

Robin G. Drage
730 Florida Street
Orlando, Florida 32806

July 14, 2003

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

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

Your Honors,

I respectfully request that you amend Rules 2-11.1 and 4-13.2 of the Rules of the Supreme Court Relating to Admission to the Bar as requested in the petition of OCBA & Thomas B. Drage, Jr., Esq., case number SC02-2354.

I am a graduate of Barry University Law School. I was a charter member of Barry University Law Review. Upon graduation, I was ranked fourth in my class. The “twelve month rule” presents several problems that can be remedied by amending Rules 2-11.2 and 4-13.2.

The present rule penalizes students for graduating in a timely manner as required by the American Bar Association (ABA). In September 1995 I was a member of the inaugural class at the University of Orlando School of Law. I attended classes regularly and did not seek permission to delay my graduation even when it became apparent that the school was having difficulty achieving accreditation. Students were constantly reminded that the ABA did not permit students to delay graduation in an attempt to graduate from an accredited law school. We were assured that the school would likely never achieve accreditation if students were granted permission to take fewer than the required number of hours. I did not attempt to delay my graduation because I felt it would be unethical to jeopardize the school’s opportunity to achieve accreditation. I graduated from Barry in January 2001. Provisional accreditation was granted in February 2002. Based upon the present “twelve month rule,” I am precluded from seeking admission to the Florida Bar by a mere two weeks and three days. A number of my classmates sought and were granted permission to take fewer classes and/or turn in their senior paper after provisional accreditation was achieved. Some of these students have since been admitted to the Florida Bar. I attended classes with many of these students. We had the same professor, took the same exams, were graded on the same curve and, in some cases, I received a higher grade than they received. Many of these students have 88 hours from an unaccredited law school and two hours from an accredited law school. It is clear to me that I received substantially the same education as those who started law school with me, but graduated later.

The “twelve month rule” should be changed to reflect the changes the ABA has made in its voting procedures related to the accreditation of law schools. During the time I was a student at Barry, the ABA changed the voting procedure that relates to the accreditation of law schools. Under the present procedure, a law school may spend up to three years in the appeals process before achieving accreditation. Barry was the first Florida law school to attempt to achieve accreditation under the new procedure and the resulting delay caused approximately 109 Barry students to graduate beyond the “twelve month rule.”

It has been argued that Barry Law students assumed the risk of being precluded from being admitted to the Florida Bar when they chose to attend an unaccredited law school. My response is that it was not foreseeable that the ABA would change their voting procedures related to the accreditation process while Barry was attempting to become accredited. I also relied on the fact that there had never been a student who graduated from a Florida law school who was precluded from being admitted to the Florida Bar based upon their graduation date. In addition, I was aware of the accommodations made to those who came to Florida from Cuba and sought admission to the Florida Bar. I read the Court’s decision in *Florida Board of Bar Examiners re Eisenson*, 272 S. 2nd 486 (Fla. 1973) and applauded the way the Court found an equitable solution to the problem presented. Based upon these factors, I have always believed that the Florida Supreme Court would work to ensure that the rules related to admission to the Florida Bar reflect a fair and just means of ensuring that those admitted are qualified to practice law in our state.

Thank you for your consideration in this matter.

Most Sincerely,

Robin G. Drage

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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 32759 on this 14th day of July 2003.

Robin G. Drage