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## State attorneys, public defenders win first Bar dues-paying round

By *St. Augustine Record*

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Florida's state attorneys and public defenders have won the first round in their fight to block a state budget proviso that would prevent them from paying their lawyers' annual Florida Bar dues.

But a spokeswoman for the Florida Secretary of State's Office said Tuesday the agency will appeal a Tallahassee judge's ruling against the proviso.

At issue is whether lawyers who work for state agencies should pay their own \$265 annual dues, a job requirement that their agency heads have had the discretion to pay.

"At least we can tell our lawyers that there is hope at this point," Leon County Public Defender Nancy Daniels said in an e-mail to her fellow public defenders.

The Florida Prosecuting Attorneys Association petitioned in June to keep the proviso, passed in the last legislative session as part of the appropriations bill, from taking effect. It says "no state agency may expend funds provided in this act for bar dues."

The prosecutors eventually were joined in the court battle by the Florida Public Defender Association.

They argued the law's language contradicts existing state law, which says state agency heads such as elected state attorneys can expend public funds for dues that are essential to their employees' jobs.

State Rep. Mike Weinstein, an attorney who works in the Jacksonville State Attorney's Office, said the judge agreed that the

proviso conflicted with existing state law and said since money to pay the dues came from the agencies' individual budgets, not the general fund, it didn't belong in the appropriations bill.

Florida lawyers, including assistant state attorneys and assistant public defenders, are required to be state Bar members to practice law.

"The individual assistant state attorneys will receive an immediate pay cut in that this fee, which has been paid ... through the State Attorney's Office, must be paid by the individual attorneys if they are to function as prosecutors," argued attorney Buddy Jacobs of Fernandina Beach, general counsel to the prosecutors association.

With 110 lawyers in Duval, Clay and Nassau counties, the Jacksonville State Attorney's Office would pay about \$29,000 annually for Florida Bar dues. The Public Defender's Office, which employs about 75 employees in the three counties, would pay about \$20,000.

Weinstein said because the dues were due this month, lawyers working for State Attorney Angela Corey were told to go ahead and pay with the idea they would be reimbursed if the prosecutors association wins in court.

He said the state's other 19 state attorneys probably did something similar.

Public Defender Matt Shirk said his lawyers also were told they would have to pay their own dues, but he doubts they can be reimbursed no matter what happens in court. He said the court system is headed into a fiscal year where more budget cuts are probable.

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