

IN THE SUPREME COURT OF FLORIDA

IN RE: PETITION TO AMEND RULES CASE NO.: SC02-2354
 2-11.1 AND 4-13.2 OF THE
 RULES OF THE SUPREME COURT
 RELATING TO ADMISSIONS TO
 THE BAR

COMMENTS ON AMENDMENTS TO RULES 2-11.1 AND 4-13.2

I am C. Michael Barnette, Florida Bar Number 0262919. I have been admitted to practice law in the State of Florida since 1978. I currently practice in Daytona Beach, Florida. I employ a 2000 graduate of Barry University School of Law as a legal assistant in my office. My employee was one of the 109 graduates of Barry University School of Law who had to re-enroll in law school for two (2) years to allow her to take and receive her results from the Florida Bar exam. My employee and I, indirectly, have been affected by the delays in the accreditation process for Barry University School of Law which resulted in accreditation not being received within the time period required under the existing Rules of the Supreme Court Relating to Admissions to the Bar.

While it is clear that the intent of the current Rules Relating to Admissions to the Bar are designed to ensure that applicants to the Florida Bar have graduated from a law school meeting certain objective standards, the current rule has not changed to reflect revisions in the American Bar Association accreditation process. These changes in the American Bar

Association accreditation process have affected the ability of new law schools to obtain accreditation within the time period allowed for graduates to take the bar exam under the existing Rules of the Supreme Court Relating to Admission to the Bar. As the existing Rules of the Supreme Court Relating to Admissions to the Bar have not been changed previously to reflect or address the changes in the American Bar Association accreditation process, the first three (3) graduating classes of Barry University School of Law were denied bar licenses, or the opportunity to be licensed in the State of Florida, because the State of Florida's rules still follow the process under the prior American Bar Association accreditation procedure.

The new American Bar Association standards are such that a law school which receives a negative recommendation from the Council to the Section of Legal Education can have its accreditation application under review and appeal for three (3) years. This could potentially prevent two (2) years of law school graduates from ever being eligible to take the Florida Bar exam.

I respectfully recommend that this Court grant the Petition to Amend Rules 2-11.1 and 4-13.2 of the Rules of the Supreme Court Relating to Admission to the Bar. As I understand the Petition, this would create a time frame for students at Florida law schools, who find themselves in a similar situation as the

affected Barry graduates, time to allow their respective law schools to complete the appeals process created by the American Bar Association. Either proposed amendment to the Rules addressed in the Petition filed by Petitioners, Orange County Bar Association, and Thomas B. Drage, Jr., Esquire, et. al, would bring the current Rules Relating to Admissions to the Bar in conformity with the realities of the revised American Bar Association accreditation process. The revised time frame would help to avoid an anomaly such as presented to the 109 adversely affected Barry University School of Law graduates. If the ultimate intent of the current rules is to ensure the quality of the law school and the education received by its graduates, the Petition should be granted. The graduates of Barry University School of Law with whom I am familiar have received a quality legal education at Barry University School of Law. I believe that, as worded, either proposed amendment would allow the adversely affected Barry University School of Law graduates, and any other law school graduates similarly situated to be eligible for admission to the Florida Bar. The integrity of the licensing process would not be undermined, in my opinion, by granting the Petition and amending the Rules in either manner.

WHEREFORE, the undersigned recommends that the Petition to Amend Rules 2-11.1 and 4-13.2, Rules of the Supreme Court Relating to Admission to the Bar, be granted and recommends

adoption of either proposed Rule amendment by this Court.

Respectfully Submitted,

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Certificate of Service

I hereby certify that the **original and nine (9) copies** of the foregoing have been served by **U.S. Mail** to **Thomas D. Hall, Clerk of the Supreme Court, Florida**, 500 South Duval Street, Tallahassee, Florida 32399-1927, and a true and correct copy of the foregoing has been served by **U.S. Mail** on **Matthew D. Staver, Attorney for Petitioners**, 210 Palmetto Avenue, Longwood, Florida 32750 on this _____ day of June, 2003.

I hereby certify that this comment is printed in 12-point Courier New.

C. MICHAEL BARNETTE