

Florida Criminal Law *Newsletter*

Chris Saxer Elected FACDL-OW Chapter Representative

Attorney **Christopher P. Saxer** has been elected FACDL-OW Chapter Representative. FACDL President **Stephen Cobb** nominated Saxer, and FACDL Vice-President **Tim Hilley** seconded the nomination. Saxer was then elected by unanimous acclaim. Saxer is a highly respected Fort Walton Beach attorney

Saxer represented the local chapter Savannah, Georgia, at a very important meeting of local and state chapter representatives.

Inadequate Compensation For Conflict Counsel

The meeting focused on adequate compensation for conflict counsel. Florida's low hourly rates, coupled with 'low bidder' conflict counsel awards have

called into question whether indigent defendants receive effective assistance of counsel.

In the First Judicial Circuit, hourly conflict counsel receives \$40.00 per hour out of court and \$60.00 per hour in court.

According to the Florida Association of Criminal Defense Lawyers research into the issue, overhead in a private law office averages around \$52.00 per hour statewide. Regional variations were factored into this average.

While many attorneys would – and do – donate their time to *pro bono* work; economic reality dictates that they earn a living. As a result, many attorneys are leaving the conflict counsel appointment lists for financial reasons.

DUI Litigation Update

Griffin v. State, 11 Fla. Law Weekly Supp. 17a, Nov. 2003 Circuit Court in Broward County granted Petition for Writ of Certiorari re: Final Order of Suspension of Petitioner's Driver's License: "Due process and equal protection of law requires that hearings be held before a hearing officer who is a member in good standing of the Florida Bar."



Directly Speaking

Here's how we came up with the idea to start the FACDL-OW chapter: 'We' didn't. **Tim Hilley** did. He had the vision that we could help each other with monthly meetings, strategy sessions, local CLE and many other fine ideas. Tim Hilley is a good man. So is **Glenn Swiatek**, who we drafted to be our Treasurer. Likewise, **Robin Miller** became be our Secretary. She is a fine Public Defender.

I will never forget **George Dewrell's** sage advice about practicing criminal defense law: 1. Get your fee up front, 2. If someone goes to jail, make sure it isn't you, and 3. Get your fee up front. Thank you, George.

George Murphy is quite inspiring. He practices law because he absolutely loves the practice of law. I learn a lot from him in mere moments on a phone call.

Charley Reid is so good at DHSMV hearings that they hate to see him coming. Charley is an absolutely brilliant attorney. He wins a lot of licenses back, too.

Bruce Koran was my boss at the Public Defender's Office and an outstanding mentor. Everyone should have a teacher as good as Bruce.

Chris Saxer treats the practice of law like a sacred art form. We are not only fortunate to

have him as our chapter representative; we are fortunate to have him around period.

Buddy Cotton is not only a great lawyer; he is someone you just like to have around. Buddy, along with **Drew Pinkerton, Don Dewrell, Nick Petersen** and **John Harrison** is a living Legend of Law.

Last, but not least, **Michael Weinstock** provided a copy of the opinion from Broward County cited on page 1. Thank you, Michael.



Stephen G. Cobb is a Board Certified Criminal Trial Law Specialist and Editor of the Florida Criminal Law Newsletter.

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Coming Soon

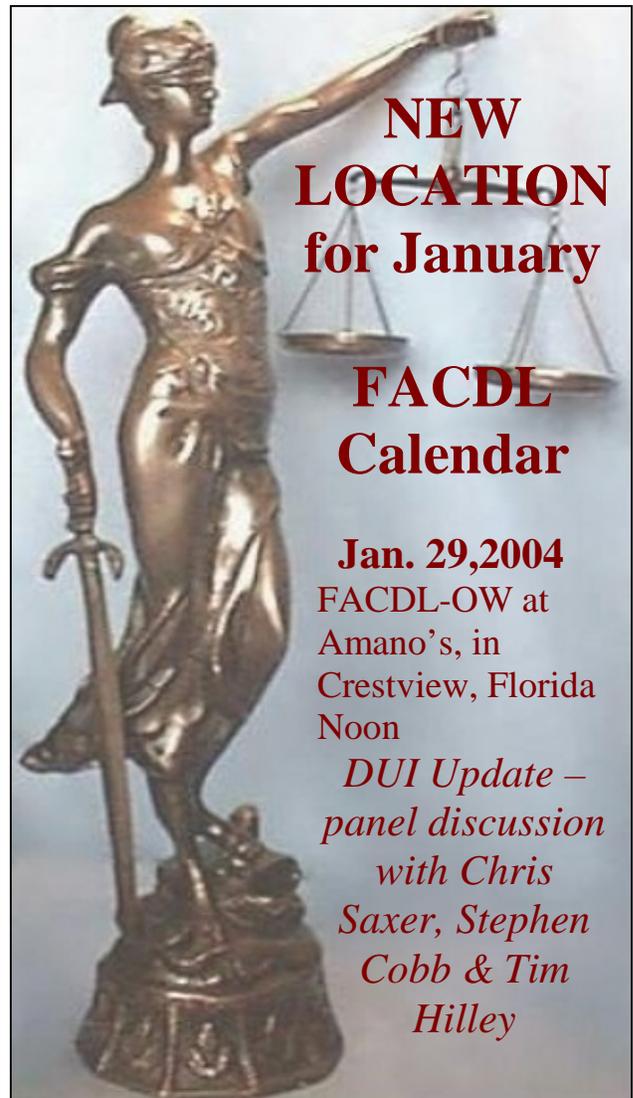
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Felony Plea Forms 101

Felony Plea forms have appeared on the Board Certification Exam for Criminal Trial Law as an entire section.

Proper handling of a felony plea form can be accomplished by following a simple checklist:

1. Keep a current copy of felony plea forms for each county that you practice in.
2. Know, and specify, each “standard condition”: For example, “Standard Court Costs” are \$663 in Okaloosa County, but *not* in Walton.
3. Know who normally drafts the agreement: The ASA in Santa Rosa County, but not in Okaloosa. Practice tip: Offer to draft it after negotiations, or draft one up front, have your client sign it and send it as an offer, where appropriate.
4. *Read* each provision on the form to your client. Check off or have your client initial each section when you are sure your client understands.
5. Give your client a photocopy of the Florida Punishment Code Scoresheet and the Standard Conditions of Probation and Community Control set forth in Section 948.03, Florida Statutes. Document your file.
6. Clarify cost of supervision, restitution, sex offender sanctions, allowing community service work in lieu of costs, and any other issues.
7. Watch plea forms filled out by the ASA: You might find ‘guilty’ checked instead of ‘No Contest’ or an adjudication where a withhold is standard.
8. Make sure your plea form has your Florida Bar Number.



**NEW
LOCATION
for January**

**FACDL
Calendar**

Jan. 29, 2004
FACDL-OW at
Amano's, in
Crestview, Florida
Noon

*DUI Update –
panel discussion
with Chris
Saxer, Stephen
Cobb & Tim
Hilley*

Practice Tip – plea offers

- ✓ There are times when you might want to draft a plea form, have your client sign it, and send it to the State as a plea agreement. You might get a better deal.
- ✓ A financial affidavit may get your client's cost of supervision substantially reduced or even waived. This works especially well when your client is has had family or friends pay the bill for your fees and costs.

More tips inside

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