

Dear Members of the Judiciary:

I'd like to take the opportunity to introduce you to the Miami Chapter of ABOTA – the American Board of Trial Advocates. You may have met one of our members at your investiture. We're a national organization, members of which are split equally between plaintiff and defense attorneys in civil actions. ABOTA seeks to elevate the standards of integrity, honor and courtesy in the legal profession, preserve the right to jury trial in civil actions, advocate for the independence of the judiciary and help educate our teachers and students about our legal system.

We pride ourselves on service to the bench and the community. In this regard, we have two programs we'd like to share with you. We have a Crisis Committee, composed of four present ABOTA members, Kimberly Cook 305.671.2159, Michael Mullen 305.667.0223, Alex Rebozo 305.373.0708 and Peter Spillis 305.455.9509, available to respond in those instances of unfair attacks on the judiciary. ABOTA believes that a public response should be made to criticism or attacks on judges in the following circumstances:

- A public utterance that is unwarranted or an unjust attack on a judge in relation to specific cases, regardless of the source of the attack, or
- Any "unwarranted" or "unjust" attack or series of attacks on a judge or court that may adversely affect the administration of justice.

The following are the kinds of cases in which ABOTA believes that responding to criticism is appropriate, except in unusual circumstances:

- When the criticism is serious and will most likely have more than a passing or de minimis negative effect in the community;
- When the criticism displays a lack of understanding of the legal system or the role of the judge and is based at least partially on such misunderstanding; and
- When the criticism is materially inaccurate; the inaccuracy should be a substantial part of the criticism so that the response does not appear to be "nitpicking."

A more concrete example occurred last summer in Tallahassee when Kathy J. Maus, a Tallahassee Chapter ABOTA member, responded in the face of intense political criticism of Circuit Judge Jackie Fulford's handling of the State employees' challenge to legislation mandating pension contributions.

<http://www.tallahassee.com/article/20120209/OPINION05/302090064/Kathy-J-Maus-Attacks-judge-wrong>.

If you believe that Crisis Committee action is appropriate, please call our Executive Director, Ms. Jackie Hart at 305.667.0223 or me at 305.661.8551 so that she or I may initiate the process.

On a daily level, we have a "wheel" for Guardian Ad Litem appointments in cases involving minor's settlements that require Court approval. Our members, both defense

and plaintiff's attorneys, offer their services on a pro bono basis to evaluate the minor's settlement and report to the Court on its reasonableness. We urge you to use this service. It is done on a pro bono basis by attorneys who deal on a routine basis with the issues involved.

The national organization publishes a quarterly periodical entitled Voir Dire Magazine. If you're interested in reading it, present and archived issues can be found at <http://www.abota.org/index.cfm?pg=VoirDire>.

We really want to be of service. If we may be of assistance, please contact us. Thank you for the opportunity to address you.

Sincerely,

Steven Kellough  
President, Miami Chapter