

IN THE SUPREME COURT OF FLORIDA

The Florida Bar re: Petition
To Amend Rules Regulating
The Florida Bar

FILED
MAY 08 2022
By *pl*
Deputy Clerk
Case No. 70,366

REPLY TO THE RESPONSE OF THE BOARD OF BAR EXAMINERS

The Florida Bar, hereby replies to the response of the Florida Board of Bar Examiners filed in this matter and says:

1. The genesis of the proposed rule came about not by action of The Florida Bar but at the request of several legal aid organizations who approached The Florida Bar for establishment of such a rule to allow them to have an otherwise unavailable pool of potential, experienced legal aid practitioners. The need for such a program and the need for experienced legal aid practitioners will be directly addressed and provided to the Court by such organizations.

2. The proposed rule is in no way a substitute for members of The Florida Bar providing volunteer pro bono services.

3. The Board of Bar Examiners has misperceived the nature of the rule and has presented some unfounded fears related to the quality of practitioners under this rule and the ability of the Florida Board of Bar Examiners to effecuate "an immediate withdrawal of certification of a petitioner whose admission may not be recommended by the Board of Bar Examiners on grounds of lack of character and fitness. . ."

The rule, in effect, provides no different program nor authorization for a practitioner than does the law school civil and criminal trial law practice program. As in the trial practice program, the authorized legal aid practitioner must be under the direct supervision of a supervising attorney, plus they must have been engaged in active practice of law for three years immediately preceding an application to become an authorized legal aid practitioner, must not have failed The Florida Bar examination nor been denied admission in any jurisdiction and must not have been disciplined for professional misconduct by the Bar or agency of any jurisdiction within the past 15 years. The law school civil and criminal practice program (Chapter 11 of the Rules Regulating The Florida Bar) does not contain authorization for the Florida Board of Bar Examiners to contest someone's certification while that person is a law student or during the continuation of the certification under that program after completion of law school. The proposed rule is more restrictive than the trial practice rule.

There exists in the proposed rule adequate safeguards to ensure that only quality people are permitted to engage in the practice of law as an authorized legal aid practitioner.

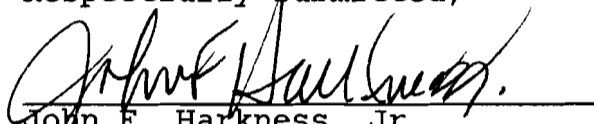
In any event, proposed rule 13-1.6(a)(4), gives the Supreme Court of Florida the authorization to revoke a certificate at any time, for any reason.

4. The comments and objections of the Florida Board of Bar Examiners while probably well intended, are not sufficient to establish reasons for substantial modification of the proposal or for rejection of the program in its entirety.

6. Rejection of this program would further handicap the legal service organizations in this state from providing those services for which they were created.

For the reasons stated above the Court should reject the proposals of the Florida Board of Bar Examiners and should adopt the authorized legal aid practitioners rule, as proposed by The Florida Bar.

Respectfully submitted,



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Joseph J. Reiter, President

Ray Ferrero, Jr., President-elect

Ben L. Bryan, Jr., Chairman
Rules & Bylaws Committee

George A. Dietz, Chairman
Disciplinary Procedure Committee

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CERTIFICATE OF SERVICE

I, HEREBY CERTIFY, that a copy of the foregoing reply has been served by regular United States Mail this 29th day of May, 1987 to:

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