

July 7, 2003

THE OFFICE OF THE CLERK  
SUPREME COURT OF FLORIDA  
500 SOUTH DUVAL STREET  
TALLAHASSEE, FL 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  
& Thomas Drage, Jr. Esq.

Case No.: SC02-2354

Your Honors:

This writer is an interested party, who graduated from Barry University's law school in Orlando, Florida in June 2000. Since then, I have been prevented from receiving my scores from the July 2000 bar exam; not allowed to pursue a license and the practice of law in the state of Florida, and forced to pursue a second law degree. Eight years ago at age forty-nine, I started law school on what was supposed to be a four year plan. I'm now fifty-seven years old; have a law degree; have taken the Florida Bar Exam; have begun law school again, and still have another year left. This is nine years of my life simply to satisfy the ABA and the Florida Board of Bar Examiners that I am worthy to pursue licensing as an attorney in Florida .... Acceptable? Absurd!

A citizen of the state of Florida should not have to obtain a second law degree, because of a faulty accreditation process. The failure of those who have the power to recognize that there is a gaping hole in the law school accreditation and licensing process for lawyers in the state of Florida needs to be corrected.

There is no provision in the American Bar Association's (ABA) accreditation process which recognizes that a student has already attended and successfully received a Juris Doctorate degree from the same school as other students, who delayed graduation until after a school receives provisional accreditation. As an example, this creates an inequity for those who graduate upon the urging of the ABA and the school, and those who delay graduation specifically in violation of school rules, and ABA policies. The results are specifically at hand in the case of one hundred and nine graduates of Barry University's law school. Those who delayed graduation by withholding a required paper or refusing to take one class, graduated after provisional accreditation with only one, two, five, seven or a similarly small number of credits received from the provisionally accredited school. These graduates are no different educationally than those who graduated previously, but they are qualified to take the Florida bar exam and pursue a

license to practice law in Florida.

Supreme Court of Florida  
In re: Case No. SC02-2354  
Page 2 of 4

Graduates of Barry since February 2001 are allowed to sit for the bar and pursue licensure to practice law in Florida, even though many of them only received as little as one, two, five or seven hours from the school after its provisional accreditation, simply because they “graduated from” a school provisionally approved by the ABA, or the school was accredited within twelve months of graduation. What about the graduates, who followed the rules of the ABA and the school? They didn’t go to law school to be martyrs or sacrificial lambs for the benefit and survival of the school, or simply to benefit later students, who will then attend an accredited school. These people attended and graduated law school in preparation to practice law. They went to the same school as those others, many of whom started on the same day, taking the same classes, with the same professors, as those who delayed graduation simply by withholding a required paper or refusing to complete a single class.

Currently, there is no recognition of that fact by either the ABA, the Florida Board of Bar Examiners or the Florida Supreme Court. The ABA does not have a provision for recognizing the previous degree or any part thereof. (As an example, the ABA could require a prescribed number of credits of remedial work, then a new degree could be granted by the school; but there is no such provision). The student must complete the entire degree requirements again. The school will not confer a new degree out of fear that the ABA will retaliate by pulling its accreditation. The Florida rule has no stated educational requirements, simply graduation from an ABA accredited law school. The school could grant students a new degree, but fear the ABA. The circle is vicious and unbelievable. The ABA is quite content to bury its head in the sand and simply ignore the fact that they are the driving force in this inequity, and the Florida Board of Bar Examiners and this Honorable Court seem, up to now, to support that unfair position. **Under this system ONLY THE STUDENTS WHO DID EXACTLY AS DIRECTED ARE PENALIZED.**

The Florida Supreme Court and the Florida Board of Bar Examiners have no provision for recognizing the fact that there is no difference in the education of the two groups, thereby communicating the notion that it is acceptable to sacrifice the lives of Florida citizens for the sake of a rule, which is outdated. The ABA has changed its process of accreditation making the twelve month rule virtually impossible to meet, should a school not receive accreditation on its first attempt. Achieving accreditation on the first attempt is very rare. Several other states have recognized this situation and have changed, or are considering a change to their rules.

The ABA labors under the notion that it is acceptable to force students to graduate from an unaccredited school in the antiquated belief that it will give them a further measure of the “outputs” of a law school, when these students take the bar exam. On the other hand, over the years, the ABA has lobbied and convinced the vast majority of all states to require a candidate’s

graduation from an ABA accredited law school prior to taking the bar exam and pursuing

Supreme Court of Florida  
In re: Case No. SC02-2354  
Page 3 of 4

licensure as an attorney. The outdated part is that the ABA has no measure of the “outputs” in Florida, because graduates of unaccredited law schools may not pursue licensure in Florida. The ABA has considered but rejected a change in its rules, which would have extended provisional accreditation back to the original site visit, ultimately resulting in a school’s accreditation. The ABA ignores the plight of graduates that they forced to graduate prior to a school receiving accreditation. Since there have been no ABA changes, this Honorable Court should make the necessary changes to protect the citizens of Florida.

This Honorable Court should adopt a rule change, and is respectfully asked to do so for the reasons discussed above and summarized as follows:

1. A rule change is needed in order to keep pace with the ABA’s process of accrediting law schools, which has become a protracted, subjective, political, biased, and totally unpredictable process. (As evidenced by the Barry case versus other schools receiving approval while Barry did not)
2. A rule change is needed to prevent the punishment and unfair treatment of Florida’s citizens, (those already affected, and those to come in Florida’s state supported law schools) who have absolutely no control, input or influence over the processes of the ABA, in considering and granting accreditation to law schools.

Either proposal suggested by petitioners, or any other action that the Court may take, that will right the wrong that has been done to the one hundred and nine good Florida citizens, and to the many future citizens that may be harmed by this same process will be the right thing to do. I urge your honors to take action on a situation that has become an absurdity to all who are affected, may be affected, and all who have heard about the situation. Equitable relief is appropriate and necessary, as is a change of the rules to prevent this from happening to future law students in Florida.

Respectfully submitted,

Stanley Paul Townsend

Supreme Court of Florida  
In re: Case No. SC02-2354  
Page 4 of 4

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.

---

Stanley Paul Townsend