

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER NO. 88-17

IN RE: ADDENDUM TO THE PLAN
FOR THE IMPLEMENTATION OF
THE CRIMINAL JUSTICE ACT OF 1964,
AS AMENDED, 18 U.S.C. Section 3006A

ORDER

WHEREAS, the number of death row inmates who will exhaust their state court remedies and be in a position to seek federal habeas corpus relief in this district is expected to increase;

WHEREAS, representation of persons who have been convicted and sentenced to death requires a specialized knowledge of state and federal appellate procedure, certiorari practice, state and federal habeas corpus procedure, criminal and Eighth Amendment jurisprudence and entails an extraordinary commitment of time;

WHEREAS, this court is responsible for ensuring the adequate representation of financially eligible persons seeking federal habeas corpus relief when such representation is required in the interest of justice;

WHEREAS, the Volunteer Lawyer Resource Center of Florida, Inc. is a non-profit defense counsel service designed to furnish representation, and assistance in connection with the representation of death-sentenced inmates in the state of Florida.

FEDERAL
CLERK
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

WHEREAS, subsection (g) of the Criminal Justice Act of 1964, as amended, 18 U.S.C. Section 3006A [hereinafter referred to as "the Act"] authorizes the establishment of Community Defender Organizations in adjacent districts in which at least 200 persons annually require the appointment of counsel, and the Northern, Middle and Southern Districts of Florida meet that requirement,

IT IS THEREFORE ORDERED, that the Plan for the Implementation of the Criminal Justice Act for the Southern District of Florida (dated January 16, 1986), is hereby amended to provide for the designation of the Resource Center as a Community Defender Organization in accordance with subsection (g)(2)(B) of the Act, and subject to the conditions set forth below:

1. The Resource Center is authorized by this Plan to provide representation, assistance, information, and other related services to eligible persons and appointed attorneys in connection with federal death penalty habeas corpus cases pursuant to subsection (g)(2)(B) of the Act. As provided in the Criminal Justice Act Plans for the Northern and Middle Districts of Florida, the Resource Center also may provide such services in those courts. The by-laws of the Resource Center are incorporated as part of the Plan, and a copy of said by-laws shall be

maintained by the Clerk of Court and attached to the original of this Plan.

2. The Resource Center shall operate pursuant to the provisions of subsection (g)(2)(B) of the Act, the terms and conditions of the sustaining grant, and the Guidelines for the Administration of the Criminal Justice Act, (Volume VII, Guide to Judiciary Policies and Procedures), promulgated by the Judicial Conference of the United States pursuant to subsection (h) of the Act.

3. The Resource Center shall submit to the Judicial Conference of the United States an annual report setting forth its activities and financial position and the anticipated caseload and expenses for the next fiscal year.

4. The Resource Center shall furnish to this court the initial roster of staff attorneys and shall report any changes thereto to the court.

5. The primary goal of the Resource Center will be to assist the Court in ensuring that adequate representation is provided to persons under death sentence who seek federal habeas corpus relief. Toward that end the Resource Center will perform the following functions:

a. The Resource Center shall monitor all capital

litigation in the state of Florida.

b. The Resource Center shall screen and recruit qualified members of the private bar who are willing to provide representation in death penalty post-conviction proceedings in federal court and submit a list of such attorneys to the court for approval as a "Special Death Penalty Habeas Corpus Panel".

c. In each federal death penalty habeas corpus case in which the court has determined that counsel shall be appointed, the Resource Center shall provide to the court the name of the next available member of the "Special Death Penalty Habeas Corpus Panel". In cases where the interest of justice requires the appointment of more than one attorney, the Resource Center shall furnish the name of two attorneys.

d. The Resource Center shall be authorized to serve as counsel of record, and shall recommend to the Court those cases in which its appointment as counsel of record is appropriate.

e. Upon the request, pursuant to subsection (e) of the Act and paragraph 3.10 of the guidelines for

Administration of the Criminal Justice Act, of appointed or pro bono counsel in a federal habeas corpus death penalty case the Resource Center shall provide consulting services in such areas as, but not limited to, records completion, exhaustion of state remedies, identification of issues, review of draft pleadings and briefs.

f. The Resource Center will coordinate resources with other state and national organizations providing legal assistance to death-sentenced inmates.

g. The Resource Center will maintain a brief bank and clearinghouse of materials to assist lawyers in death penalty habeas corpus cases in federal courts.

h. The Resource Center will perform such other tasks as may be necessary to ensure that adequate representation is provided to financially eligible persons in federal death penalty habeas corpus proceedings.

6. In order to ensure the effective supervision and management of the Resource Center, its Executive Director or Chief Attorney will be responsible for the

assignment of cases (both as counsel of record and as consultant) among the staff attorneys in that office. Accordingly, the court will assign cases in the name of the Executive Director or Chief Attorney rather than in the name of individual staff attorneys.

7. The Resource Center may obtain investigative, expert, or other services without regard to the requirements or limitations set forth in the Plan dated December 6, 1984, with respect to procurement of such services by panel attorneys, provided that total expenditures of the organization for investigative, expert, and other services do not exceed its grant authorization for these specific categories.

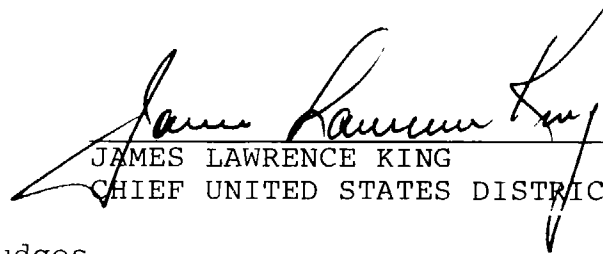
The provisions of the Plan dated December 6, 1984 shall remain in effect except to the extent that they are inconsistent with the provisions of this addendum, in which case the provisions of the addendum shall govern.

This amendment shall take effect upon its approval by the Judicial Council of the Eleventh Circuit.

DONE AND ORDERED at Miami, Florida this 31 day of

May, 1988.

FOR THE COURT:



JAMES LAWRENCE KING
CHIEF UNITED STATES DISTRICT JUDGE

cc: All Southern District Judges

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER NO. 88-17

IN RE: ADDENDUM TO THE PLAN
FOR THE IMPLEMENTATION OF
THE CRIMINAL JUSTICE ACT OF 1964,
AS AMENDED, 18 U.S.C. Section 3006A

AMENDED ORDER

WHEREAS, the number of death row inmates who will exhaust their state court remedies and be in a position to seek federal habeas corpus relief in this district is expected to increase;

WHEREAS, representation of persons who have been convicted and sentenced to death requires a specialized knowledge of state and federal appellate procedure, certiorari practice, state and federal habeas corpus procedure, criminal and Eighth Amendment jurisprudence and entails an extraordinary commitment of time;

WHEREAS, this court is responsible for ensuring the adequate representation of financially eligible persons seeking federal habeas corpus relief when such representation is required in the interest of justice;

WHEREAS, the Volunteer Lawyer Resource Center of Florida, Inc. is a non-profit defense counsel service designed to furnish representation, and assistance in connection with the representation of death-sentenced inmates in the state of Florida;

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WHEREAS, subsection (g) of the Criminal Justice Act of 1964, as amended, 18 U.S.C. Section 3006A [hereinafter referred to as "the Act"] authorizes the establishment of Community Defender Organizations in adjacent districts in which at least 200 persons annually require the appointment of counsel, and the Northern, Middle and Southern Districts of Florida meet that requirement;

WHEREAS, this Court issued its Administrative Order on May 31, 1988 seeking to amend the Plan for the implementation of the Criminal Justice Act for the Southern District of Florida but improvidently and incorrectly Ordered that it was amending the Criminal Justice Act for the Northern District of Florida and at another point made reference to the Plan for the Southern District of Florida as if it was another Court's plan;

IT IS THEREFORE ORDERED, that the Order entered by this Court on May 31, 1988 to and the same is hereby VACATED and this Amended Order be substituted in lieu thereof, nunc pro tunc to May 31, 1988.

IT IS THEREFORE ORDERED, that the Plan for the Implementation of the Criminal Justice Act for the Southern District of Florida is hereby amended to provide for the designation of the Resource Center as a Community Defender Organization in accordance with subsection (g)(2)(B) of the Act, and subject to the conditions set forth below:

1. The Resource Center is authorized by this Plan to

provide representation, assistance, information, and other related services to eligible persons and appointed attorneys in connection with federal death penalty habeas corpus cases pursuant to subsection (g)(2)(B) of the Act. As provided in the Criminal Justice Act Plans for the Northern and Middle Districts of Florida, the Resource Center also may provide such services in those courts. The by-laws of the Resource Center are incorporated as part of the Plan, and a copy of said by-laws shall be maintained by the Clerk of Court and attached to the original of this Plan.

2. The Resource Center shall operate pursuant to the provisions of subsection (g)(2)(B) of the Act, the terms and conditions of the sustaining grant, and the Guidelines for the Administration of the Criminal Justice Act, (Volume VII, Guide to Judiciary Policies and Procedures), promulgated by the Judicial Conference of the United States pursuant to subsection (h) of the Act.

3. The Resource Center shall submit to the Judicial Conference of the United States an annual report setting forth its activities and financial position and the anticipated caseload and expenses for the next fiscal year.

4. The Resource Center shall furnish to this Court the

initial roster of staff attorneys and shall report any changes thereto to the Court.

5. The primary goal of the Resource Center will be to assist the Court in ensuring that adequate representation is provided to persons under death sentence who seek federal habeas corpus relief. Toward that end the Resource Center will perform the following functions:

a. The Resource Center shall monitor all capital litigation in the state of Florida.

b. The Resource Center shall screen and recruit qualified members of the private bar who are willing to provide representation in death penalty post-conviction proceedings in federal court and submit a list of such attorneys to the court for approval as a "Special Death Penalty Habeas Corpus Panel."

c. In each federal death penalty habeas corpus case in which the court has determined that counsel shall be appointed, the Resource Center shall provide to the court the name of the next available member of the "Special Death Penalty Habeas Corpus Panel." In cases where the interest of justice requires the appointment of more than

one attorney, the Resource Center shall furnish the names of two attorneys.

d. The Resource Center shall be authorized to serve as counsel of record, and shall recommend to the court those cases in which its appointment as counsel of record is appropriate.

e. Upon the request, pursuant to subsection (e) of the Act and paragraph 3.1b of the Guidelines for Administration of the Criminal Justice Act, of appointed or pro bono counsel in a federal habeas corpus death penalty case, the Resource Center shall provide consulting services in such areas as, but not limited to, records completion, exhaustion of state remedies, identification of issues, review of draft pleadings and briefs.

f. The Resource Center will coordinate resources with other state and national organizations providing legal assistance to death-sentenced inmates.

g. The Resource Center will maintain a brief bank and clearinghouse of materials to assist lawyers in death penalty habeas corpus cases in federal courts.

h. The Resource Center will perform such other tasks as may be necessary to ensure that adequate representation is provided to financially eligible persons in federal death penalty habeas corpus proceedings.

6. In order to ensure the effective supervision and management of the Resource Center, its Executive Director or Chief Attorney will be responsible for the assignment of cases (both as counsel of record and as consultant) among the staff attorneys in that office. Accordingly, the court will assign cases in the name of the Executive Director or Chief Attorney rather than in the name of individual staff attorneys.

7. The Resource Center may obtain investigative, expert, or other services without regard to the requirements or limitations set forth in the Plan, with respect to procurement of such services by panel attorneys, provided that total expenditures of the organization for investigative, expert, and other services do not exceed its grant authorization for these specific categories.

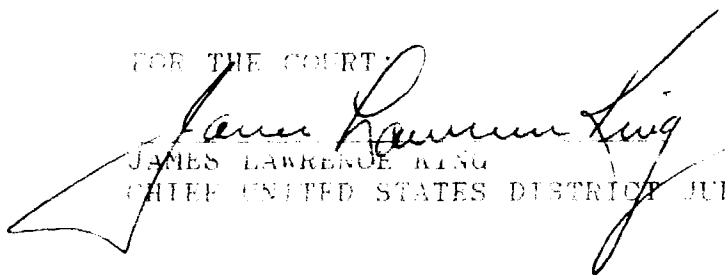
The provisions of the original Plan as heretofore amended shall remain in effect except to the extent that they are

inconsistent with the provisions of this amended addendum, in which case the provisions of the addendum shall govern.

This amendment shall take effect upon its approval by the Judicial Council of the Eleventh Circuit.

DONE AND ORDERED at Miami, Florida this 7 day of July, 1988, nunc pro tunc, May 31, 1988.

FOR THE COURT:


JAMES LAWRENCE KING
CHIEF UNITED STATES DISTRICT JUDGE

cc: All Southern District Judges

BY-LAWS

OF

VOLUNTEER LAWYER'S RESOURCE CENTER OF FLORIDA, INC.

FILED BY *J* _____ D.C.

APR 26 2011 2:30

**ARTICLE I.
Offices**

The principal office of the Corporation shall be located in Tallahassee, County of Leon, State of Florida. The Corporation may have such other offices, either within or without the State of Florida, as the Board of Directors may determine from time to time.

**ARTICLE II
Members**

Section 1. MEMBERSHIP: This Corporation shall not have members.

**ARTICLE III
Directors**

Section 1. DIRECTORS AND THEIR TERM OF OFFICE: The Board of Directors shall consist of not less than three (3) persons. The exact number of Directors may be fixed, increased or decreased by a resolution of the Board of Director. Directors shall be elected for a term of one year, but shall hold office until their successors are elected or appointed and have qualified. Nominations for Directors shall be received from the Florida Bar Board of Governors, the Florida Bar Criminal Law Section, the Florida State University College of Law, as well as other colleges of law.

Section 2. ELECTION OF DIRECTORS: The Directors of the Corporation shall be elected at the annual meeting of the Board of Directors or at any meeting of the Directors held in lieu of such annual meeting, which meeting, for the purposes of these By-Laws, shall be deemed the annual meeting. The election of new Directors shall be decided by a majority vote of the members then serving as Directors of the Corporation.

Section 3. REMOVAL OF DIRECTORS: Any Director may be removed from office at any time with or without cause by the affirmative vote of a majority of the Directors then entitled to vote at an election of Directors.

Section 4. VACANCIES: In the event of a vacancy occurring on the Board of Directors, the remaining Directors, by affirmative vote of a majority thereof, whether or not constituting a quorum, may fill such vacancy for the unexpired term. If at any time the number of Directors shall be increased, the additional Directors to be elected may be elected by the Directors then in office by the affirmative vote of a majority thereof at a regular meeting or at a special meeting called for that purpose, to serve until the next election of Directors.

Section 5. COMPENSATION: The Directors, as such, shall not receive any stated salaries for their services, but, by resolution of the Board, a fixed sum and expenses of attendance, if any, may be allowed for attendance at each annual, regular or special meeting of the Board. Nothing herein contained shall

preclude any Director from serving the Corporation in any other capacity and receiving compensation for such services.

Section 6. ANNUAL MEETINGS: The annual meeting of the Board of Directors of the Corporation shall be held within four (4) months after the end of the Corporation's fiscal year for the transaction of such business as may properly come before the meeting. If such day is a legal holiday in any year, the meeting shall be held on the next day following that is not a legal holiday.

Section 7. NOTICE OF ANNUAL MEETINGS OF DIRECTORS: No notice shall be required to be given of the annual meeting of the Board of Directors.

Section 8. REGULAR MEETINGS OF DIRECTORS: Regular meetings of the Board of Directors may be held at any place or places within or without the State of Florida, on such days and at such hours as the Board of Directors may, by resolution, appoint.

Section 9. NOTICE OF REGULAR MEETINGS OF DIRECTORS: No notice shall be required to be given of any regular meeting of the Board of Directors.

Section 10. SPECIAL MEETINGS OF DIRECTORS: Special meetings of the Board of Directors may be called at any time by the Chairman of the Board (if one has been elected by the Board of Directors), the President or by any two members of the Board and may be held at any place or places within or without the State of Florida and at any time.

Section 11. NOTICE OF SPECIAL MEETING OF DIRECTORS: Notice of each special meeting of the Board of Directors, stating the time, place and purpose or purposes thereof, shall be given by the Chairman of the Board (if one has been elected) or by the President or by the Secretary or by any two (2) members of the Board to each member of the Board not less than three (3) days by mail or one (1) day by telephone or telegraph. Attendance of a Director at a meeting shall constitute a waiver of notice of such meeting except when a Director states at the beginning of the meeting an objection to the transaction of business because the meeting is not lawfully called or convened.

Section 12. QUORUM: At any meeting of the Board of Directors a majority of the whole Board shall constitute a quorum. The act of a majority of the Directors present at a meeting at which a quorum is present shall be the act of the Board of Directors.

Section 13. ACTION BY DIRECTORS WITHOUT MEETING: To the extent authorized by law, the Board of Directors or any committee thereof, upon compliance with applicable conditions and upon obtaining the written approval of all Directors for the action taken or authorized, which approval shall be kept in the Corporation's Minute Book, may, without holding a meeting, take any action required or permitted at a meeting.

Section 14. PARTICIPATION OF DIRECTORS BY MEANS OF COMMUNICATIONS EQUIPMENT: Members of the Board of Directors, or of any executive committee thereof, shall be deemed present at a

meeting of such Board or committee if a conference telephone or similar communications equipment, by means of which all persons participating in the meeting can hear each other, is used.

ARTICLE IV Officers

Section 1. OFFICERS ENUMERATED: The officers of the Corporation shall be a President, a Secretary and a Treasurer, and in addition, at the discretion of the Board of Directors, an Executive Vice-President, one or more Vice-Presidents, and other officers and assistants all of whom shall be elected annually by the Board of Directors. The Chairman of the Board and the President shall be elected from among the Directors. Any two or more offices may be held by the same person.

Section 2. OTHER OFFICERS AND COMMITTEES: The Board may appoint such committees as it shall determine, the members of which shall hold their offices for such terms and shall exercise such powers and perform such duties as shall be determined from time to time by the Board of Directors.

Section 3. TERM OF OFFICE: The officers of the Corporation shall be elected for a term ending upon the date of the next annual meeting of the Board of Directors, but shall hold office until their successors are elected and have qualified. Any officer, however, may be removed with or without cause at any time by the affirmative vote of a majority of the Board of Directors at any duly called regular or special meeting of the Board of Directors.

Section 4. THE CHAIRMAN OF THE BOARD: If the Board of Directors elects a Chairman of the Board, he shall preside at all meetings of the Board of Directors, and he shall have the powers and perform the duties usually pertaining to such office, and shall have such other powers and perform such other duties as may be from time to time prescribed by the Board of Directors.

Section 5. THE PRESIDENT: The President shall be the chief executive officer of the Corporation. If no Chairman of the Board has been elected, or in the absence of the duly elected Chairman of the Board, the President shall preside at all meetings of the members and of the Board of Directors, except where otherwise provided by law or these By-Laws; he shall have the general powers and duties of supervision and management of the Corporation which usually pertain to his office; and shall perform all such other duties as are properly required of him by the Board of Directors.

Section 6. THE VICE PRESIDENT: If the Board of Directors elects one or more Vice Presidents, each Vice President shall have such powers and perform such duties as usually pertain to such office or as are properly required of him by the Board of Directors. In the absence or disability of the President, the Vice Presidents, in order of their seniority, shall perform the duties and exercise the powers of the President.

Section 7. THE SECRETARY: The Secretary shall issue notices of all meetings of Directors where notices of such meetings are required by law or these By-Laws. He shall keep the

minutes of meetings of members and of the Board of Directors; he shall have charge of the seal and corporate books and shall sign such instruments as require his signature and shall perform such other duties as usually pertain to his office or as are properly required of him by the Board of Directors.

Section 8. THE TREASURER: The Treasurer shall have the care and custody of all the monies and securities of the Corporation. He shall enter in books of the Corporation to be kept by him for that purpose full and accurate accounts of all monies received by him and paid by him on account of the Corporation; he shall sign such instruments as require his signature and shall perform such other duties as usually pertain to his office or as are properly required of him by the Board of Directors. He shall give the Corporation a bond, if required by the Board of Directors, in a sum and with one or more sureties satisfactory to the Corporation, for the faithful performance of his duties and the restoration to the Corporation, in case of his death, resignation, retirement or removal from office, of all books, papers, vouchers, money and other property in his possession or under his control belonging to the Corporation.

Section 9. ASSISTANT SECRETARIES, ASSISTANT TREASURERS, AND OTHER ASSISTANT OFFICERS: The above assistant officers may exercise, subject to supervision by the office for whom they act as assistants, except as otherwise provided for by the Board of Directors, the powers and duties that pertain to such offices

respectively and any such other powers and duties which may be delegated to them.

Section 10. DELEGATION OF DUTIES: In case of the absence or inability of any officer to act in his place, the Board of Directors may from time to time delegate the powers or duties of such officer to any other officer or any Director or other person whom it may select.

Section 11. VACANCIES: Vacancies in any office arising from any cause may be filled by the Board of Directors at any regular or special meeting.

Section 12. SALARIES: The salaries, if any, of all officers shall be fixed by the Board of Directors.

ARTICLE V Finances

The funds of the Corporation shall be deposited in its name with such bank or banks, trust company or trust companies, as the Board of Directors may from time to time designate. All checks, notes, drafts and other negotiable instruments of the Corporation shall be signed by such officer or officers, agent or agents, and employee or employees, as the Board of Directors may, from time to time, by resolution determine. No officers, agents or employees of the Corporation, either singly or together, shall have power to sign or authorize any check, note, draft or other negotiable instrument in the name of the Corporation or to bind the Corporation thereby, except as in this Article provided.

ARTICLE VI
Corporate Seal

The seal of the Corporation shall be circular in form, with the name of the Corporation in the outer circle and the year and state of incorporation in the inner circle and the seal impressed on the margin hereof is hereby adopted as the corporate seal of the Corporation.

ARTICLE VII
Notices

Whenever the provisions of the laws of the State of Florida or the Articles of Incorporation or By-Laws of this Corporation require notice to be given to any Director or officer, such provision shall not be construed to mean personal notice; unless specifically required by statute, such notice may be given in writing by depositing the same in a post office or letter box, in a postpaid sealed wrapper, addressed to such Director or officer at his or her address as the same appears upon the books of the Corporation, and the time when the same shall be mailed shall be deemed to be the time of the giving of such notice. Such notice may also be given by prepaid telegram or by telephone.

ARTICLE VIII
Inspectors of Election

At any Board of Director's meeting or any adjournment thereof, inspectors of election may be appointed to act at such meeting by the Chairman or the proctor if one is appointed.

The inspectors shall determine the total number of Directors of record, the number of Directors represented at the meeting,

the existence of a quorum, and the authenticity, validity, and effect of proxies for such Directors; they shall receive votes, ballots, or consents, and shall hear and determine all challenges and questions in any way arising in connection with the right to vote at such meeting; and they shall count and tabulate all votes or consents, determine the results, and perform such further services as may be proper to insure fairness to all Directors. The decision, act or certificate of a majority of the inspectors is effective in all respects as the decision, act or certificate of all.

On request of the Chairman of any meeting or of any Director or his proxy, the inspectors shall make a report in writing of any challenge on matters determined by them and shall execute a certificate of any fact found by them. Any report or certificate made by any such inspector is prima facie evidence of the facts stated therein.

ARTICLE IX Amendments

Section 1. AMENDMENTS BY DIRECTORS: These By-Laws may be amended, altered or repealed, in whole or in part, by the unanimous consent of the entire Board of Directors, expressed in writing, or by a majority of the entire Board of Directors at any annual, regular or special meeting of the Board where such proposed action has been incorporated in the notice of the meeting or referred to in waiver of such notice duly signed by

all the Directors of the Corporation entitled to vote at such meeting.