IN THE SUPREME COURT OF FLORIDA

HONORABLE GERALDINE F. THOMPSON, CASE NO.
in her Official Capacity as a
Representative for District 44
in the Florida House of
Representatives, and as an
Individual,

Petitioner,

vs.

HONORABLE RON DESANTIS, in his
Official Capacity of Governor
of Florida, and DANIEL E. NORDBY,
in his Official Capacity as Chair
of the Florida Supreme Court
Nominating Commission,

Respondents.

APPENDIX TO EMERGENCY PETITION FOR WRIT OF
QUO WARRANTO AND WRIT OF MANDAMUS

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Attorneys for Petitioner
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Rep. Thompson: Nominee was the wrong choice for state Supreme Court | Commentary

By REP. GERALDINE THOMPSON
GUEST COLUMNIST | FEB 14, 2020 AT 12:24 PM
Palm Beach County Circuit Judge Renatha Francis received the endorsement of the Florida Legislative Black Caucus to fill an opening on the Florida Supreme Court last month.

The Judicial Nominating Commission (JNC), which was created to assist Florida’s governors, in identifying qualified candidates, had recommended Francis, though she has not been a member of the Florida Bar for 10 years — a constitutional requirement for the position. Francis will reach the 10-year mark in September. No other candidate who had less than 10 years as a Florida Bar member was recommended.

The JNC had been criticized for not recommending an African-American when Justice Peggy Quince retired in January 2018. After Quince’s retirement, for the first time in almost four decades, there was no African American representation on Florida’s highest court.

But Francis, in my opinion, is not the best qualified choice for the position. If you review the qualifications of some of the other African American candidates who applied for appointment to the Florida Supreme Court, you might conclude that JNC members, after determining their racial belonging, saw them as interchangeable regardless of experience and qualifications.

Francis was appointed by Gov. Rick Scott to the Miami-Dade County Court just three years ago, and quickly rose to circuit court judgeships in Miami-Dade and Palm Beach County (a county in which she did not live).
With the recommendation to the Florida Supreme Court, Francis prevailed over jurists like Judge Elijah Smiley of Bay County, who has served since 2006 and adjudicated more than 25,000 cases, far beyond what any judge could accomplish in three years. Another applicant, Judge Daryl E. Trawick, was appointed to the circuit court by former Gov. Jeb Bush in 2000 and previously had served as assistant U.S. attorney for the Southern District of Florida.

In my view, factors other than experience and qualifications may have influenced Francis’ selection. The current chair of the Supreme Court Judicial Nominating Commission, Daniel Nordby, works with the Shutts & Bowen law firm and is a member of the Federalist Society. Francis also worked with Shutts & Bowen and, like Nordby, is a Federalist Society member.

This appointment is crucial for the court. Given Francis’ age of 42, she could serve on the Florida Supreme Court for more than 30 years before reaching the mandatory retirement age of 75.

When making this recommendation, the JNC had essentially given members of the Florida Legislative Black Caucus a “take it or leave it” proposition on Francis. The FLBC opted to support diversity on the Supreme Court. I support diversity as well and view it as highly important on the Florida Supreme Court as well as other areas in American society, but diversity can be achieved simultaneously with qualifications.

Recently after serving for more than 10 years, Alan Landman, chair of the 18th Circuit JNC, resigned after he was rebuffed following his recommendation of a candidate he felt to be the most qualified for a judgeship.

He expressed concern that the JNC was moving away from a merit-based selection process. More of that type of person is needed on all judicial nominating commissions if potential applicants are to have confidence in a fair and principled selection process which results in
the recommendation of highly qualified candidates for appointment to the judiciary.

Though to some, all African-Americans may look alike, our contributions and achievements must be examined, weighed and considered if we are truly to be judged by the content of our character and not simply the color of our skin.

*The author represents the 44th District, which encompasses west and southwest Orange County, in the Florida House of Representatives.*

*Correction: An earlier headline incorrectly stated the Supreme Court made the choice of a nominee.*

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*NY DAILY NEWS*
Governor Ron DeSantis  
c/o Joe Jacquot, General Counsel  
Office of the General Counsel  
Executive Office of the Governor  
Suite 209, The Capitol  
400 South Monroe Street  
Tallahassee, FL 32399-6536

Re: Resignation Letter

Dear Governor DeSantis:

It is with a heavy heart that I submit this resignation letter with my resignation to be effective upon my appointment to the United States Court of Appeals for the Eleventh Circuit. On January 14, 2019, I had the highest professional honor of my life when you appointed me as a Justice on the Supreme Court of Florida. As a lawyer and judge, there is no greater service I could provide to our State than to serve on its Supreme Court. I pray that I have done that honorably and well in the short time I have been on the Court.

The only thing that could, and has, taken me away from my commitment to our State is the opportunity to serve our nation. President Trump gave me that opportunity when he appointed me to the Eleventh Circuit. I will miss serving with the best state judges, and on the best state Supreme Court, in the country. I am confident that our judiciary is in great hands. And I am forever grateful for the faith you had that I could do the job. I hope my years on the Eleventh Circuit will make you and our State proud.

Sincerely,

Robert J. Luck  
Justice
Barbara Lagoa
Justice

The Capitol
400 South Monroe Street
Tallahassee, Florida 32399

November 22, 2019

Governor Ron DeSantis
The Capitol
400 South Monroe Street
Tallahassee, Florida 32399

Dear Governor DeSantis,

On November 20, 2019, the United States Senate confirmed my nomination to the United States Court of Appeals for the Eleventh Circuit. Accordingly, effective upon my appointment by the President of the United States, I resign my position as a Justice on the Supreme Court of Florida. I have advised the Chief Justice of the Supreme Court of Florida and my colleagues of my intention to resign upon my appointment by President Trump.

It has been an honor and a privilege to serve the people of the State of Florida for over 13 years—first as an appellate judge on the Third District Court of Appeal and more recently as a Justice on the Supreme Court of Florida. I truly appreciate the opportunities that you and Governor Jeb Bush gave me to serve in those capacities, and I look forward to continuing my public service as a judge on the United States Court of Appeals for the Eleventh Circuit.

Sincerely,

Barbara Lagoa

cc: Chief Justice Charles T. Canady, Florida Supreme Court (by email)
    Joseph W. Jacquot, General Counsel, Executive Office of the Governor (by email)
November 25, 2019

Mr. Daniel Nordby
Chair – Supreme Court
Judicial Nominating Commission
215 South Monroe Street, Suite 804
Tallahassee, Florida 32301

Dear Mr. Nordby,

On behalf of Governor DeSantis, I am requesting that you convene the Supreme Court Judicial Nominating Commission for the purpose of selecting and submitting to the Governor the names of highly qualified lawyers for appointment to the Florida Supreme Court. With the confirmations of Justice Barbara Lagoa and Justice Robert J. Luck to the United States Court of Appeals for the Eleventh Circuit and the Governor’s receipt of their resignation letters, these appointments will fill those vacancies. The Governor prefers submission of the maximum number of nominees (twelve) for these vacancies.

The Commission’s deadline for completion of this undertaking is prior to 60 days from the date of this letter. This includes a discretionary extension as authorized by Article V, Section 11(c) of the Florida Constitution.

Administrative support for the Commission will be provided by the Governor’s Office, pursuant to section 43.291(7), Florida Statutes. This includes all essential administrative needs such as document distribution, public announcements and the like. JNC Coordinator Erin Kraeft (850-717-9310; Erin.Kraeft@eog.myflorida.com) will assist you to these ends.

The Commission’s handling of this matter is most appreciated.

Sincerely,

Joe Jacquot
General Counsel

cc: The Honorable Charles T. Canady
Chief Justice
FLORIDA SUPREME COURT JUDICIAL NOMINATING COMMISSION
SEEKS APPLICANTS FOR FLORIDA SUPREME COURT JUSTICE

FOR IMMEDIATE RELEASE
November 25, 2019
CONTACT: Daniel E. Nordby, Chair
Florida Supreme Court Judicial Nominating Commission

TALLAHASSEE -- The Florida Supreme Court Judicial Nominating Commission is accepting applications to fill the vacancies on the Florida Supreme Court created by the resignations of Justice Barbara Lagoa and Justice Robert Luck to assume federal judicial office. Based on the Florida Supreme Court's current composition, at least one of the justices appointed to fill these two vacancies must be a resident of Florida’s Third Appellate District at the time of appointment.

Instructions for Submission

The judicial application may be obtained from the Governor’s Judicial Nominations website at: https://www.flgov.com/judicial-and-judicial-nominating-commission-information/. Applicants must submit: (1) an original electronic copy of the application (including all attachments) in pdf format; and (2) a redacted electronic copy of the application (including all attachments), which excludes all material that is exempt or confidential under applicable public records laws, also in pdf format. Both the original and redacted electronic applications must be submitted electronically to all Commission members at their email addresses below before 6 p.m. on December 24, 2019. The Commission strongly prefers the submission of applications in a searchable (i.e., non-scanned) pdf format.

After the deadline for submitting applications, the Commission will determine which applicants to interview. Applicants who are selected by the Commission for interviews will be contacted to confirm the date, time, and location.

The members currently serving on the Florida Supreme Court Judicial Nominating Commission are:

Chair Daniel Nordby, Tallahassee, DNordby@shutts.com
Vice Chair Fred Karlinsky, Weston, karlinskyf@gtlaw.com
Cynthia G. Angelos, Port St. Lucie, cynthiagangelos@gmail.com
Jesse M. Panuccio, Palm Beach Gardens, panuccio@gmail.com
Israel U. Reyes, Coral Gables, ireyes@reyeslawfirmpa.com
Hala A. Sandridge, Tampa, hala.sandridge@bipc.com
Heather Stearns, Tallahassee, hstearns@libertydentalplan.com
Jeanne T. Tate, Tampa, jeanne@jtatelaw.com
Harout Samra, Coral Gables, harout.samra@dlapiper.com
TALLAHASSEE -- The Florida Supreme Court Judicial Nominating Commission has received applications from the following individuals, listed below in alphabetical order, to fill the vacancies on the Florida Supreme Court created by the resignations of Justice Barbara Lagoa and Justice Robert Luck to assume federal judicial office.

1. Judge Hunter Carroll (Twelfth Judicial Circuit)
2. Judge Howard Coates, Jr. (Fifteenth Judicial Circuit)
3. *Mr. John Couriel (Kobre & Kim LLP)
4. Mr. Jack Cox (Jack Schramm Cox, Chartered)
5. Judge Fabienne Fahnestock (Seventeenth Judicial Circuit)
6. Mr. Manuel Farach (McGlinchey Stafford)
7. Judge Renatha Francis (Fifteenth Judicial Circuit)
8. Judge Jonathan Gerber (Fourth District Court of Appeal)
9. Judge Jamie Grosshans (Fifth District Court of Appeal)
10. Judge Jeff Kuntz (Fourth District Court of Appeal)
11. Judge Bruce Kyle (Twentieth Judicial Circuit)
12. *Judge Norma Lindsey (Third District Court of Appeal)
13. Judge Howard McGillin (Seventh Judicial Circuit)
14. *Judge Bronwyn Miller (Third District Court of Appeal)
15. Judge Anne-Leigh Moe (Thirteenth Judicial Circuit)
16. Ms. Belinda Noah (Belinda Noah Productions, Inc.)
17. Judge Virginia Norton (Fourth Judicial Circuit)
18. Judge Timothy Osterhaus (First District Court of Appeal)
19. *Mr. Eliot Pedrosa (Executive Director, InterAmerican Development Bank)
20. Judge Carol-Lisa Phillips (Seventeenth Judicial Circuit)
21. Judge Cymonie Rowe (Fifteenth Judicial Circuit)
22. Judge Lori Rowe (First District Court of Appeal)
23. Judge Samuel Salario (Second District Court of Appeal)
24. Judge Tatiana Salvador (Fourth Judicial Circuit)
25. Judge Meredith Sasso (Fifth District Court of Appeal)
26. *Judge Ed Scales (Third District Court of Appeal)
27. Judge Elijah Smiley (Fourteenth Judicial Circuit)
Current residents of the Third Appellate District are denoted by an asterisk. Based on the Florida Supreme Court's current composition, at least one of the justices appointed to fill these two vacancies must be a resident of Florida's Third Appellate District at the time of appointment.

Members of the bench, Bar, and the public are encouraged to contact the members of the Commission concerning these applicants.

The members currently serving on the Florida Supreme Court Judicial Nominating Commission are:

Chair Daniel Nordby, Tallahassee, DNordby@shutts.com
Vice Chair Fred Karlinsky, Weston, karlinskyf@gtlaw.com
Cynthia G. Angelos, Port St. Lucie, cynthiagangelos@gmail.com
Jesse M. Panuccio, Palm Beach Gardens, panuccio@gmail.com
Israel U. Reyes, Coral Gables, ireyes@reyeslawfirmpa.com
Hala A. Sandridge, Tampa, hala.sandridge@bipc.com
Heather Stearns, Tallahassee, hstearns@libertydentalplan.com
Jeanne T. Tate, Tampa, jeanne@jtatelaw.com
Harout Samra, Coral Gables, harout.samra@dlapiper.com

###
MEMBER PROFILE

Renatha Sian Francis

Bar Number:
84181

Mail Address:
Judge Daniel T.K. Hurley Courthouse
205 N Dixie Hwy
West Palm Beach, FL 33401-4522
Office: 561-355-3028

Email:
cad-divisionfc@pbcgov.org

Personal Bar URL:
https://www.floridabar.org/mybarprofile/84181

vCard:

County:
Palm Beach

Circuit:
15

Admitted:
09/24/2010

Judicial Position:
SC
10-Year Discipline History:
None

Law School:
Florida Coastal School of Law, 2010

Firm:
Judge Daniel T.K. Hurley Courthouse

Firm Size:
>100

Firm Position:
Government attorney

Firm Website:
https://www.15thcircuit.com/

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January 23, 2020

Governor Ron DeSantis
The Capitol
400 South Monroe Street
Tallahassee, Florida 32399

Re: Certification of Nominees – Florida Supreme Court

Dear Governor DeSantis:

I am pleased to inform you that the Florida Supreme Court Judicial Nominating Commission has nominated the following applicants for your consideration to fill the two vacancies created by the resignations of Justice Barbara Lagoa and Justice Robert Luck:

*John Couriel
Renatha Francis
Jonathan Gerber
Jamie Grosshans
*Norma Lindsey
Timothy Osterhaus
*Eliot Pedrosa
Lori Rowe
Meredith Sasso

Current residents of the Third Appellate District are denoted by an asterisk.

Sincerely,

[Signature]
Daniel E. Nordby
Chair, Florida Supreme Court
Judicial Nominating Commission

cc: Joe Jacquot, General Counsel
Chief Justice Charles Canady
JNC Media Distribution List
Mr. John Daniel Couriel
§119.071(4)(d) F.S.

Dear Mr. Couriel:

It is my pleasure to appoint you to the Florida Supreme Court. Your appointment is evidence of my utmost confidence in your ability to serve with excellence and distinction.

You will soon receive your qualifying papers from the Department of State. Please note that these papers will need to be filed before you are able to assume your position.

Congratulations and thank you for your willingness to serve the people of Florida.

Sincerely,

Ron DeSantis
Governor
May 26, 2020

Ms. Renatha Francis
§119.071(4)(d) F.S.

Dear Ms. Francis:

It is my pleasure to appoint you to the Florida Supreme Court. Your appointment is evidence of my utmost confidence in your ability to serve with excellence and distinction.

You will soon receive your qualifying papers from the Department of State. Please note that these papers will need to be filed before you are able to assume your position.

Congratulations and thank you for your willingness to serve the people of Florida.

Sincerely,

Ron DeSantis
Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399 • (850) 717-9249
Governor Ron DeSantis Appoints Judge Renatha Francis to Serve as First Jamaican-American on the Florida Supreme Court

On May 26, 2020, in News Releases, by Staff

Miami, Fla. — Today, Governor Ron DeSantis announced the appointment of Judge Renatha Francis to the Florida Supreme Court. Francis’ appointment fills the vacancy of former Florida Supreme Court Justice Robert Luck, who now serves on the United States Court of Appeals for the Eleventh Circuit after being appointed by President Donald Trump. Francis will officially take her seat on the Supreme Court on September 24, 2020.

"Judge Francis’ story demonstrates that anyone who comes to United States has an opportunity to make the most of their God-given talents," said Governor DeSantis. "Before immigrating to Florida, she ran two businesses and served as the primary caregiver for a younger sibling in Jamaica. After completing her law degree, she advanced to serve on the Miami-Dade County and then the 15th circuit court. Starting in September, she will serve as the first Jamaican-American to sit on the Florida Supreme Court and I know she will serve our state well."

"I’m incredibly honored and humbled by this appointment and in the confidence that Governor DeSantis has shown by giving me this tremendous opportunity to serve the people of the great state of Florida," said Judge Renatha Francis. "As a student of history growing up, I was and remain in awe of the United States Constitution, its freedoms and its respect for the rule of law. I look forward to applying the law as written by the people’s duly-elected representatives as I serve at the highest level of our state judiciary."

Renatha Francis

Francis, of West Palm Beach, is the first Jamaican American to serve on Florida’s Supreme Court. Francis currently serves as Judge for the 15th Circuit Court in 2019 and previously served as Judge for the Miami-Dade County Court in 2017. Francis also served as an attorney for the 1st DCA in Tallahassee from 2011-2017. Before attending law school, Francis owned and successfully operated two businesses for five years. Francis received her bachelor’s from the University of The West Indies and her Juris Doctorate from Florida Coastal Law School. She and her husband Phillip are the parents of two sons, one of which was born recently. Francis will officially join the Supreme Court on September 24, 2020.

###

Comments are closed.
Florida Supreme Court Justices


The highest court in Florida is the Supreme Court, which is composed of seven justices. At least five Justices must participate in every case and at least four must agree for a decision to be reached. The Court's official headquarters is the Supreme Court Building in Tallahassee. Click on the photo for a hi-res version.

Read about Florida's Court System and the History of the Court for information about the role of the chief justice and the court's organization and jurisdiction.
Chief Justice Charles T. Canady
Justice Charles Canady is the 82nd Justice of the Supreme Court and has served in all three branches of state government and the U.S. Congress. He was appointed in 2008 and faces a merit retention vote in 2022.

Justice Ricky Polston
Justice Ricky Polston is the 83rd Justice on the Supreme Court and is well known for his work with foster care, including adopting a sibling set of six brothers into his existing family. He was appointed in 2008 and faces a merit retention vote in 2022.

Justice Jorge Labarga
Justice Jorge Labarga is the 84th Justice on the Supreme Court and was born in Havana, Cuba, though his family fled to freedom in Florida when he was a child. He was appointed in 2009 and faces a merit retention vote in 2022.

Justice Alan Lawson
Justice Alan Lawson is the 86th Justice on the Supreme Court and previously served as chief judge of the Fifth District Court of Appeal in the Orlando and Daytona Beach areas. He was appointed in 2016 and faces a merit retention vote in 2024.

Justice Carlos G. Muñiz
Justice Carlos G. Muñiz is the 89th Justice on the Supreme Court and now has worked in all three branches of state government as well as the U.S. Department of

Justice John D. Couriel
Justice John D. Couriel is the 90th Justice on the Supreme Court and previously worked in private practice and as a prosecutor at the U.S. Department of Justice. He is a native
Justice Renatha S. Francis

Justice Renatha S. Francis is the 91st Justice on the Supreme Court and is the first Jamaican-born member of the state's highest court. She previously served as county judge in Miami-Dade County and as circuit judge in Palm Beach County. She was appointed in 2020 and faces a merit retention vote in 2022.

Biographies of Former Justices

Florida's Supreme Court has a colorful past that goes back to the day when statehood was granted by Congress on March 3, 1845. Its members have included women and men who have represented both their times and the tremendous diversity of Florida. Here is a listing of former justices in reverse chronological order, with links to their biographies.

Court Resources

- Court Schedule
- Docket Search
- Florida's Court System
- Representing Yourself?
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DESIGNATION OF EMAIL ADDRESSES

Attorney William R. Ponall designates bponall@PonallLaw.com as his primary address and ponallb@criminaldefenselaw.com as his secondary email address.

Attorney Lisabeth J. Fryer designates lisabeth@lisabethfryer.law as her primary email address and trinaise@lisabethfryer.law as her secondary email address.

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that this Appendix is submitted in Courier New 12-point font and thereby complies with the font requirements of Fla. R. App. P. 9.210(a)(2).

/s/ William R. Ponall
WILLIAM R. PONALL
Florida Bar No. 421634

/s/ Lisabeth J. Fryer
LISABETH J. FRYER
Florida Bar No. 89035
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this Appendix has been furnished by e-service to Joseph W. Jacquot, General Counsel, Executive Office of the Governor, joe.jacquot@eog.myflorida.com, counsel for Respondent Ron DeSantis, and to Daniel Nordby, as Chair of Respondent Florida Supreme Court Judicial Nominating Commission, dnordby@shutts.com on this 13th day of July, 2020

/s/ William R. Ponall
WILLIAM R. PONALL
Florida Bar No. 421634

/s/ Lisabeth J. Fryer
LISABETH J. FRYER
Florida Bar No. 89035