

WILKES & McHUGH, P.A.
ATTORNEYS AT LAW

TAMPA COMMONS
ONE NORTH DALE MABRY
SUITE 601
TAMPA, FLORIDA 33609

(813) 873-0026
1-800-255-5070
FAX: (813) 286-8820

July 3, 2003

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

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 and Thomas Drage, Jr., Esq.
Case No: SC02-2354

Dear Supreme Court Justices:

I am writing to express my full support for the above-referenced petition. I have been a member of the Florida Bar since 2002, my Florida Bar number is 0576980. I believe that the Proposed Amendments to Rules 2-11.1 and 4-13.2 are needed to remedy the situation regarding the Barry University Law students and to protect the students of Florida's two newest law schools FIU and FAMU.

I understand that the ABA changed their accreditation process in 2001, regarding their appeals process and this change may lengthen the time required for an applying law school to become accredited. The result of this procedural change in the accreditation process is that, "the final decision regarding accreditation may now take up to three years following the initial ABA site visit." (OCBA, Petition SC02-2354, Pg. 8) However, under the previous procedure the decision would have been made at the present meeting by the House of Delegates, thus giving the applying school a form of possible immediate timely relief.

This change in procedure directly affected Mr. Thomas Hales a Barry Law student whom, I have known since October of 2002. When Barry's application was approved by the ABA Committee and then denied by the Council at the ABA's February 2001 meeting. Barry Law School agreed not to appeal the Council's decision, in exchange, the ABA agreed to a continuation of the application process. Under the agreement, the ABA would conduct a supplemental site visit and this visit would be considered a continuation of ABA's October 2000 site visit. Barry apparently concluded this was a better option than chancing the ABA's onerous appeals process.

In re: Case No. SC02-2354
Page 2 of 2
Supreme Court of Florida


Mr. Hales graduated from Barry Law School on January 13, 2001, and sat for the February 2001 Florida Bar exam. Mr. Hales Florida Bar exam results are sealed and he is unable to practice law in the state of Florida, even though Barry received their accreditation on February 4, 2002 a mere twenty-two (22) days after the twelve (12) month deadline, in which the school was required to achieve its accreditation. However, the New York Court of Appeals granted Mr. Hales petition to sit for the New York Bar exam, in September of 2002, based on his Barry Law degree. Mr. Hales sat for and passed the February 2003 New York Bar exam. Accordingly, he was admitted to practice law in the state of New York, on June 24, 2003.

Mr. Hales may not practice law in this state even though the majority of the facts that the ABA relied upon to accredit his law school were gathered fifteen (15) months before his graduation from law school. This is exactly the type of detrimental situation that the ABA's appeals process creates for Florida law students.

Therefore, it is my opinion that based on the detrimental impact of the recent ABA procedural change, that the current twelve (12) month rule is no longer appropriate. I also believe that a rule change is needed to protect the students of Florida's two newest law schools FIU and FAMU, in the event that the new ABA accreditation process should adversely affect these two law schools.

Accordingly, I would respectfully request that this Honorable Court adopt and implement one of the proposals submitted by the petitioners, so that the 12-month rule is changed to reflect the current ABA accreditation process and to prevent future harm to Florida Law students.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Jonathan Ficarrota', written in a cursive style.

Jonathan Ficarrota

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished by U.S. Mail to the Attorney for Petitioners, Mathew D. Staver, Esquire, 210 Palmetto Avenue, Longwood, Florida 32750 on this 3rd day of July, 2003.



Jonathan Ficarrotta

WILKES & McHUGH, P.A.

Florida Bar No. ~~119568~~ 0576980

1 N. Dale Mabry, Suite 601

Tampa, Florida 33609

Ph: (813) 873-0026

Fx: (813) 286-8820