

# The Pro Se (Self-Represented) Appellate Handbook: A Meaningful Tool to Help Those Who Cannot Afford an Appellate Lawyer

By Wendy S. Loquasto



As appellate lawyers, we all get those calls. You know the ones. The woman who called about an appeal from county to circuit court regarding a dog her daughter bought a year ago, but which was taken back by the previous owner. Heartbroken, yes. Able or willing to pay an appellate lawyer to brief the case? No.

Or what about those poor souls who lost their unemployment cases? They are already destitute after losing their jobs. How can they afford an appellate lawyer?

If you handle criminal appeals, you also receive calls from defendants and their families when an *Anders* brief is filed. The defendant is usually in prison and indigent, and the families are often faced with the difficult choice of caring for and feeding the defendant's children or paying an appellate lawyer.

Since we cannot stay in business if our only business is *pro bono*, we must, sadly, turn some of these people away. Happily, we can now offer them a great tool to help themselves through the complexity of appellate process – *The Pro Se (Self-Represented) Appellate Handbook!*

Most likely, you have read about the *pro se* handbook in prior issues of *The Record* or *The Florida Bar News*. Former Chair Tom Hall, Clerk of the Florida Supreme Court, knows that over 60 percent of all appeals filed in Florida's appellate courts involve *pro se* litigants. Accordingly, he saw the need for the *pro se* handbook, particularly from the court's perspective. While Tom served as Section Chair, he wisely chose Dorothy Easley to Chair the *Pro Se* Handbook Committee.<sup>1</sup> Section members toiled

over the next three years to write the 21 chapters in the handbook, edit the handbook for conformity and 8th grade reading level, compile a user-friendly glossary for laypersons, and address concerns about the handbook being used for the unlicensed practice of law.

In its current edition, the *pro se* handbook includes chapters on the nuts and bolts of appeals including attorney's fees and costs; pulling together the record; motion practice; writing an appellate brief; checklists for briefs and timelines for appeals; summaries of the process for appeals from final orders, nonfinal orders, and extraordinary writs; stays; oral argument; post-decision motions; and Florida Supreme Court and United States Supreme Court review.

There are also chapters addressing several substantive areas that often involve *pro se* litigants, including *pro se Anders* appeals, postconviction, administrative, unemployment, and workers' compensation appeals. The committee is currently working on chapters for juvenile, dependency and termination of parental rights appeals.

The handbook was completed last year in English and this year, by virtue of a grant from The Florida Bar Foundation secured through the intervention of Harvey Sepler, the handbook was translated into Spanish and French-Creole. Bound volumes are now available in all three languages in every court, law school, legal aid office, and prison library in Florida.

The *pro se* handbook is also available on-line, thanks to the efforts of Appellate Practice Section web gurus Jonathan Streisfeld and Henry Gyden, at [www.flabarappellate.org/pdf/ProSeAppellate\\_Handbook0508.pdf](http://www.flabarappellate.org/pdf/ProSeAppellate_Handbook0508.pdf). Thanks to both Jonathan and Henry, the handbook also has an



Section chair Siobhan Shea presents handbook to Florida Supreme Court

ADA-compliant version that interacts on-line with those with hearing and vision impairments.

Dorothy will be the first to say that no undertaking of this magnitude could have been accomplished without the time, talent and dedication of many, many people. In addition to Tom Hall, Dorothy points to former Chairs Susan Fox and Steve Brannock, who shepherded the handbook through birth to publication.

Those who authored, contributed and edited the chapters include: Ceci C. Berman, Allison Bernstein, Yasir Billoo, Steven L. Brannock, David M. Caldevilla, Tracy Carlin, Beth Coleman, Wendie Michelle Cooper, Honorable Marguerite Davis, Dorothy F. Easley, Carlos Gonzalez, Barbara Green, Valeria Hendricks, Christopher Hopkins, Maria Kayanan, Kimberly Jones, Honorable Patricia Kelly, Bianca Liston, Wendy Loquasto, Roberta Mandel, John Mills, Kristin

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Norse, Honorable Kathryn Pecko, Jack R. Reiter, Pury L. Santiago, Marianne Trussell, Jack Shaw, Robert Sturgess, Jennifer Winegardner, and Katherine Yanes.

Melding the work of all the authors into a uniform publication was the work of four fabulous co-editors: Caryn L. Bellus, Dorothy Easley, Susan Fox, and Siobhan Shea.

So, mission accomplished, you may say. But like any legal handbook, there will always be a need to update the chapters, and the Section remains committed to this endeavor. Angela Flowers is coming on board to help expand the glossary and Jeff Gillen and Craig

Torcino have agreed to write chapters in juvenile, dependency, and termination appeals.

Dorothy continues to steer the *pro se* handbook ship this year, but she is training the committee's new vice chair, Kimberly Jones, whose enthusiasm and dedication for the project is as boundless as Dorothy's.

So, next time you get one of those calls from someone who needs an appellate lawyer but who can't afford one, refer them to *The Pro Se (Self-Represented) Appellate Handbook*. You will be doing them a favor by providing them with a valuable tool to navigate through the appellate court system.

*Wendy S. Loquasto is a partner with Fox & Loquasto, P.A., a statewide appellate practice firm with offices*

*in Tampa and Tallahassee. She is board-certified in appellate practice and focuses her practice on workers' compensation, family law, dependency and termination of parental rights appeals. Before entering private practice in 2003, she worked for 15 years as a law clerk to The Hon. Richard W. Ervin, III. Wendy is a member of the Executive Council of the Appellate Practice Section and serves on the Outreach and Publications Committees. She is also a former president of the Florida Association for Women Lawyers and Tallahassee Women Lawyers.*

**Endnote:**

1. As a result of her efforts, the Section awarded Dorothy this year's *pro bono* award. See *infra* at 11.

## Appellate Section Awards Justice Raoul Cantero the Adkins Award

By Ceci Berman



The James Adkins Award is one of the most prestigious awards presented by the Appellate Practice Section. Created in honor of Florida Supreme Court Justice James Adkins, the Adkins

Award honors a member of the Section showing a passionate commitment to appellate practice. The honoree is always one who has made significant contributions to Florida appellate practice.

This year, the Appellate Practice Section proudly named Justice Raoul G. Cantero, III as the 2008 award recipient. Justice Cantero earned his law degree at Harvard Law School, *cum laude*. He received a Bachelor of Arts degree, *summa cum laude*, in English and Business from Florida State University. He then clerked for the Honorable Edward B. Davis, United States District Court for the Southern District of Florida. He then practiced in Mi-

ami, where he chaired the Appellate Division at Adorno & Yoss. In 2002, Governor Jeb Bush appointed him to the Florida Supreme Court.

While in private practice, Justice Cantero handled over 250 appeals and more than 100 oral arguments. He was a member of the Florida Bar's Appellate Rules Committee, serving as secretary from 1997-1999 and as vice-chair from 1999 to 2002. He was also a member of the Eleventh Circuit Judicial Nominating Commission from 2001 to 2002. He served as chair of the Dade County Bar Association's Appellate Court Committee from 1998 to 1999. Finally, he was treasurer of the Florida Bar's Appellate Practice Section from 1999 to 2000, secretary from 2000 to 2001, and vice-chair from 2001 to 2002. Upon leaving the bench in fall 2008, Justice Cantero will resume his position as Vice-Chair of the Appellate Practice Section.

Justice Cantero is also known for, among other things, his leadership within the Appellate Practice Sec-

tion and his work on and participation in continuing legal education courses on appellate advocacy and professionalism.

On that note, professionalism in the practice of law is particularly important to Justice Cantero. He chaired the Florida Supreme Court's Commission on Professionalism, and he has vigorously promoted improved professionalism, both before and during his tenure on the Florida Supreme Court. Justice Cantero epitomizes the caliber of individual who meets the Adkins Award criteria, and the Appellate Practice Section congratulates him on this recognition.

*Ceci Culpepper Berman is a Board Certified appellate lawyer at Fowler White Boggs Banker, in Tampa, Florida. Her practice involves all aspects of federal and state appellate litigation, with a focus on commercial litigation appeals. She also has extensive experience handling federal bankruptcy appeals and family law appeals.*