

Statement from John Mills, Attorney for League of Women Voters and Common Cause Florida

“The Court has now made clear what our clients have been saying all along – the winner of November’s gubernatorial election will appoint three justices to the Florida Supreme Court. Governor Scott will not, and he has no part to play in these appointments.

“So the people will have a very important say in this matter, especially because both candidates have staked out very different positions on the kinds of people they are looking to appoint to the court. Andrew Gillum has said he will “appoint diverse, qualified judges who represent the breadth and depth of people in this state.” Ron DeSantis has said he will “appoint constitutional conservatives” who will be very different from the retiring justices, who he characterizes as “liberal” and accuses of “legislating from the bench for the past 20 years.” Voters now have the opportunity to factor these positions into their choice for governor.

“While the issue of when the JNC may make its nominations is yet to be resolved, one thing is clear now – there is no reason for the JNC to rush through the nominating process as it has been doing. It is now clear that the artificial deadline of applications a month before the election created an unfair chilling effect on many potential applicants, especially those in private practice.

“When a person considers whether to engage in the onerous and intrusive process of applying for a position on the Supreme Court, that person certainly assesses his or her chances of being appointed. Those chances change according to who will be making the appointments. Until today, it is likely that most people considering whether to apply believed Governor Scott when he repeatedly claimed he would be making the appointments. This created a tremendous disincentive for applicants who knew there was little chance they would be appointed by Governor Scott.

“This chilling effect was especially felt on lawyers in private practice. Not only are they required to disclose their personal financial and health information, but by simply applying, they send a signal to their employers that they are looking for a new job and, worse, a signal to existing and potential clients that they may be leaving the practice in a few months.

“We are very hopeful the JNC will do the only fair thing here, which is to halt the process until the Supreme Court issues its final order and then reopen the application deadline.”