

IN THE SUPREME COURT OF FLORIDA

WALTER JAVIER ARRAZOLA MENDIVIL,

Petitioner,

v.

THE FLORIDA BAR and ROBERT J. BECERRA, B.C.S., in his official capacity as Chair of the Foreign Legal Consultancy Committee,

Respondents.

Case No.: _____ **(To be assigned)**

PETITION FOR WRIT OF MANDAMUS

Petitioner, Walter Javier Arrázola Mendivil (“Petitioner” or “Mr. Arrázola”), pro se, respectfully petitions this Court for a writ of mandamus compelling Respondents to reconsider his application for certification as a Foreign Legal Consultant (FLC) under Chapter 16 of the Rules Regulating The Florida Bar. The Committee’s categorical refusal to reconsider—based solely on the absence of explicit waiver authority in Rule 16-1.2(b)—creates an impossible “catch-22” for asylees and refugees: strict compliance with the recent-practice requirement would have necessitated unauthorized practice of law in Florida or violation of federal

immigration restrictions during Petitioner's asylum proceedings. Petitioner seeks an order directing Respondents to conduct timely, meaningful, individualized reconsideration consistent with constitutional due process and equal protection, equitable tolling principles, and in harmony with federal immigration law and preemption principles, and in support alleges:

I. JURISDICTION AND VENUE

1. This Court has original jurisdiction to issue writs of mandamus directed to state officers and agencies, including The Florida Bar (Art. V, § 3(b)(8), Fla. Const.; Fla. R. App. P. 9.030(a)(3)). Mandamus lies where a petitioner shows a clear legal right, an indisputable ministerial duty, and no adequate alternative remedy (*Harvard v. Singletary*, 733 So. 2d 1020 (Fla. 1999)). The effects of the administrative action are felt in Orange County, Florida, and this Court has statewide jurisdiction over matters involving The Florida Bar.

II. PARTIES

2. Petitioner is a Bolivian-licensed attorney (admitted August 1, 2002, in good standing with the Colegio de Abogados de Bolivia y Santa Cruz), former Bolivian congressman and vice-minister, U.S. political asylee (granted May

18, 2023), and lawful permanent resident (green card issued March 15, 2024). He resides in Orlando, Florida.

3. Respondent The Florida Bar is the statewide entity administering the FLC program under Chapter 16 of the Rules Regulating The Florida Bar. Respondent Robert J. Becerra, B.C.S., is sued in his official capacity as Chair of the Foreign Legal Consultancy Committee, the decision-maker who denied reconsideration.

III. FACTUAL AND PROCEDURAL BACKGROUND

4. Petitioner was admitted to practice law in Bolivia on August 1, 2002, and actively practiced for more than 19 years until forced political exile on December 23, 2021. He has maintained continuous good standing with the Colegio de Abogados de Bolivia y Santa Cruz since admission—resulting in more than 22 years of recognized professional experience under Bolivian bar rules, which count total licensure without interruption for periods of inactivity due to extraordinary circumstances. Evidence submitted includes constitutional cases he handled through 2019 (e.g., Case Nos. 27441-2019-55-AL, 25410-2018-51-AL, 25144-2018-51-AL, etc.), verifiable on the official Plurinational Constitutional Court of Bolivia website at <https://buscador.tcpbolivia.bo/busqueda-nombres>. The interruption in

active practice after 2021 was due to persecution, exile, and federal immigration restrictions during asylum proceedings.

5. Petitioner fled Bolivia due to persecution for denouncing corruption and drug trafficking. He filed for asylum with USCIS on March 29, 2022; asylum was granted May 18, 2023; and he adjusted to lawful permanent resident status March 15, 2024.
6. During asylum pendency (2022–2023), federal immigration law prohibited Petitioner from any employment, including legal practice.
7. Demonstrating ongoing commitment to obtaining FLC certification despite immigration barriers, Petitioner created his NCBE Account on November 26, 2022—shortly after filing for asylum—and initiated the required Character & Fitness investigation process at that time, in full compliance with Florida Bar procedures. Petitioner diligently gathered and submitted all necessary documentation within approximately six months. However, due to the lengthy NCBE investigation process, the Character & Fitness report was not forwarded to The Florida Bar until October 11, 2024. Petitioner then formally completed and submitted his FLC application in October 2024 (Receipt No. 0001215245; NCBE No. N10675314), including all required affidavits and supporting materials.

8. Further demonstrating ongoing commitment to the legal profession and integration into the U.S. legal system despite the barriers imposed by Rule 16-1.2(b), Petitioner has pursued professional development in the United States: he completed English language courses at Seminole State College from Fall 2024 through Summer 2025; enrolled in and completed three paralegal courses during one semester; and transferred credits to the University of Dayton School of Law, where he is currently enrolled in the Master of Laws (LL.M.) program commencing Spring 2026.
9. Prior to denial, on June 17, 2025, Program Administrator Carly Hopkins inquired how Petitioner had practiced Bolivian law for 3 of the past 5 years. Petitioner promptly responded with a detailed explanation of his extensive experience in arbitration, criminal law, constitutional and administrative matters, and government consulting on environmental laws (2018–2021), noting that active practice was limited post-2020 due to rampant judicial corruption in Bolivia and his ethical refusal to engage in improper practices, which deterred clients. Despite this substantive response, on June 20, 2025, the Committee denied the application solely for failure to meet Rule 16-1.2(b)'s 3-of-5-year practice requirement. Internal Committee emails (June 18–21, 2025) confirm that the denial was categorical and lacked meaningful individualized review: members characterized Petitioner's detailed response

as an "admission that he has not practiced Bolivian law for the past four years" without addressing the context provided; one member expressly stated that Petitioner's case "is not in my records and I do not recall reviewing his case"; and others dismissed Petitioner's arguments regarding persecution, asylum restrictions, and ethical barriers as mere "frustration and disappointment" and attempts to "shift blame toward the system," without substantive analysis or empathy.

10. Petitioner promptly requested reconsideration on June 20, 2025, and submitted a second detailed request on December 1, 2025, providing additional evidence of his 19+ years of practice, asylum restrictions, continuous good standing in Bolivia, and the impossibility of compliance without violating other laws.

11. On December 12, 2025, Chair Becerra denied reconsideration, stating Rule 16-1.2(b) "does not provide for any waiver or exception."

12. Petitioner filed a Notice of Appeal with the Florida Supreme Court on July 18, 2025. On July 22, 2025, the Clerk rejected it as "not docketed," explaining that there is no right of appellate review under the Rules Regulating The Florida Bar from a decision denying certification as a Foreign Legal Consultant, that Chapter 16 does not authorize such review of the Bar's administrative decision, and that no further appellate remedy is

provided under the rules. The Clerk further stated that the appropriate course is to pursue reconsideration directly with The Florida Bar, which "may, at its discretion, review a timely request." This rejection confirms the absence of any appellate remedy and highlights that reconsideration lies within the Bar's acknowledged discretion—a discretion that was categorically refused without individualized consideration of Petitioner's extraordinary circumstances.

13.No further administrative or appellate remedy exists under Chapter 16.

IV. THE “CATCH-22” CREATED BY STRICT APPLICATION OF RULE 16-1.2(b)

14.Compliance with Rule 16-1.2(b) was impossible without violating other laws: a. Practicing Bolivian law from Florida (even remotely) without FLC certification constitutes unauthorized practice of law (UPL) under Rules 4-5.5 and Fla. Stat. § 454.23, punishable administratively and potentially criminally. b. During asylum pendency, federal law prohibited any employment, including remote legal practice. c. Even post-green card, remote practice of Bolivian law directed at Florida clients or marketed in Florida would trigger UPL absent FLC.

15. The FLC program exists precisely to permit limited practice of foreign law in Florida. Requiring recent practice to obtain that permission creates a circular barrier: to qualify, one must engage in the very conduct the certification authorizes.

16. Additionally, remote practice raises unresolved tax issues: income from foreign-law services performed in the U.S. is U.S.-source income (IRC § 861); without FLC, Petitioner could not properly report or deduct business expenses related to foreign-law practice, further deterring compliance with the recent-practice requirement.

V. EQUITABLE TOLLING WARRANTED DUE TO EXTRAORDINARY CIRCUMSTANCES

17. Florida recognizes equitable tolling in administrative proceedings where a petitioner demonstrates diligence, extraordinary circumstances preventing compliance, and lack of prejudice (*Machules v. Dep't of Admin.*, 523 So. 2d 1132 (Fla. 1988); *Env'tl. Res. Grp. v. Dep't of Env'tl. Prot.*, 901 So. 2d 922 (Fla. 1st DCA 2005)).

18. Petitioner was diligent (19+ years practice, early NCBE initiation in 2022, immediate application post-adjustment, and ongoing U.S. legal education). Extraordinary circumstances (persecution, exile, federal employment bar)

were beyond his control. Tolling the asylum period would render him compliant.

VI. FEDERAL PREEMPTION, DUE PROCESS, AND EQUAL PROTECTION

19. Strict enforcement of Rule 16-1.2(b) penalizes Petitioner for federally mandated inactivity during asylum proceedings, conflicting with federal immigration law under the Immigration and Nationality Act (INA, 8 U.S.C. § 1158 et seq.), which exclusively regulates asylum and protects asylees from adverse consequences based on their protected status. This creates field and conflict preemption under the Supremacy Clause (U.S. Const. art. VI; *Arizona v. United States*, 567 U.S. 387 (2012)), as state licensing rules cannot frustrate federal objectives of refugee protection and integration.
20. Moreover, the United States' obligations under international treaties—incorporated into domestic law via the Supremacy Clause—further support preemption. As a party to the 1967 Protocol Relating to the Status of Refugees (incorporating the 1951 Convention Relating to the Status of Refugees), the U.S. commits to facilitating refugees' wage-earning employment and liberal professions on terms no less favorable than those accorded to aliens generally (Arts. 17–19). Strict application of Rule 16-

1.2(b) undermines these obligations by erecting insurmountable barriers to professional incorporation for asylees who, like Petitioner, were compelled to pause practice due to persecution and federal restrictions, without rational basis tied to public protection.

21. The rule's categorical application also creates a disparate impact on asylees and refugees—a vulnerable class fleeing persecution—who are uniquely subjected to federally imposed employment prohibitions during asylum pendency. This lacks any rational basis sufficient to satisfy equal protection under the Fourteenth Amendment, as it arbitrarily penalizes compliance with federal mandates and international commitments without advancing a legitimate state interest in competent foreign-law consultation.

22. Finally, the Committee's categorical refusal to reconsider—without meaningful individualized review of Petitioner's extraordinary circumstances, detailed submissions, and evidence of diligence—denies procedural due process under the Fourteenth Amendment (*Mathews v. Eldridge*, 424 U.S. 319 (1976)).

VII. CLEAR LEGAL RIGHT, INDISPUTABLE DUTY, AND NO ADEQUATE REMEDY

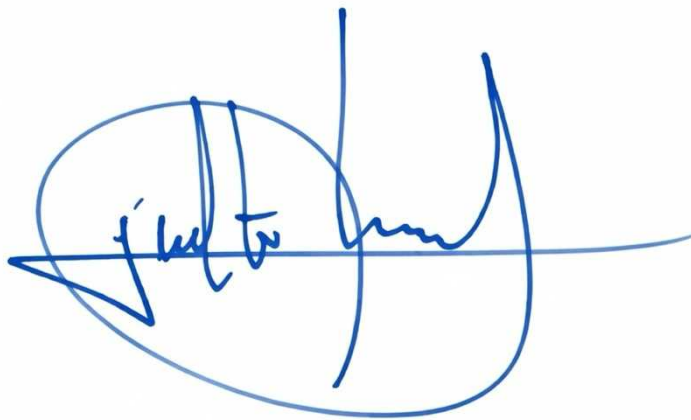
23. Respondents have a ministerial duty to administer Chapter 16 constitutionally and consistent with federal law. Mandamus is the sole remaining remedy after exhaustion of reconsideration and rejected appeal.

VIII. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court: a) Issue a writ of mandamus directing Respondents to conduct timely, individualized reconsideration incorporating equitable tolling, preemption, and constitutional analysis; b) Set a reasonable deadline for a reasoned written decision; c) Grant such other relief as is just and proper.

Respectfully submitted this 5 day of February, 2026.

/s/ **Walter Javier Arrázola Mendivil** Walter Javier Arrázola Mendivil, pro se
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348-0611



INDEX OF EXHIBITS

Exhibit A: Original FLC Application Materials (October 2024)

- Receipt No. 0001215245
- NCBE Character & Fitness Report (October 11, 2024, NCBE No. N10675314)
- Affidavits of good standing, no discipline, etc.

Exhibit B: Evidence of Early Initiation of Certification Process (2022–2025)

- NCBE response confirming account creation November 26, 2022
- Email to Carly Hopkins (July 9, 2025) attaching proof

Exhibit C: Committee Inquiry and Internal Emails Demonstrating Categorical Denial (June 17–21, 2025)

- Email from Carly Hopkins (June 17, 2025: inquiry on practice)
- Petitioner's detailed response (June 17, 2025)
- Frederic Rocafort email (June 18, 2025)
- Robert J. Becerra agreement
- Owen Taylor email (June 21, 2025: no record of review; dismissal as "frustration/blame")

Exhibit D: First and Second Requests for Reconsideration (June 20 and December 1, 2025)

- Emails/letters with attachments (asylum, green card, cases bolivianos, etc.)

Exhibit E: Evidence of Practice in Bolivia

- Table of constitutional cases through 2019, verifiable at <https://buscador.tcpbolivia.bo/busqueda-nombres>
- Certifications of good standing

Exhibit F: Asylum and Immigration Status

- Asylum approval (May 18, 2023)
- Green card (March 15, 2024)
- I-589 application (March 29, 2022)

Exhibit G: Final Denial of Reconsideration (December 12, 2025)

- Letter from Robert J. Becerra

Exhibit H: Rejection of Notice of Appeal (July 2025)

- Notice of Appeal (July 18, 2025)
- Clerk's rejection email (July 22, 2025)

Exhibit I: Evidence of Ongoing U.S. Legal Education and Professional Development

- Transcripts/certificates from Seminole State College (English courses Fall 2024–Summer 2025; three paralegal courses)
- Admission letter/confirmation for LL.M. program at University of Dayton School of Law (Spring 2026)

Exhibit J: Curriculum Vitae / Professional Resume of Petitioner

- Detailing over 22 years of recognized legal experience in Bolivia (continuous licensure), public service roles, and U.S. education.

AFFIDAVIT OF WALTER JAVIER ARRAZOLA MENDIVIL

I, Walter Javier Arrázola Mendivil, being duly sworn, declare under penalty of perjury:

1. I am the Petitioner and have personal knowledge of the facts in the Petition.
2. The exhibits (A–J) are true and correct copies of originals in my possession or from official sources.
3. I have over 19 years of active legal practice in Bolivia until my forced exile on December 23, 2021, and I have maintained continuous good standing with the Colegio de Abogados de Bolivia y Santa Cruz since my admission on August 1, 2002—resulting in more than 22 years of recognized professional experience under Bolivian bar rules, which count total licensure without interruption for periods of inactivity due to extraordinary circumstances.
4. All statements in the Petition are true and correct.

Executed February 5, 2026, Orlando, Florida.

/s/ Walter Javier Arrázola Mendivil