July 3, 2003

Supreme Court of Florida
Clerk's Office
500 South Duval Street
Tallahassee, FL 32399-1927

Re: Comment on Proposed Changes to Former Rule 2-11.1.

I am writing to comment on the proposed changes to Former Rule 2-11.1., regarding admission to the bar. For the reasons set forth below, I strongly support proposed change number two (proposed by Mathew Staver, Esquire). That proposal recommends beginning the twelve month period in 2-11.1. (now 4-13.2.) on the date of the ABA site visit that led to provisional approval of a law school. In the alternative, I would support proposed change number one.

Currently, I am a law professor at the Michigan State University-DCL College of Law. From Spring 1999 until Spring 2001, I taught at the Barry University School of Law, and thus I am quite familiar with the students who have been negatively effected by the current rule, as well as with the legal education they received at Barry. I left Barry in Spring 2001, after I was named a Fulbright Scholar (I subsequently agreed to serve as a Visiting Professor at the Syracuse University College of Law, but kept a close watch on the events at Barry throughout 2001). I can state unequivocally that many of the students negatively effected by the rule would have done well at most law schools throughout the country. For family or other reasons they chose to study in Central Florida.

An injustice has been done to the Barry alumni who were ineligible for admission to the bar pursuant to Rule 2-11.1. There are two reasons for this. First, the grant of provisional approval was based on the site visit which occurred several months before provisional approval became effective. Essentially, Barry's program of legal education was fit for approval at the time of the site visit, and thus it makes sense to run the twelve month period from that time rather than the later date when the House of Delegates voted to approve. The students who graduated but were unable to sit for the bar are forced to retake two years of law school, not because the program was inadequate within twelve months of their graduation date, but rather because of a delay in official ABA action that is necessitated by the national scope of the organization and the need to meet at one or two set times a year (House of Delegates), slightly more often for the ABA Committee on Legal Education and Admission to the Bar. Given the high stakes involved for these students, both financial and personal, it is troubling that the outcome under the current rule is based on the timing of meetings rather than the state of the legal education they received at the times relevant under the rules.

Second, I remain troubled by the ABA process that led to the denial of approval in 2001. The ABA site team did an excellent job and filed a fair and balanced report (as did the site team the year before), but the subsequent review process at the Committee and Council seemed to be skewed against the school in unusual ways. Certainly, there were some issues at Barry that the ABA had a valid interest in monitoring, but none of those issues should have led to denial of provisional approval. Rather, they were matters appropriate for consultation during the period of provisional approval. Moreover, my belief is that the primary concern of the ABA was the law school's financial resources, and this had no impact on the legal education received by the students, because adequate resources were expended to assure the students a good legal education. No doubt the ABA Section on Legal Education and Admission to the Bar has a hard job, and they work hard to do it well, but something went amiss with the review of Barry. I do not mean to cast aspersions on a group that I respect and that works quite hard on a voluntary basis, but as someone who is quite familiar with legal education, I can not help but question the outcomes of the committee and council decisions in 2000 and 2001. I am obviously not privy to the details, but somewhere along the line the process went awry. It is too late in the day to address this directly, because after all, the ABA did the right thing in the end. It is not too late, however, for this honorable court to act to alleviate the impact of the pace of the ABA process.

I respectfully request this honorable court to reconsider Rule 2-11.1., and adopt one of the proposed changes to the rule proposed by Mathew Staver, Esquire. Matt and I are frequently on the opposite side of issues, but on this issue there can be no doubt that he is correct in requesting these changes, and that the changes will help Floridians who have been dealt an injustice under the current rules.

Respectfully Submitted,

Professor Frank S. Ravitch

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Comment on Proposed Changes to Rule 2-11.1. was (X)mailed to the person listed below on June 3, 2003.

Other party or his/her attorney:
Mathew D. Staver, Esq.
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Dated: June 3, 2003

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