

IN THE SUPREME COURT OF FLORIDA

**IN RE: AMENDMENT TO RULES OF THE
SUPREME COURT RELATING TO
ADMISSIONS TO THE BAR**

CASE NO. SC10-____

Petition

The Florida Board of Bar Examiners petitions the Court for approval of an amendment to the Rules of the Supreme Court Relating to Admissions to the Bar.

Jurisdiction

The Court has jurisdiction of this matter pursuant to Article V, Section 15 of the Florida Constitution and Rule 1-13 of the Rules of the Supreme Court Relating to Admissions to the Bar.

Rule Development History

By letter dated March 10, 2010, the Court advised the board that it had “approved the Final Report of the Testing Commission with minor modifications.” A copy of the Court’s letter is attached to this petition. In its letter, the Court specially approved the following changes to the subject matters tested on the bar examination: adding Articles 3 and 9 of the Uniform Commercial Code to the list of subject matters, revising “business entities including corporations and partnerships” to “business entities”, and revising “criminal law” to “criminal law and constitutional criminal procedure.” In addition to the recommendations of the Testing Commission and the board, the Court approved adding the area of “delinquency” to criminal law and adding the area of “dependency” to family law. The Court also requested the board to consider the testing of professionalism on the bar examination. The board also recommends that 4-22 be amended to allow for the testing of “no more than 3 subjects” on each segment of Part A of the bar examination.

The board approved the proposed rule amendments. No individual board member will be filing a written dissent or will be objecting to any of the proposals.

Summary and Discussion of Proposed Rule Amendments

Rule 4-22 of the Rules of the Supreme Court Relating to Admissions to the Bar contains a list of the subject matters that are tested on the Florida portion of the

bar examination. The adoption by the Court of the proposed rule amendment to rule 4-22 will revise the subject matters tested on the bar examination to add the following topics: Articles 3 and 9 of the Uniform Commercial Code, constitutional criminal procedure and juvenile delinquency to the current area of criminal law, dependency to the current area of family law, and professionalism. The proposed rule amendment to rule 4-22 will also expand the coverage of the bar examination to test on all business entities by eliminating the current references to only corporations and partnerships. The proposed rule amendment will also increase the number of subjects that can be tested on a segment of Part A of the bar examination from 2 to 3. The board envisions that the additional subject, when used, will test on issues pertaining to ethics, trust accounts, or professionalism.

Effective Date of Proposed Rule Amendments

The board requests that the provision of the amendment that increases the number of subjects that can be tested on a segment of the bar examination from 2 to 3 be effective on release of the Court's order approving the rule amendment. The board requests that the provisions of the amendment that adds new subjects to be tested on the bar examination be effective 2 years from the release of the Court's order approving the rule amendment. The 2-year period will provide time for the law schools to consider and, if necessary, adjust their curriculum in response to the additional subjects covered on the bar examination. The two-year period will also provide time for the board to develop bar examination questions on the new subjects.

Appendixes

Appendix A to this petition is the proposed rule amendment in legislative format. Appendix B to this petition is the text of the proposed rule amendment with the reasons for the changes. Appendix C is the condensed version of the proposed rules amendment for publication in The Florida Bar News. Appendix D is the certification of compliance with Part I(d) of the Guidelines for Rules Submission.

Dated May 25, 2010.

Florida Board of Bar Examiners
J. Jeffrey Wahlen, Chair

Michele A. Gavagni
Executive Director

By: _____
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Certificate of Service

I hereby certify that true and correct copies of the foregoing Petition and Appendix A (Proposed Rule Amendments in Legislative Format) have been served by U.S. Mail on May 25, 2010 to the following: John F. Harkness, Jr., The Florida Bar, 651 East Jefferson Street, Tallahassee, FL 32399-2300; Dean Eugene R. Milhizer, Ave Maria School of Law, 1025 Commons Circle, Naples, FL 34119; Dean Leticia Diaz, Barry University School of Law, 6441 East Colonial Drive, Orlando, FL 32807-3650; Dean, LeRoy Pernell, Florida A & M University College of Law, 201 Beggs Avenue, Orlando, FL 32801; Dean C. Peter Goplerud, III, Florida Coastal Law School, 8787 Baypine Road, Jacksonville, FL 32256; Dean R. Alex Acosta, Florida International University, College of Law, University Park, GL 495, Rafael Diaz-Balart Hall (RDB), Suite 1055, Miami, FL 33199; Dean Donald J. Weidner, Florida State University College of Law, 425 West Jefferson Street, Tallahassee, FL 32306-1601; Dean Athornia Steele, Nova Southeastern University, Shepard Broad Law Center, 3305 College Avenue, Ft. Lauderdale, FL 33314; Dean Alfredo Garcia, St. Thomas University School of Law, 16400 N.W. 32nd Avenue, Miami, FL 33054; Dean Darby Dickerson, Stetson University College of Law, 1401 61st Street, South, St. Petersburg, FL 33707; Dean Robert Jerry, University of Florida, Fredric G. Levin Law Center, Post Office Box 117620, Gainesville, FL 32611; Dean Patricia D. White, University of Miami School of Law, 1311 Miller Drive, Room F203, Coral Gables, FL 33146.

Thomas Arthur Pobjecky

Certificate of Type Size and Style

I hereby certify that the size and style of type used in this Petition are 14 Times New Roman.

Thomas Arthur Pobjecky