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Honorable Members of the Florida Supreme Court
500 South Duval Street
Tallahassee, Florida 32399-1927

July 11, 2003

Re: Petition to Amend Rules 2-11.1 and 4-13.2 of the Rules of the Supreme Court Relating to Admissions to the Bar

_____ Petitioners: The Orange County Bar Association & Thomas B. Drage,
Jr., Esq.

Case No: SC02-2354

Your Honors:

The purpose of this letter is to express my support of the above-referenced petition to amend the Rules of the Supreme Court Relating to Admissions to the Bar. I am a returning law student, a current applicant to the Florida Bar, and a graduate of Barry University School of Law having received my Juris Doctor in June 2000. I am a member of the uniquely situated 109 graduates who were found to be ineligible for admission to the Florida Bar pursuant to Rules 2-11.1 and 14-13.2 for failure to graduate within twelve months of ABA accreditation. I also submitted to the July 2000 Florida Bar Examination, but my grades remain sealed as a result of the operation of Rules 2-11.1 and 14-13.2.

When I arrived in Orlando, Florida in August 1997 as a new first-year law student from my childhood home in High Point, North Carolina, I brought with me an idealistic notion that if I were to work hard and apply myself to a rigorous legal education and follow the applicable rules, I would earn the privilege of practicing law. However, in the long saga of the struggle of my law school to earn accreditation and in the operation of bright-line rules, I found myself in a nightmare scenario of incurring thousands of dollars of debt, expending thousands of precious hours of rigorous study for law school classes and the Florida Bar Examination, while being considered no more qualified to practice law than when I arrived to begin law school three years earlier.

Furthermore, the above is true while some law school colleagues who began law school at the same time or earlier are practicing law as a result of their delay in completing educational requirements. In other words, as a result of the operation of the current twelve-month rule, I was effectively penalized by graduating in the traditional three years of law school. As is evident by this outcome, the current rule results in vastly disparate treatment for similarly-situated students.

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When I began my education at the former University of Orlando School of Law (now, Barry University School of Law), I assumed a certain amount of risk in attending an unaccredited law school. From my knowledge of the quality of the law school's academic program upon entrance, I held a good faith belief that the law school would achieve accreditation in a timely manner relative to the twelve-month limitation. However, the recent changes in the American Bar Association's procedures result in a slower overall process for an applicant law school to achieve accreditation. As a result, the twelve-month rule required me to assume an unforeseeable, increased risk of the law school's receiving delayed accreditation that would place my graduation date outside of the artificial window set by Rules 2-11.1 and 14-13.2

The faculty, library, curriculum, and academic rigor at provisionally-approved Barry University School of Law are substantially the same to that of its incarnation that I attended in my first J.D. pursuit from 1997 to 2000. Indeed, as a returning law student, much of the academic program at Barry is identical to the law school from which I graduated in June 2000. I am taking classes with the same case books, syllabi, and professors. The twelve-month rule was un-responsive to that reality.

The outcome of the petition carries great personal significance for me and my brethren at Barry in the stasis in which we have found ourselves. However, my support for this petition rests also on a concern for future law students who might find themselves in the same limbo as those of us from Barry. If Florida continues to allow the ABA to accredit law schools within the state, it must ensure that its rules for bar admission reflect the realities of a new law school's journey through the accreditation process. There must be some protection for students who embark on a legal education in a law school that complies with ABA standards, but is delayed by the ABA accreditation procedure. I therefore respectfully urge the Court to adopt either of the two proposed rule changes set forth in the petition.

Respectfully submitted,

Brian D. Shank, J.D.

Certificate of Service

I hereby certify that a true and correct copy of the foregoing has been furnished by U.S. Mail to attorney for petitioners, Mathew D. Staver, Esquire, 210 Palmetto Avenue, Longwood, Florida 32750 on this _____ day of _____, 2003.

Brian D. Shank

