

**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 Antonio G. Jimenez and I am a Post-Graduate Certified Legal Intern presently working in the State Attorney's Office in Miami-Dade County as an Assistant State Attorney. 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 Stetson University College of Law in May 2005. I took the July bar exam and started working as a post-graduate CLI in the Miami-Dade County State Attorney's Office on August 15, 2005. Bar results were released approximately a month after I started working in the office. Unfortunately, I did not pass the bar the first time. In fact, I missed it by one and a half points. Fortunately, however, I am able to maintain my CLI status. In accordance with the Rule, I am applying to take the next bar exam in February 2006 and my CLI status will run out in May 2006.

In the interim, I am receiving a great deal of training and experience in criminal prosecution. Our office is providing extensive training to the new hires during our first year. I am working right alongside my colleagues who have passed the bar. I am doing everything they are doing (calling the daily arraignment and trial calendars, interviewing police officers and other witnesses, selecting juries, trying bench and jury trials, examining and cross-examining expert witnesses, conducting bond hearings, handling evidentiary motion hearings, researching and writing appeals from misdemeanor court, and conducting oral arguments on such appeals) and I am learning a great deal about criminal law, discovery rules, and the rules of criminal procedure. I would not have 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 short, I would lose my job today because I failed the bar by one and a half points but yet I am just as effective a prosecutor as my colleague next door to my office who passed the bar exam.

In comparing the proposed rule to the existing CLI rule governing law students I must make an observation. If the proposed rule is changed, then what we are saying is that a law student who has gone through a clinical program and is working as a certified legal intern while in law school is more qualified to work in this capacity than I am, someone who has more legal education, has graduated from law school, has the same

training and abilities, has studied for the Bar but unfortunately failed. Most respectfully, I would submit that I am much more qualified than a CLI who is still in law school.

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 CLIs - 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.

By:

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#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and exact copy of the above was mailed to 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 23rd day of September, 2005.