

Supreme Court of Florida

No. AOSC03-29

**IN RE: DIRECTIVE TO THE FLORIDA BOARD OF BAR
EXAMINERS ON SCORING OF THE FEBRUARY 2003
FLORIDA BAR EXAMINATION**

ADMINISTRATIVE ORDER

WHEREAS the Court has exclusive authority over the process for admitting new attorneys to The Florida Bar pursuant to article V, section 15, of the Florida Constitution; and

WHEREAS on April 14, 2003, Rule 4-26.2 of the Rules of the Supreme Court Relating to Admissions to The Bar provided that the overall passing score of the Florida Bar Examination shall be 131 or such scaled score fixed by the Court; and

WHEREAS the Florida Board of Bar Examiners has notified this Court that an error occurred in scoring the Multistate Bar Examination (MBE) following the February 2003 administration of the MBE in Florida to 1,519 applicants but such notification was provided only after applicants had already been sworn and

admitted to The Florida Bar based upon the data and scores originally reported to this Court; and

WHEREAS the unprecedented error in scoring was the fault of neither the Board of **Bar** Examiners nor the affected applicants; and

WHEREAS a manifest injustice would occur if applicants already sworn and admitted to The Florida **Bar** were deprived of the law license previously granted and, in fact, no established mechanism exists to revoke a law license under the unique circumstances now presented; and

WHEREAS all applicants should receive equal application of the rules if they would be adversely affected by the scoring error; and

WHEREAS the Court initially received the results of the February 2003 Florida Bar Examination on April 14, 2003, and approved them on that date without knowledge of the scoring error; and

WHEREAS the Court has conferred and reached agreement on this matter;

NOW THEREFORE, pursuant to the administrative authority conferred upon me by article V, section 2 of the Florida Constitution and the authority conferred upon the Court by article V, section 15 of the Florida Constitution and the applicable Rules of Admission to the **Bar**,

IT IS ORDERED that, solely for purposes of the February 2003 **Bar**

Examination:

1. The passing score on the MBE as administered in Florida is reduced to 130.


2. The passing score for the Florida portion of the February 2003 **Bar** Examination shall remain at the current level of 131.

3. Based upon the reduction in the passing score on the MBE, the overall passing score for both portions is reduced to 130.5.

4. The Court has directed the Board of **Bar** Examiners to review and reconsider applicant scores in light of this directive and to transmit those scores when available to the Clerk of Court of the Florida Supreme Court for posting on the Court's website under existing guidelines that insure applicant confidentiality.


5. This order is effective April 14, 2003, *nuncpro tunc*.

DONE AND ORDERED at Tallahassee, Florida, on June 18, 2003.



Chief Justice Harry Lee Anstead

ATTEST:



Thomas D. Hall, Clerk of Court

