

**IN THE SUPREME COURT OF FLORIDA**

In Re: Amendments to Rules Regulating the Florida Bar Re: Chapter 11 Task Force,  
Case No. 03-122

To The Florida Supreme Court:

My name is Gail Levine and I am an Assistant State Attorney/Post-Graduate Certified Legal Intern presently working in the State Attorney's Office in Miami-Dade County. I am sending these comments in objection to changes proposed to Rule 11-1.9 (c) Termination of Certification.

As you are aware, Chapter 11 in its present form allows qualified law school graduates to serve as Certified Legal Interns for twelve (12) months from the date of graduation. The proposed rule change would terminate certification if the CLI failed "any portion of the Florida bar examination". The practical impact of the existing rule is that most graduates are able to maintain their CLI status even if they fail the Florida Bar on their first try. This is exactly what happened to me.

I graduated from law school in May of 1984. I took the July bar exam but did not pass the first time although I had been previously allowed to work in a legal clinic as a Certified Legal Intern. Had I not had this opportunity, I would not have been able to secure employment. This would have devastated me even more than the failure of the exam. With the ability to maintain my CLI status, I was able to continue to study and work at the same time. Since I was able to continue to work, I developed additional confidence, which I believe was the reason I was able to pass the exam the next time I took it in February 1985. I then began working at the Miami Dade County State Attorneys Office and have been employed here continuously. I have supervised dozens of CLI's some who have passed the bar and others who have not. The passage of the bar is many times no measure of a person's ability. Sometimes a person's failure is just nerves, a bad day or a poor test taking skill, but the person remains a great lawyer waiting to practice. Our office provides extensive training to the new hires during the their first year. They learn about appeals, discovery rules, the rules of criminal procedure. I am the attorney I am today, in large part, due to the invaluable experience I was able to obtain in my first year at the State Attorney's Office. I would not have had the benefit of such excellent, practical, hands-on experience if the proposed rule had been in effect when I graduated. The impact of the rule would have de-railed my fledging legal career approximately one month after it began.

In addition to the impact on my legal career, application of the proposed rule would have been devastating financially.

I am now proudly holding the position of Senior Trial Attorney. I handle serious and complex litigation involving homicides and the death penalty. I believe that CLI's, assist in the entire process. Without them, we are turning out lawyers who may be able to pass an exam, but not practice law.

My success in the office is in part attributable to the experience and knowledge I gained working as a CLI.

Further, I understand that there is also some concern that other applicants who fail the bar exam are not allowed to practice in court as I was able to do. I would submit that there is a distinct difference between post-graduate CLIs and the applicants who fail the Bar and cannot practice. Post-graduate CLI's - by virtue of the fact that we have completed clinical programs and received specialized training - are more qualified to be in court than those who have not participated in these programs. As such, our actions are not doing anything to harm the public.

Most of us choose to work in these offices and represent the State because of a desire to help protect society and give back to our communities. As stated in Rule 11-1.1, the "bench and bar are primarily responsible for providing competent legal services for all persons". To me, "all persons" also includes the State of Florida. Our charging documents, our Informations and Indictments, all indicate that crimes are committed "against the peace and dignity of the State of Florida". As prosecutors and as public servants we represent the State of Florida and its people. This state also deserves competent legal services. One way to assist in providing these competent legal services is to leave Rule 11-1.9 (c) in its present form. The result will be an office with prosecutors who are more knowledgeable and more experienced. These results will inure to the benefit of the bench, the bar and the residents of this great state. Accordingly, I ask you to not change the Rule.

Respectfully submitted,

KATHERINE FERNANDEZ RUNDLE  
STATE ATTORNEY

By:

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and exact copy of the above comment was served on John F. Harkness, Jr., Executive Director Of the Florida Bar, 651 E. Jefferson Street, Tallahassee, FL 32399-2300 and William P. White III, Chair, Chapter 11 Task Force, 25 North Market Street, Suite 200, Jacksonville, FL 32202-2802, and electronically submitted via e-mail on this \_\_\_\_ day of August, 2005.

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Assistant State Attorney