

By Senator Garcia

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Senate Resolution No. _____

A resolution commending Max Swann and other lawyers for their work in protecting the principle of one person, one vote in apportionment of legislative districts.

WHEREAS, as of 1962, Florida's legislative districts had been apportioned in a manner such that a small minority of Florida's population could elect a majority of both houses of the Legislature, and

WHEREAS, this apportionment was contrary to the U.S. Constitution's equal protection requirements and its demand that apportionment adhere to the principle of one person, one vote, and

WHEREAS, for years the Florida Legislature had been unable to break a deadlock keeping it from reapportioning Florida's legislative districts based substantially on population and consistent with the U.S. Constitution's dictates, and

WHEREAS, Richard H.M. ("Max") Swann, a lawyer, came forward and filed a lawsuit challenging the constitutionality of Florida's apportionment of its legislative districts, and

WHEREAS, because Max Swann was about to become judge, he recruited Dan Paul of Miami, Florida, to serve as lead counsel in the lawsuit, and to do so pro bono, and

WHEREAS, Dan Paul agreed to prosecute the lawsuit and serve as lead counsel entirely at his own expense and the expense of his firm, while also recruiting four other lawyers to work on the case pro bono: Tom Britton, Richard Wolfson, Neal Rutledge, and Stuart Simon, and

1 WHEREAS, these lawyers successfully litigated Max
2 Swann's challenge to Florida's apportionment, which was tried
3 before a three-judge federal panel on more than one occasion
4 and which was reviewed by the United States Supreme Court no
5 less than three times, and

6 WHEREAS, as a direct result of these lawyers' efforts,
7 Florida's legislative districts were ordered by the federal
8 courts to be reapportioned in accordance with the U.S.
9 Constitution's equal protection requirements and its demand
10 for one person, one vote, and

11 WHEREAS, the U.S. Supreme Court's opinions stemming
12 from Max Swann's lawsuit to this day are looked to as
13 precedent protecting the principle of one person, one vote in
14 apportionment of legislative districts, and

15 WHEREAS, these lawyers have rendered a great service to
16 the citizens of the State of Florida and of the United States
17 at large, doing so entirely at their own expense, and

18 WHEREAS, the significant pro bono service of these
19 lawyers has not been recognized properly, NOW, THEREFORE,

20
21 Be It Resolved by the Senate of the State of Florida:

22
23 That Max Swann, Dan Paul, Neal Rutledge, Tom Britton,
24 Richard Wolfson, and Stuart Simon be recognized and honored
25 for the great public service they rendered to the people of
26 this state, and the Senate further expresses the gratitude of
27 the people of the state of Florida for the pro bono legal work
28 performed by these lawyers to ensure that the apportionment of
29 Florida's legislative districts adhered to the principle of
30 one person, one vote.

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1 BE IT FURTHER RESOLVED that a copy of this resolution,
2 with the seal of the Senate affixed, be presented to each of
3 the lawyers recognized in this resolution, or the respective
4 families of each deceased lawyer.
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