

ADMINISTRATIVE ORDER
NO. 2016-11

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

**ADMINISTRATIVE ORDER GOVERNING PROCEDURES FOR THE APPOINTMENT
OF CERTIFIED LEGAL INTERNS UNDER THE FLORIDA AGRICULTURAL AND
MECHANICAL UNIVERSITY (FAMU) COLLEGE OF LAW CRIMINAL DEFENSE
CLINIC IN COUNTY CRIMINAL COURT, ORANGE COUNTY**

WHEREAS, pursuant to Article V, Section 2(d) of the Florida Constitution and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice; and

WHEREAS, pursuant to the chief judge's constitutional and statutory responsibility for administrative supervision of the courts within the circuit and to create and maintain an organization capable of effecting the efficient, prompt, and proper administration of justice for the citizens of this State, the chief judge is required to exercise direction, *see* Fla. R. Jud. Admin. 2.215(b)(2), (b)(3); and

WHEREAS, FAMU College of Law provides among its clinical offerings a criminal defense clinic (hereinafter referred to as "FAMU Criminal Clinic") through which legal interns certified through the Florida Supreme Court and under the supervision of a licensed attorney can participate on a pro bono basis as advocates for indigent defendants in appropriate misdemeanor cases; and

WHEREAS, pursuant to letter dated November 6, 2015, FAMU Criminal Clinic has been approved as a legal aid organization by the Florida Supreme Court to represent indigent persons in appropriate cases;

NOW, THEREFORE, I, Frederick J. Lauten, pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida, under Florida Rule of Judicial Administration 2.215, hereby order the following, effective **immediately**, to continue until further order and superseding any provisions in prior Administrative Orders which may be inconsistent:

1. In the County Criminal Subdivisions, the Judges may appoint FAMU Criminal Clinic in lieu of the Public Defender to represent, on a pro bono basis, indigent defendants in appropriate county criminal cases. However, no court appointment shall be made to any Driving Under the Influence case or any domestic related battery or criminal case. The County Court shall advise defendants who seek court appointed counsel of the option to be represented by the Public Defender or alternatively the FAMU Criminal Clinic. If the FAMU Criminal Clinic is appointed, the lien for payment of attorney's fees pursuant to section 938.29, Florida Statutes, shall not be imposed.

2. Upon presentation of a copy of the order of appointment and proper identification by FAMU Criminal Clinic staff and legal interns, the Clerk of Court shall provide access to FAMU Criminal Clinic to court files relating to cases where FAMU Criminal Clinic is appointed. FAMU Criminal Clinic shall comply with the Florida Statutes, Florida Rules of Criminal Procedure and all Ninth Judicial Circuit Court Administrative Orders, including strict compliance with the procedures established in Administrative Order No. 07-98-02, or subsequent Administrative Order, concerning the removal of court files from the offices of the Clerk of Court.

3. The clinical instructors must be active members of The Florida Bar and, under whose supervision an eligible law student does any of the things permitted by chapter 11 of the Rules

Regulating the Florida Bar, shall:

- (a) be a lawyer whose service as a supervising lawyer for this program is approved by the dean of the law school in which the law student is enrolled and who is a member of The Florida Bar in good standing;
- (b) be a lawyer employed by a state attorney, public defender, an approved legal aid organization, a state officer, or a governmental entity enumerated in rule 11-1.2(d);
- (c) assume personal professional responsibility for the student's guidance in any work undertaken and for supervising the quality of the student's work; and
- (d) assist the student in the student's preparation to the extent the supervising lawyer considers it necessary.

R. Regulating Fla. Bar 11-1.7.

DONE AND ORDERED at Orlando, Florida, this 2nd day of June, 2016.

_____/s/_____
Frederick J. Lauten
Chief Judge

Copies provided to:

Clerk of Courts, Orange County
Clerk of Courts, Osceola County
General E-Mail Distribution List
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