

IN THE SUPREME COURT OF FLORIDA

FLORIDA BOARD OF BAR EXAMINERS)	
RE AMENDMENTS TO RULES OF THE)	
SUPREME COURT RELATING TO)	
ADMISSIONS TO THE BAR)	Case No. SC17-___
_____)	

Petition

The Florida Board of Bar Examiners (“the board”) petitions the Court for approval of an amendment to the Rules of the Supreme Court Relating to Admissions to the Bar (“the Rules”). This proposed amendment to the Rules is contingent upon whether this Court approves The Florida Bar’s petition to create a military spouse rule. *See In re: Amendments to Rules Regulating The Florida Bar – Chapter 21 Military Spouse Authorization to Engage in the Practice of Law in Florida*, Case No. SC17-156.

Jurisdiction

The Court has jurisdiction of this matter pursuant to Article V, Section 15 of the Florida Constitution and Rule 1-12 of the Rules of the Supreme Court Relating to Admissions to the Bar.

Rule Development History

As noted above, The Florida Bar has filed a petition to create a rule to allow military spouses to practice in Florida under certain conditions. This proposed rule will require military spouses to submit an application to the board and pay an application fee established by the board, in order for the board to determine the

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applicant's qualifications as to character and fitness. The board previously informed The Florida Bar that the board would be able to provide the services that would be mandated under the Bar's proposed rule change. However, the board will need a rule regulating the fee paid by military spouses under the proposed Florida Bar rule. The proposed rule amendment has been approved by the board, and no individual board member will be filing a written dissent or objection to the proposal.

Summary and Discussion of Proposed Rule Amendments

The board recommends a change to rule 2-23, Application Fees, adding a flat fee of \$1,000 for military spouses seeking admission under the proposed Florida Bar rule allowing for certification of a lawyer who is the spouse of a full-time active duty member of the United States Armed Forces while the lawyer's spouse is stationed in Florida. The Bar's proposed rule outlines the requirements for certification, including requiring military spouses to submit an application to the board, to pay an application fee established by the board, and to receive character and fitness clearance from the board.

In June 2014, the board considered the issue of a military spouse rule. At that time, the board adopted a policy to waive the late filing fee for any applicant who is a military spouse that can demonstrate that the military member's orders requiring a move to Florida was received after the timely filing deadline for the

examination. Additionally, the board's staff prioritizes the completion of the background investigation for any applicant in this circumstance, ensuring that the applicant is recommended for admission to The Florida Bar as soon as possible. The board will be able to provide the services that would be mandated under the Bar's proposed rule change. If this Court approves the Bar's proposed rule, the board will need a rule establishing the fee to be paid by military spouses under the Bar's proposed rule.

For ease of implementation and to avoid confusion for either applicants utilizing the new rule or other practicing attorney applicants, the board recommends a new rule requiring a single fee for military spouse applicants, rather than a range of fees dependent upon how long the military spouse has been practicing law (as is required of practicing attorneys presently, under rule 2-23.4). The board requests the military spouse fee be \$1,000, which is the current fee for applicants admitted to the practice of law for less than one year in another jurisdiction. The board deems it reasonable to utilize the lowest practicing attorney fee for military spouse applicants so that no such applicant is required to pay a greater fee than would otherwise be required.

Since 2014, there have been two known applicants who have filed an application with the board because their military spouse was relocated to Florida. The board does not anticipate a significant increase in applications under the new

Florida Bar rule, assuming it is approved by the Court, even with the requirement to take the Florida Bar Examination being eliminated. Even if, in some cases, the fees do not cover the cost of the investigations, it will not have a significant impact on overall costs of background investigations. Additionally, choosing the lowest of the practicing attorney fees is in keeping with the spirit of making the process for admission (or temporary admission) less burdensome for military spouses.

Effective Dates of Proposed Rule Amendments

Should the Court adopt the proposed rule amendments, then the board requests that they be made effective concurrent with the approval of The Florida Bar's proposed rules change to Chapter 21 Military Spouse Authorization to Engage in the Practice of Law in Florida.

Dated this 10th day of February, 2017.

FLORIDA BOARD OF BAR EXAMINERS
SCOTT N. RICHARDSON, CHAIR

Michele A. Gavagni
Executive Director

By: /s/ Robert G. Blythe
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Certificate of Service

I certify that a true and correct copy of the foregoing Petition has been served by U.S. Mail this 10th day of February, 2017, by U. S. Mail, to John F. Harkness, Jr., Executive Director, The Florida Bar, 651 East Jefferson Street, Tallahassee, FL 32399-2300 and by electronic mail to jharkness@flabar.org.

/s/ Robert G. Blythe
Robert G. Blythe

Certificate of Type Size and Style

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

/s/ Robert G. Blythe
Robert G. Blythe