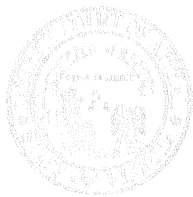


CHARLES J. KAHN, JR.
CHIEF JUDGE

RICHARD W. ERVIN, III
EDWARD T. BARFIELD
MICHAEL E. ALLEN
JAMES R. WOLF
PETER D. WEBSTER
MARGUERITE H. DAVIS
ROBERT T. BENTON, II
WILLIAM A. VAN NORTWICK, JR.
PHILIP J. PADOVANO
EDWIN B. BROWNING, JR.
JOSEPH LEWIS, JR.
RICKY L. POLSTON
PAUL M. HAWKES
BRADFORD L. THOMAS
JUDGES



JON S. WHEELER
CLERK

DONALD H. BRANNON
MARSHAL

DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA
TALLAHASSEE
32399-1850

August 10, 2006

John Stemberger
President & General Counsel
Florida Family Policy Council
Suite C
4853 South Orange Avenue
Orlando, FL 32806

Dear Mr. Stemberger:

I have your letter of July 20, 2006, together with The Florida Family Policy Council's 2006 Statewide Judicial Candidate Questionnaire. Although I am aware of the Florida Supreme Court Judicial Ethics Advisory Committee's very recent Opinion Number 06-18, for the reasons that follow, I respectfully decline to answer the questionnaire.

I have been a judge for nearly 21 years, the first six on the circuit court in Jacksonville and Green Cove Springs and the last 15 on the First District Court of Appeal in Tallahassee. In addition, I have been nominated twice for vacancies on the Florida Supreme Court and once for a vacancy on the United States District Court for the Northern District of Florida. As a result, I have spent a good portion of my life thinking about issues related to the judiciary. My experiences lead me to conclude without reservation that questionnaires such as that which I have received from your organization are ill-conceived. Over the long term, their impact cannot be anything but bad--bad for the judiciary as an institution; bad for the rule of law; and bad for the

people of Florida. I say this because such questionnaires create the impression in the minds of voters that judges are no different from politicians--that they decide cases based on their personal biases and prejudices. Of course, nothing could be farther from the truth. By virtue of the oath they take, judges are obliged to decide cases based exclusively on the facts and the controlling law, without regard to their personal feelings. This principle forms the very foundation of the concept of a rule of law, rather than of people. If ever our citizens conclude that judges are deciding cases based on their personal predilections rather than the facts and controlling law, our system of justice (which is the envy of the world) will be at an end. Such questionnaires also create the impression that the answers will provide clues as to how a judge is likely to decide cases. This, too, is not true. We need only look to the careers of Chief Justice Earl Warren and Justice David Souter on the United States Supreme Court for proof.

To the extent you desire to learn more about my personal or professional background, you may find such information on line at either our court's (www.1DCA.org) or The Florida Bar's (www.floridabar.org) web site, or in print in *Who's Who in America*. The best gauge of my judicial philosophy may be found in the opinions I have authored, which number several hundred.

Yours very truly,



Peter D. Webster