreement for Attorney Services.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria Montanaro".

Victoria Montanaro  
Executive Director

Cc: Jackson Flyte, Office of Criminal Conflict and Civil Regional Counsel, 2nd Region  
Gay Inskip, Court Administrator, 6th Judicial Circuit

The Justice Administrative Commission administratively serves the offices of State Attorneys, Public Defenders, Capital Collateral Regional Counsels, the Statewide Guardian Ad Litem Program, and Criminal Conflict and Civil Regional Counsels; and, provides compliance and financial review of the court-appointed attorney due process costs.