

FLORIDA BOARD OF BAR EXAMINERS RE	)	
AMENDMENT TO RULES OF THE SUPREME	)	Case No. _____
COURT RELATING TO ADMISSIONS TO	)	
THE BAR	)	
_____	)	

**PETITION**

The Florida Board of Bar Examiners, by and through its undersigned attorney, petitions the Court for approval of certain amendments to the Rules of the Supreme Court Relating to Admissions to the Bar and, in support thereof, states:

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1. The Board has been engaged in an ongoing review of the Rules of the Supreme Court Relating to Admissions to the Bar (hereinafter referred to as the Rules) including a yearlong study of the pass/fail line for the bar examination.

2. By this Petition, the Board recommends the creation of Rule 1-65 to modify the current rule of secrecy applicable to parties appearing before the Board.

The Board also recommends the creation of Rule 1-70 to provide a ready reference on immunity and privilege to Board members and to third parties who provide information to the Board.

The Board also recommends that certain rules pertaining to the bar examination be relocated from Rule 2 (Application Requirements) to Rule 4 (Bar Examination).

The Board also recommends the creation of Rule 2-13.25 pertaining to restitution and the payment of disciplinary costs by applicants who were disbarred, resigned with pending disciplinary proceedings or suspended from the practice of law in a foreign jurisdiction.

The Board also seeks to amend Rule 2-14 to allow previously denied bar

applicants to submit a written statement on rehabilitation and to eliminate the mandatory provision that currently requires all such applicants to appear for a formal hearing before the Board.

The Board also seeks to amend Rule 2-22 to reinstate previously omitted language setting forth the consequence of an untimely bar application following successful completion of the bar examination.

The Board also recommends the creation of Rule 3-10.1 containing the essential eligibility requirements for the practice of law in Florida.

The Board also seeks to amend Rule 3-23.6 to provide the Board with greater flexibility in making recommendations following a formal hearing.

The Board also seeks to amend Rule 3-23.7 to reference the standard of review used by the Court in reviewing the findings of fact issued by the Board after a formal hearing.

The Board also recommends several substantive changes to Rule 4 pertaining to the bar examination. Such changes will make the investigative and adjudicative procedures under Rule 3 (Background Investigation) applicable to the eligibility and conduct rules relating to the bar examination.

The Board also recommends that Rule 4-26.2 be amended to increase the pass/fail line for Parts A and B of the bar examination in Florida. The proposed rule amendment would increase the pass/fail line in two steps with the first step to a scaled score of 133 to be effective one year from the date of approval by the Court. The second step would take place one year after the effective date of 133 and would increase the pass/fail line to a scaled score of 136.

The Board also seeks to implement several housekeeping changes to improve existing language or to update the rules to conform them to the Board's current practices pertaining to the deadline for filing a petition for reconsideration (Rule 2-30.1) and the imposition of fee for extraordinary expenses (Rule 3-17.3).

3. Attached hereto as the Appendix is a compilation of those provisions of the Rules that are proposed to be enacted or amended. The attached Appendix contains the proposed rule amendments reflecting the additions and the deletions. A brief narrative explanation of the rationale for each proposed rule amendment is also provided.

WHEREFORE, the Board requests an order amending, confirming and adopting the amendments to the Rules that are reproduced and attached to this Petition as the Appendix. The Board recommends that the new rules become effective upon entry of the order of the Court except for the revised provision of Rule 4-26.2 pertaining to the pass/fail line for the bar examination.

The Board recommends that the proposed increase to the pass/fail line under Rule 4-26.2 be done in a two-step process with the first step to 133 to be effective one year from the entry of the order of the Court. The Board recommends that the second and final increase to 136 should be effective one year after the effective date of the increase to 133.

DATED this 29th day of October, 1999.

Respectfully submitted,

FLORIDA BOARD OF BAR EXAMINERS  
FRANKLIN R. HARRISON, CHAIR

Kathryn E. Ressel  
Executive Director

By: \_\_\_\_\_  
Thomas A. Pobjecky  
General Counsel  
Florida Board of Bar Examiners  
1891 Eider Court  
Tallahassee, FL 32399-1750  
(850) 487-1292  
Florida Bar #211941

Copy furnished to:

The Honorable Noel G. Lawrence,  
Member  
Florida Board of Bar Examiners  
P.O. Box 726  
Jacksonville, FL 32201

John F. Harkness, Jr.  
Executive Director  
The Florida Bar  
650 Apalachee Parkway  
Tallahassee, FL 32399-2300

Dean Joseph Harbaugh  
Nova Southeastern University  
Broad Law Center  
3305 College Avenue  
Fort Lauderdale, FL 33314

Dean John Makdisi  
St. Thomas University Shepard  
School of Law  
16400 N.W. 32nd Avenue  
Miami, FL 33054

Interim Dean Don Weidner  
Florida State University  
College of Law  
600 W. College Avenue  
Tallahassee, FL 32306

Dean Dennis Lynch  
University of Miami School  
of Law  
1311 Miller Drive  
Room 380B  
Coral Gables, FL 33146

Interim Dean Jon Mills  
University of Florida  
Fredric G. Levin Law Center  
Gainesville, FL 32611

Dean W. Gary Vause  
Stetson University  
College of Law  
1401 61st Street, South  
St. Petersburg, FL 33707

Dean Donald Lively  
Florida Coastal Law School  
7555 Beach Blvd.  
Jacksonville, FL 32216

