

No. 25-6623

IN THE
Supreme Court of the United States

HAMED KIAN,

Petitioner,

v.

FLORIDA,

Respondent.

ON WRIT OF CERTIORARI TO THE FOURTH
DISTRICT COURT OF APPEAL OF FLORIDA

**BRIEF OF THE FLORIDA ASSOCIATION OF
COURT CLERKS, INC. AS *AMICUS CURIAE*
IN SUPPORT OF RESPONDENT**

M. HOPE KEATING

Counsel of Record

JOHN LONDOT

GREENBERG TRAURIG, P.A.

101 East College Avenue

Tallahassee, FL 32301

(850) 222-6891

keatingh@gtlaw.com

*Counsel for the Florida Association
of Court Clerks, Inc. d/b/a Florida
Court Clerks & Comptrollers*

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INTEREST OF *AMICUS CURIAE*¹

The Florida Association of Court Clerks, Inc. d/b/a Florida Court Clerks & Comptrollers (“FCCC”) is a nonpartisan, nonprofit, voluntary association whose membership includes each of the sixty-seven clerks of the circuit and county courts (“Clerk(s) of Court” or “Clerk(s)”) throughout Florida. There is a Clerk of Court for each of Florida’s sixty-seven counties. Clerks of Court are Florida constitutional officers and are an integral part of the Florida state court system.

Pursuant to Florida statutes, the Clerks of Court are responsible for jury management for Florida courts. As such, the Clerks of Court organize and process prospective jurors and the jurors selected, and pay all costs related to jury management.

The question presented in this case is whether *Williams v. Florida*, 399 U.S. 78 (1970), should be overturned, thereby increasing the size of juries in Florida’s non-capital criminal cases from six to twelve members. The Court’s decision may ultimately have a direct and substantial impact on Florida’s court system including jury management and court administration. Because Clerks of Court are the Florida officials charged with jury management, every Clerk of Court within the state of Florida, and thus every member of the FCCC, could be greatly affected by the decision. Therefore, the FCCC and its entire membership have a great interest in the outcome of this case.

1. No party or party’s counsel authored this brief in whole or in part or made a monetary contribution intended to fund the preparation or submission of the brief.

SUMMARY OF ARGUMENT

A primary purpose of *stare decisis* is to foster the predictable development of legal principles so that they may be safely relied upon. The doctrine requires courts to stand by precedent so that people and organizations can plan their actions and practices accordingly without fear of sudden changes in legal rules.

The reliance that the Florida state court system, including the Clerks of Court, has placed in the fifty-six year old holding in *Williams* that six-person juries are constitutional for non-capital criminal cases is substantial. If *Williams* is overruled, thousands of cases that are currently in process or that are on direct appeal would potentially have to be retried. There is also the possibility of post-conviction challenges to convictions. Any retrials or proceedings resulting from a reversal of precedent would involve the expenditure of enormous amounts of resources.

Further, overturning *Williams* to require twelve-member juries in all criminal trials would place an immense strain on an already heavily burdened court system by prolonging the duration of the proceedings. Additionally, an overturning would greatly impact Florida's Clerks of Court's administrative and financial capability to handle jury management. A concern for resources for jurors and jury management has always been at the core of Florida's six-person system. If *Williams* is overruled, jury management costs could essentially double. Overruling *Williams* would also require considerable renovation and addition to the physical infrastructure of courthouses and their premises in many Florida jurisdictions.

Given the circumstances, in its *stare decisis* analysis, it is appropriate for the Court to consider the long-standing reliance interests that Florida’s court system and Clerks of Court have in *Williams*. Because of the meaningful reliance, the Court should decline to overrule *Williams*.

ARGUMENT

I. THE DOCTRINE OF *STARE DECISIS* SUPPORTS RETENTION OF THE PRECEDENT SET FORTH IN *WILLIAMS v. FLORIDA*.

The doctrine of *stare decisis* provides that “today’s Court should stand by yesterday’s decisions.” *Kimble v. Marvel Entm’t, LLC*, 576 U.S. 446, 455 (2015). The doctrine is “a foundation stone of the rule of law.” *Id.* (quoting *Michigan v. Bay Mills Indian Cmty.*, 572 U.S. 782, 798 (2014)). *Stare decisis* is the “preferred course because it promotes the evenhanded, predictable, and consistent development of legal principles, fosters reliance on judicial decisions, and contributes to the actual and perceived integrity of the judicial process.” *Id.* (quoting *Payne v. Tennessee*, 501 U.S. 808, 827 (1991)).

Stare decisis requires something more than a good argument that the Court wrongly decided an issue. *Kimble*, 576 U.S. at 455. Even in constitutional cases, overturning precedent requires “special justification.” *Gamble v. United States*, 587 U.S. 678, 691 (2019) (quoting *Arizona v. Rumsey*, 467 U.S. 203, 212 (1984)). Such special justification requires more than “ambiguous historical evidence” before the Court will “flatly overrule” its major decisions. *Id.* (quoting *Welch v. Texas Dep’t of Highways & Public Transp.*, 483 U.S. 468, 479 (1987)).

This Court has considered several factors in determining whether to overrule established precedent, including the quality of the prior decision’s reasoning, the workability of the rule it established, its consistency with other related decisions, developments since the decision was handed down, and reliance on the decision. *Janus v. Am. Fed’n of State, Cnty., and Mun. Emps., Council 31*, 585 U.S. 878, 917 (2018). In particular, the Court has consistently identified the absence of a meaningful reliance interest as a factor supporting overruling. *E.g.*, *Payne*, 501 U.S. at 827; *Kimble*, 576 U.S. at 457; *Ramos v. Louisiana*, 590 U.S. 83, 107-08 (2020); *Nat’l Republican Senatorial Comm. v. Fed. Election Comm’n*, 146 S. Ct. 2404, 2424 (2026).

As set forth below, not even including the other states that would be directly affected by the overruling of *Williams*, the reliance interest that the Florida court system alone has in this Court’s precedent is immense and weighs heavily against overruling and in favor of preserving the decision.

A. Florida Has a Strong Reliance Interest in the *Williams v. Florida* Decision.

1. The Reliance Interest Is Greater than that Considered by the Court in *Ramos*.

In *Williams v. Florida*, the issue of whether Florida’s six-person jury system was constitutional was presented to this Court. *Williams*, 399 U.S. at 86. And this Court clearly and unequivocally held that Florida’s system was constitutional. *Id.* at 103. As might be anticipated, this ruling of constitutionality by the nation’s high

court engendered substantial and reasonable reliance. “[R]eliance upon a square, unabandoned holding of the Supreme Court is *always* justifiable reliance....” *Quill Corp. v. N. Dakota*, 504 U.S. 298, 321 (1992) (Scalia, J. concurring) (emphasis in original), *overruled on other grounds by South Dakota v. Wayfair, Inc.*, 585 U.S. 162 (2018). Accordingly, with complete and total confidence in and reliance on the Court’s pronouncement, in the fifty-six years that followed the ruling, many thousands of cases were tried under the law that permitted six-person juries for non-capital crimes.

Such reliance has been reinforced by this Court for the past fifty-six years. *See, e.g., Minor v. Florida*, 146 S. Ct. 1668 (2026) (denying petition for writ of certiorari asking Court to reconsider *Williams*); *Parada v. United States*, 146 S. Ct. 1477 (2026) (same); *Cunningham v. Florida*, 144 S. Ct. 1287 (2024) (same); *Pretell v. Florida*, 143 S. Ct. 1027 (2023) (same); *Khorrami v. Arizona*, 143 S. Ct. 22 (2022) (same); *Davis v. Florida*, 143 S. Ct. 380 (2022) (same); *Phillips v. Florida*, 142 S. Ct. 721 (2021) (same); *McDonald v. City of Chicago*, 561 U.S. 742, 868 (2010) (“the Court has repeatedly declined to grant certiorari” to review *Williams*) (Stevens, J., dissenting); *United States v. Gandin*, 515 U.S. 506, 510 n.2 (1995) (twelve-person jury “is not an indispensable component of the right to trial by jury”); *Collins v. Youngblood*, 497 U.S. 37, 52 n.4 (1990) (“the Court’s holding...that the Sixth Amendment requires a panel of 12 persons is...obsolete”); *Holland v. Illinois*, 493 U.S. 474, 478 (1990) (Sixth Amendment requires “use of a jury numbering at least six persons”); *Batson v. Kentucky*, 476 U.S. 79, 85 n.6 (1986) (“jury of six persons is not unconstitutional”); *Brown v. Louisiana*, 447 U.S. 323, 330 (1980) (citing *Williams* for its holding that

“six-person jury does not violate Sixth and Fourteenth Amendments”); *Burch v. Louisiana*, 441 U.S. 130, 134-35 (1979) (stating that in *Williams*, “the Court held that this constitutional guarantee of trial by jury did not require a State to provide an accused with a jury of 12 members and that Florida did not violate the jury trial rights of criminal defendants charged with nonpetty offenses by affording them jury panels comprised of only 6 persons”); *Crist v. Bretz*, 437 U.S. 28, 37 (1978) (federal requirement of 12 jurors does not bind States); *Ballew v. Georgia*, 435 U.S. 223, 230 (1978) (a jury of six does not violate the Sixth and Fourteenth Amendments); *Ludwig v. Massachusetts*, 427 U.S. 618, 625 (1976) (a jury of twelve is not required in order that the central purpose of the jury trial requirement is served); *Taylor v. Louisiana*, 419 U.S. 522, 528 (1975) (stating that Court had rejected challenge that use of six-person juries in non-capital criminal cases violates the Sixth Amendment); *Colgrove v. Battin*, 413 U.S. 149, 151-52 (1973) (citing the holding in *Williams* that six-member juries are constitutional in certain criminal cases and affirming denial of petition for writ of mandamus to direct respondent to impanel twelve-person jury in federal civil trial); *Dunn v. Louisiana*, 399 U.S. 520 (1970) (dismissing appeal of appellate decision denying pretrial motion for twelve-person jury).

Currently, as the State of Florida has stated in its brief, approximately 5200 criminal convictions that were tried before six-person juries are on direct appeal. Brief for Respondent at 35. See *Edwards v. Vannoy*, 593 U.S. 255, 262 (2021) (“A new rule of criminal procedure applies to cases on *direct* review, even if the defendant’s trial has already concluded.”) (emphasis in original) (citing *Griffith v. Kentucky*, 479 U.S. 314, 328 (1987)). This

number does not include those cases presently being tried. It also does not include the possibility of post-conviction collateral challenges if *Williams* is overruled.² Certainly, overturning the long-standing precedent of *Williams* would potentially impose an enormous burden on Florida's court system. See *United States v. Mechanik*, 475 U.S. 66, 72 (1986) ("The reversal of a conviction entails substantial social costs: it forces jurors, witnesses, courts, the prosecution, and the defendants to expend further time, energy, and other resources to repeat a trial that has already once taken place....").

In *Ramos*, the Court ruled that the Sixth Amendment right to a jury trial, as incorporated against the States by way of the Fourteenth Amendment, requires a unanimous verdict to convict a defendant of a serious offense. The Court's ruling abrogated the Court's previous decisions in *Apodaca v. Oregon*, 406 U.S. 404 (1972), and *Johnson v. Louisiana*, 406 U.S. 356 (1972). In overturning these prior decisions, the Court considered the reliance interests of Louisiana and Oregon, the only two States that at that time did not require a unanimous jury verdict for the conviction of a criminal defendant. The Court found that these States had minimal reliance on the Court's precedent. *Ramos*, 590 U.S. at 107-08. The Court stated that neither Louisiana nor Oregon claimed "anything like the prospective, economic, regulatory, or social disruption litigants seeking to preserve precedent usually invoke." *Id.* at 107. The Court noted that the reliance interests asserted "in only two States" involved retrying felony

2. "As long as retroactive application on collateral review remains a real possibility, the crushing burden that this would entail cannot be ignored." See *Ramos*, 590 U.S. at 160 (Alito, J., dissenting).

convictions still on direct appeal “somewhere in the hundreds.”³ *Id.* This was characterized as “a modest number of retrials.” *Id.* at 115 (Sotomayor, J., concurring in part). In acknowledging that the retrials would “surely impose a cost,” the Court discussed its ruling in *Booker v. United States*, 543 U.S. 220 (2005), in which the Court held that the Federal Sentencing Guidelines are advisory rather than mandatory and vacated and remanded nearly 800 criminal cases for resentencing. *Id.* at 108.

In the case at bar, the consequences would be much more severe. If *Williams* is overturned, the potential number of retrials would be far greater than the several hundred acknowledged in *Ramos*.⁴ And the tsunami of possible retrials implicated in Florida does not include the affected cases in the other states that since *Williams* have utilized juries in criminal cases with fewer than twelve jurors. The Petitioner has identified six other states that utilize juries of fewer than twelve members when the crime charged is a felony. Brief of Petitioner at 13 (in addition to Florida, identifying Arizona, Connecticut, Indiana, Louisiana, Massachusetts, and Utah). The Petitioner does not discuss sizes of juries in other states, but it appears that many other states allow juries of fewer than twelve to consider some types of criminal cases. Barbara Luppi & Francesco Parisi, *Jury Size and the*

3. The Court cited to the amicus brief filed by the State of Oregon stating that for the pertinent period two-thirds of the 673 felony jury trials in Oregon would have had a non-unanimous verdict and that at most the cases remaining on direct appeal “may” surpass a thousand. *Id.* at 108, n. 68.

4. Also, resentencing as mandated by the Court in *Booker* does not involve the resources required for retrials.

Hung-Jury Paradox, 42 J. Legal Stud. 339, 402 (2013) (“A total of 11 states currently use juries composed of fewer than 12 jurors in felony and misdemeanor trials” and “[a]n additional 29 states allow juries of fewer than 12 in misdemeanor cases ... [t]his brings the number of states that allow smaller juries in some criminal cases to 40.”) (citing Bureau of Justice Statistics 2004).

Misdemeanor cases may potentially constitute “serious crimes” as that term has been defined by this Court.⁵ Thus, “the reliance here is not only massive; it is concrete.” *Ramos*, 590 U.S. at 161 (Alito, J., dissenting).

2. Florida Has an Interest in Alleviating Strain on Its Court System.

Florida also has a substantial interest in the strain an increase in jury size would place on its already heavily burdened court system. Florida currently relies on *Williams* to further its stated goal “to secure the speedy, and inexpensive determination of every proceeding.” See Fla. R. Gen. Prac. & Jud. Admin. 2.110. Increasing jury size to twelve in all non-capital criminal cases would greatly hinder this goal.

Pursuant to the Florida Supreme Court’s Panel Size Guidelines (“Panel Guidelines”), the jury panels of prospective jurors for criminal trials would at least

5. *Codispoti v. Pennsylvania*, 418 U.S. 506, 512 (1974) (“our decisions have established...those crimes carrying a sentence of more than six months are serious crimes and those carrying a sentence of six months or less are petty crimes.”). See Fla. Stat. § 775.082(4) (individuals convicted of a misdemeanor of the first degree may be sentenced to a jail term of up to one year).

double in size if juries are increased from six to twelve members.⁶ Based on the six-member jury system, for most criminal trials the current Panel Guidelines provide for a panel of from fourteen to twenty-two.⁷ However, for twelve-member jury trials, the Guidelines provide for a panel of forty.⁸

With jury panels that would at least double, the time spent in voir dire, reviewing personal data, and qualifying and impaneling a jury could increase substantially.⁹ Jury deliberation time would be expected to increase with a twelve-member jury,¹⁰ as well as hung juries.¹¹ This means that the duration of criminal trials could increase, leading to a delay in court processing times and the scheduling of other trials.

6. In re: Jury Management System, Fla. Admin. Order No. AOSC06-13 (June 9, 2006) <https://flcourts-media.flcourts.gov/content/download/645601/file/sc06-13.pdf>

7. *Id.*

8. *Id.*

9. See Edward Thompson, *Six Will Do!*, 10 Trial 6, at 14 (Nov.–Dec. 1974); New Jersey Criminal Law Revision Comm’n, *Six-Member Juries*, at 2-4 (1971); Andrew W. Bogue & Thomas G. Fritz, *The Six-Man Jury*, 17 S.D.L. Rev. 285, 288 (1972); Hon. Lloyd L. Wiehl, *The Six Man Jury*, 4 Gonzaga Law Review, 35, 40-41 (1968); Hon. Richard H. Phillips, *A Jury of Six in All Cases*, 30 Conn. B. J. 254, 356-57 (1956).

10. Bogue & Fritz, *supra* n. 9, at 288; Wiehl, *supra* n. 9, at 40; Thompson, *supra* n. 9, at 12.

11. Adam M. Chud & Michael L. Berman, *Symposium: Communicating With Juries: Six-Member Juries: Does Size Really Matter?*, 67 Tenn. L. Rev. 743, 752 (Spring 2000).

The negative consequences of any extended court processing time of criminal cases are many,¹² and one such consequence is the detrimental effect on criminal defendants.¹³ Thus, any additional burden on the criminal justice system caused by increased jury panels and sizes could have a negative effect on Florida's promise of a "speedy and inexpensive determination" of criminal cases to which defendants are entitled.

3. The Impact on Jury Management Is a Significant Factor in Florida's Reliance Interest.

Additionally, here, any reliance analysis should include the impact on Florida's administrative and financial capacity to handle jury management. Previously, this Court acknowledged a State's interest in jury size. *Ballew*, 425 U.S. at 243-44. While the Court in *Ballew* found no significant State interest in the reduction of jurors from six to five, the Court acknowledged a substantial interest

12. See Douglas Evans, *The Waiting Game: How Lengthy Court Case Processing Times Keep Jail Populations High*, CUNY Inst. for State & Loc. Governance (Feb. 3, 2026), at 2-4; Sam Zarkower, *Expanding the Courts to Reduce Case Backlogs*, Cornell J. Law and Pub. Pol'y (Nov. 10, 2021), at 1-2.

13. Consequences of extended court processing time for criminal cases include extended jail time that can cause employment, financial, family and relationship disruption, along with mental and emotional distress. Evans, *supra* note 12; Zarkower, *supra* n. 12. Individuals on pretrial release are also subject to interference in their financial and personal circumstances. Evans, *supra* n. 12. Prolonged proceedings can also increase the incentive to make a guilty plea or accept a less than optimal plea deal. *Id.*; Zarkower, *supra* n. 12.

in the reduction of jurors from twelve to six. *Id.*¹⁴ Indeed, the jury management element of Florida’s reliance interest in a six-member jury for non-capital criminal trials is substantial.

For over 149 years, beginning in 1877, Florida has used six-person juries for non-capital criminal trials. In 1874, the Florida Constitution was amended to permit the Florida Legislature to set jury size. Art. VI, § 12, Fla. Const. (amended 1874) (“The number of jurors for the trial of causes in any court may be fixed by law.”).¹⁵ Subsequently, on February 17, 1877, the Florida Legislature approved a statute reducing the jury size from twelve to six to try all offenses not capital, and all civil causes. Ch. 3010, § 6, Laws of Fla. (1877).¹⁶

Of course, a discriminatory purpose would not be a valid justification for this practice or for any other rule

14. In making this finding, the Court cited in part to New Jersey Criminal Law Revision Comm’n, *supra* n. 9, at 1-4 (recommending the reduction of the size of juries in all civil and criminal cases, except capital cases, from twelve members to six noting the “substantial savings to the judicial system, in time and expense”); Bogue & Fritz, *supra* n. 9, at 288-90 (referencing a survey taken of South Dakota clerks of court to determine jury expenses and the reduction in expenditures if jury panels were reduced from twelve to six); William R. Pabst, Jr., *Statistical Studies of the Costs of Six-Man Versus Twelve-Man Juries*, 14 Wm. & Mary L. Rev. 326, 328 (1972) (calculating a savings in juror hours of 41.9% with the reduction to six members).

15. <https://library.law.fsu.edu/Digital-Collections/CRC/CRC-1998/conhist/1874amen.html>

16. <https://edocs.dlis.state.fl.us/fldocs/leg/actsflorida/1877/1877.pdf>

of criminal procedure. Although the Petitioner points out that the original rules were adopted during the Reconstruction era, Florida readopted its constitution more than ninety years later in 1968 under different circumstances. Art. I, § 22, Fla. Const. (“The right of trial by jury shall be secure to all and remain inviolate. The qualifications and the number of jurors, not fewer than six, shall be fixed by law.”). The Petitioner has made no effort to show that the 1968 constitution retained the six-person jury for discriminatory purposes.

Moreover, rather than a discriminatory motive for the 1874 constitutional provision, a historical examination of the origins of the reduction of the jury size to six indicates that costs and expenses, not discrimination, were the concerns in the policy discussions. Immediately prior to the adoption of the 1874 constitutional amendment, the Governor of Florida addressed the Florida Legislature on the topic of juror costs. In his annual message to the Legislature dated January 1, 1874, the Governor stated in that portion of the message pertaining to “Financial,” that “[t]he largest and most unsatisfactory source of expense to the treasury of the State is for jurors and witnesses.” Fla. S. Jour., 16 (7th Sess. 1874).¹⁷ Subsequently, on January 4, 1878, the Florida Attorney General reported to the Governor regarding the last session of the Legislature: “I believe the administration of justice is secured under the new system [of six-member juries] as fully as it was under the old, and certainly at much less expense.” Fla. S. Jour., 147 (10th Sess. 1879).¹⁸

17. https://www.flsenate.gov/UserContent/Session/Archive/Journals/1874/1874_Journal_complete.pdf

18. https://www.flsenate.gov/UserContent/Session/Archive/Journals/1879/147-att_gen_79.pdf

Indeed, for nearly 150 years, resources for jury management have been an ongoing issue and concern regarding Florida's court system. The Clerks of Court have many responsibilities pertaining to jury management and the expenses are considerable. Florida statutes require Clerks to maintain lists of potential jurors and implement and maintain an electronic system for the purpose of jury venire selection. Fla. Stat. §§ 40.011, 40.02, 40.021, 40.022, 40.221, 40.225. Clerks must operate and update their systems in accordance with technical standards and procedures that are adopted. Fla. Stat. § 40.225. Clerks must generate and issue summonses to prospective jurors. Fla. Stat. § 40.23. Clerks must pay jurors and prospective jurors a per diem stipend. Fla. Stat. §§ 40.24, 40.32. Clerks of Court are also responsible for paying meal and refreshment expenses when a jury is deliberating or sequestered, as well as the cost of lodging when required. Fla. Stat. §§ 40.26, 40.32.

There are also, of course, significant jury-related administrative and personnel costs appurtenant to these duties, including for processing and qualifying prospective jurors against other state databases; reviewing and resolving requests for excusal, postponement, or statutory disqualification; managing intake and identity verification; and conducting and overseeing juror orientation in the jury assembly rooms.

For the fiscal years 2016-2025, the Florida Legislature appropriated \$11.7 million annually to the Clerks of Court for reimbursement for these costs. *See* Ch. 2025-198, § 4, Laws of Fla.¹⁹ For fiscal year 2026-2027, the Florida

19. *See generally* <https://flecoc.org/clerks-budget/jury/>

Legislature increased the appropriation to \$16.5 million to better reflect the actual costs incurred by Clerks. Ch. 2026-232, § 4, Laws of Fla. Regardless of appropriations from the Legislature, Clerks are required to pay the mandated jury costs in their individual counties and fund any shortfalls from their existing local budgets.²⁰

FCCC conducted a poll of its sixty-seven members, and Clerks of Court for fifty-nine Florida counties, representing approximately eighty-eight percent of Clerks overall, responded.²¹ Of the Clerks responding, for calendar year 2025, six-person criminal jury trials were on average seventy-two percent of the total number of jury trials held.²² For calendar year 2024, of the Clerks responding, seventy-three percent of overall jury trials were six-person criminal jury trials.²³ These percentages varied by county. For example, of the 749 jury trials held in Miami-Dade County in 2025, 540 (seventy-two percent) were six-person criminal jury trials.²⁴ In Polk County, of the 330 jury trials held, 296 (nearly ninety percent) were

20. See Clerk of Court jury expenditures and budgetary shortfalls by individual counties for fiscal year 2025-2026 at <https://fcccoc.org/wp-content/uploads/2026/07/SFY-2025-26-Jury-Expenditures-Summary.pdf>

21. See FCCC Poll at <https://www.flclerks.com/page/KianvFlorida25-6623-SupportingDocumentation>

22. *Id.* The percentages for six-person criminal jury trials include felony and misdemeanor cases. In Florida, misdemeanor cases eligible for a jury trial may carry a jail term of up to one year. Fla. Stat. §§ 918.0157, 775.082(4).

23. FCCC Poll, *supra* n. 20.

24. *Id.*

six-person criminal trials.²⁵ Of Clerks responding, less than four percent of trials overall were twelve-member jury trials.²⁶

Basic calculations demonstrate that increasing Florida criminal juries to twelve members would greatly increase jury management costs.²⁷ If the Court overrules *Williams*, the cost of juror compensation, meals, refreshments, and lodging for such trials would be anticipated to double.

Additionally, as noted above, jury Panel Guidelines that generally call for a panel of fourteen to twenty-two prospective jurors would instead call for forty.²⁸ If the law changes to require panels of forty for all criminal trials, at least double the number of jury summons for non-capital criminal cases would be required.²⁹ It follows

25. *Id.*

26. *Id.*

27. See Chud and Berman, *supra* n. 11, at 752-54 (outlining ways six-member juries save time and resources); Bogue & Fritz, *supra* n. 9, at 288-90 (substantial savings of resources using six-person juries is immediately discernible); New Jersey Criminal Law Revision Comm'n, *supra* n. 9, at 2-4 (cost and time savings of six-person jury is readily apparent); Thompson, *supra* n. 9, at 12 (expense of six-member jury is half of twelve-member jury); Wiehl, *supra* n. 9, at 40 (cost of public funds would obviously be reduced if six-person jury is used); Phillips, *supra* n. 9, at 357-58 (smaller jury size reduces costs substantially).

28. Fla. Admin. Order No. AOSC06-13, *supra* n. 6.

29. In Florida, county courts handle all misdemeanor cases in which a felony is not also charged. Fla. Stat. §§ 26.012, 34.01. County court criminal trials that currently only require a panel of fourteen are a substantial percentage of overall criminal jury

that the increased number of summons created and issued would double the hard costs of issuance,³⁰ and would require additional labor.³¹ Additional labor and technical capabilities would be also required for responsibilities such as processing and qualifying prospective jurors, handling excusal requests, intake and orientation, and supervising prospective jurors and the jury panels.³² Simply put, jury management costs for criminal trials would increase significantly and likely double.

With the expectation that jury management costs would double, the annual jury management costs would increase in each Florida county by the annual percentage of criminal jury trials that previously required only six members. These costs are sizeable. To be sure, the potential impact on the administrative and financial capacity to carry out jury management responsibilities if *Williams* is overturned is a significant factor in Florida's reliance interest.

trials, and the FCCC poll reflects that for those Clerks responding it was approximately twenty-five percent in 2025, and nearly twenty-six percent in 2024. *See* FCCC Poll, *supra* n. 20.

30. Such hard costs would necessarily include additional technical costs, supplies for printing and mailing, and postage for summons and for missed jury service.

31. *See* New Jersey Criminal Law Revision Comm'n, *supra* n. 9, at 3.

32. *See id.* at 3-4; Thompson, *supra* n. 9.

4. Renovations and Additions to the Physical Infrastructure of Florida’s Court System Would Be Necessary If Jury Size Is Increased.

The Florida Association of Criminal Defense Lawyers and the Florida Public Defender Association, Inc. state in their amicus brief supporting Petitioner that “Florida is already equipped to return to 12-person juries,” and that “[r]estoring 12-person juries will not require Florida to rebuild its courthouses.” Brief for Fla. Ass’n Crim. Defense Lawyers, et al. as *Amicus Curiae* at 23-26. However, the reality is that an increase to twelve-person juries in all criminal trials would require considerable renovations and additions to the physical infrastructure of Florida’s court system in many individual jurisdictions.

Florida has had six-person criminal juries for all non-capital crimes since 1877. All of Florida’s still active courthouses were built after this date. And the FCCC poll reflects that, not surprisingly, many Florida counties have courtrooms built to accommodate only six person juries.³³ By way of example, in Broward County, sixty courtrooms are built to accommodate only six-person juries.³⁴ In Duval County, thirty-nine courtrooms are built for six-person juries, and in Pinellas County, twenty-four courtrooms.³⁵ The number of courtrooms not equipped for twelve-person juries is substantial and varies by county. Likewise, several Clerks reported that the courthouses

33. See FCCC Poll, *supra* n. 20.

34. *Id.*

35. *Id.*

in their counties currently have deliberation rooms that only accommodate six-person juries.³⁶ Again, the number is significant and varies by county.

Further, approximately fifty-seven percent of the Clerks responding to the poll indicated that they would require additional parking if all criminal trials are increased to twelve-person juries,³⁷ which would involve not just retrofitting buildings but acquisitions of or changes in real property. For instance, it is estimated that Broward County would need an additional 200-300 spaces, Sarasota County would need 240 more spaces and Lee County 200.³⁸ The projected need for additional parking that would be required is considerable.

At bottom, overruling *Williams* and the practice of using six-person juries in all non-capital criminal trials would cause a costly and disruptive upheaval in Florida's court system. In this regard, it is appropriate for the Court to consider such disruption in its *stare decisis* analysis. The reliance interest that Florida's court system has placed in *Williams* "far outstrips" that asserted in other cases that were overruled in recent years. See *Ramos*, 590 U.S. at 162 (Alito, J., dissenting) (citing *Franchise Tax Bd. v. Hyatt*, 587 U.S. 230 (2019), *Knick v. Township of Scott*, 588 U.S. 180 (2019), *South Dakota v. Wayfair, Inc.*, 585 U.S. 162 (2018), and *Pearson v. Callahan*, 555 U.S. 223 (2009)). See also *Nat'l Republican Senatorial Comm.*, 146 S. Ct. at 2426 (reliance by group to gain an advantage

36. *Id.*

37. *Id.*

38. *Id.*

over competitor political party is “not the kind of reliance interest that commands adherence” to precedent); *Trump v. Slaughter*, 146 S. Ct. 2283, 2303 (2026) (reliance by Congress on precedent to create regulatory agencies to enhance its own authority is not sufficiently meaningful reliance to prevent overturning precedent).

Here, there is no absence of a meaningful reliance interest for purposes of *stare decisis*.

CONCLUSION

The judgment of the Florida Fourth District Court of Appeal should be affirmed.

Respectfully submitted,

M. HOPE KEATING
Counsel of Record
 JOHN LONDOT
 GREENBERG TRAURIG, P.A.
 101 East College Avenue
 Tallahassee, FL 32301
 (850) 222-6891
 keatingh@gtlaw.com

*Counsel for the Florida Association
 of Court Clerks, Inc. d/b/a Florida
 Court Clerks & Comptrollers*