

IN THE SUPREME COURT OF FLORIDA

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

CASE NO. SC08-____

Appendix A

Proposed Rule Amendments in Legislative Format

Submitted by:

**FLORIDA BOARD OF BAR EXAMINERS
REGINALD D. HICKS, CHAIR**

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1-12.1 Deadlines on Weekend or Holiday. If a deadline described in these rules falls on a Saturday, Sunday, or holiday, then the deadline will be extended until the end of the next business day.

2-13.1 Disbarred or Resigned Pending Disciplinary Proceedings. A person who has been disbarred from the practice of law, or who has resigned pending disciplinary proceedings, will not be eligible to apply until expiration of the for a period of 5 years from the date of disbarment, or 3 years from the date of resignation, or such longer period as is set for readmission by the each jurisdictional authority from which the person had been disbarred or had resigned. If the person's disbarment or disciplinary resignation occurred in a foreign jurisdiction and it was the person's home state at the time of the underlying conduct resulting in the disbarment or disciplinary resignation, then the person will not be eligible to apply for admission to The Florida Bar until the person is readmitted in his or her home state. Readmission must occur in the home state even if Florida imposed discipline prior to the imposition of discipline by the home state and even if the person is eligible for readmission under the conditions of the Florida discipline.

2-13.2 Suspension for Disciplinary Reasons. A person who has been suspended for disciplinary reasons from the practice of law in a foreign jurisdiction is not eligible to apply until expiration of the period of suspension. If the person's suspension occurred in the person's home state, then the person is not eligible to apply for admission to The Florida Bar until the person is reinstated to the practice of law in the person's home state.

2-13.25 Satisfaction of Court-Ordered Restitution and Disciplinary Costs. A person who was disbarred, resigned with pending disciplinary proceedings, or was suspended in Florida or from a foreign jurisdiction will not be eligible to apply except on proof of payment of any restitution and disciplinary costs ~~imposed by a court in its order of disbarment, resignation, or suspension.~~ Restitution consists of the following:

(a) restitution imposed by a court in its order of disbarment, resignation, or suspension;

(b) restitution ordered by a court in any underlying criminal case that resulted in the disbarment, resignation, or suspension; and,

(c) restitution owed for the payment of any claims by the Clients' Security Fund in Florida or by a similar bar fund in a foreign jurisdiction. ~~Any request for relief from the terms of the order must be granted by the court that ordered the payment of restitution and disciplinary costs.~~

2-13.35 Application for Admission for Convicted Felon. Any applicant or registrant who was previously convicted of a felony may apply for admission by filing a Bar Application on the form available on the board's website with current references, submission of fingerprints in the format required by the board, the applicable fee, and a detailed written statement describing the scope and character of the applicant's evidence of rehabilitation as required by rule 3-13. The statement must be sworn and may include corroborating evidence such as letters and affidavits. Thereafter, the board will determine at an investigative hearing, a formal hearing, or both, if the applicant's evidence of rehabilitation is clear and convincing and will make a recommendation as required by rule 3-23.6. In determining whether an applicant should appear before an investigative hearing panel, a formal hearing panel, or both, the board is clothed with broad discretion.

2-13.5 Found Unqualified by Board. Any applicant or registrant, who was previously denied admission by the board by a negotiated consent judgment or through Findings of Fact and Conclusions of Law that has not been reversed by the Supreme Court of Florida, may reapply for admission by filing a new Bar Application after 2 years or such other period as may be set in the consent judgment or the Findings. The applicant or registrant will be eligible to take the General Bar Examination during the disqualification period.

2-14 Reapplications for Admission. Any applicant or registrant who was previously denied admission by the board by a negotiated consent judgment or through Findings of Fact and Conclusions of Law that has not been reversed by the Supreme Court of Florida may reapply for admission by filing a new Bar Application after 2 years or such other period as may be set in the consent judgment or the Findings. The new application must be filed on the form available on the board's website with current references, a submission of fingerprints and in the format required by the board, any supplemental documents that the board may reasonably require, the applicable fee, and a detailed written statement describing the scope and character of the applicant's evidence of rehabilitation as required by rule 3-13. The statement must be sworn and may include corroborating evidence such as letters and affidavits. Thereafter, the board will determine at an investigative hearing, a formal hearing, or both, if the applicant's evidence of rehabilitation is clear and convincing and will make a recommendation as required by rule 3-23.6. In determining whether an applicant should appear before an investigative hearing panel, a formal hearing panel, or both, the board is clothed with broad discretion.

2-29 Stale File Fee. An applicant whose Bar Application has been on file for more than 3 years is required to file a new Bar Application on the form available on the board's website with current references, a submission of fingerprints card in the format required by the board, any supplemental documents that the board may reasonably require, and the applicable fee.

(a) [NO CHANGE]

(b) [NO CHANGE]

3-14.1 Filed as an Applicant. Applicants are required to file complete and sworn Bar Applications. Transcripts required by this rule must be sent directly to the board from the educational institutions. The application will not be deemed complete until all of the following items have been received by the board:

(a) [NO CHANGE]

(b) [NO CHANGE]

(c) an official transcript of academic credit from each law school attended including the law school certifying that the applicant has received the degree of bachelor of laws or doctor of jurisprudence, ~~and an official transcript from each post-secondary institution attended subsequently, which must be sent directly from the institution;~~

(d) if the applicant received an undergraduate degree, then an official transcript from the institution attended that awarded the applicant an undergraduate degree, ~~if the degree was awarded, which must be sent directly from the awarding institution;~~

(e) [NO CHANGE]

(f) [NO CHANGE]

(g) supporting documents and other information as may be required in the forms available on the board's website, and other documents, including additional academic transcripts, as the board may, ~~in addition,~~ reasonably require.

3-14.2 Filed as a Registrant. A registrant is required to file a complete and sworn Registrant Bar Application. Transcripts required by this rule must be sent directly to the board from the educational institutions. The application will not be deemed complete until all of the following items have been received by the board:

(a) [NO CHANGE];

(b) if the applicant received an undergraduate degree, then an official transcript from the institution attended that awarded the registrant an undergraduate degree, if the degree was awarded, which must be sent directly from the awarding institution; and,

(c) supporting documents and other information as may be required in the forms available on the board's website, and other documents, including additional academic transcripts, as the board may, ~~in addition,~~ reasonably require.

3-22.5 Board Action Following an Investigative Hearing. After an investigative hearing, the board may make any of the following determinations:

(a) [NO CHANGE]

(b) The board will offer to the applicant or registrant a Consent Agreement in lieu of the filing of Specifications pertaining to drug, alcohol, or psychological problems. In a Consent Agreement, the board is authorized to recommend to the court the admission of the applicant who has agreed to abide by specified terms and conditions on admission to The Florida Bar.

(c) [NO CHANGE]

(d) [NO CHANGE]

3-23.6 Board Action Following Formal Hearing. Following the conclusion of a formal hearing, the board will promptly notify the applicant or registrant of its decision. The board may make any of the following recommendations:

(a) [NO CHANGE]

(b) [NO CHANGE]

(c) [NO CHANGE]

(d) The applicant or registrant has not established his or her qualifications as to character and fitness and that the applicant or registrant be denied admission to The Florida Bar. ~~In cases of denial, a~~ 2-year disqualification period is presumed to be the minimum period of time required before an applicant or registrant may reapply for admission and establish rehabilitation. ~~In a cases-involving significant~~ mitigating circumstances, the board has the discretion to recommend that the applicant or registrant be allowed to reapply for admission within a specified period of less than 2 years. ~~In a cases-involving significant~~ aggravating factors (including but not limited to material omissions or misrepresentations in the application process), the board has the discretion to recommend that the applicant or registrant be disqualified from reapplying for admission for a specified period greater than 2 years, but not more than 5 years. In a case involving extremely grievous misconduct, the board has the discretion to recommend that the applicant or registrant be permanently denied.

4-22 Part A. Part A will consist of 6 one-hour segments. One segment will include the subject of Florida Rules of Civil and Criminal Procedure and the Florida Rules of Judicial Administration Rules 2.330051, 2.420060, and 2.505160, and 2.515. The remaining 5 segments, each of which will include no more than 2 subjects, will be selected from the following subjects including their equitable aspects:

- (a) [NO CHANGE]
- (b) [NO CHANGE]
- (c) [NO CHANGE]
- (d) [NO CHANGE]
- (e) [NO CHANGE]
- (f) [NO CHANGE]
- (g) [NO CHANGE]
- (h) [NO CHANGE]
- (i) [NO CHANGE]
- (j) [NO CHANGE]
- (k) [NO CHANGE]
- (l) [NO CHANGE]
- (m) [NO CHANGE]

4-41. Application Requirements. By the applicable filing deadline prescribed in rule 4-42 or the late filing deadline prescribed in rule 4-43, each applicant desiring to take the General Bar Examination for the first time must submit to the board either the complete Bar Application or, in the case of law student registrants, the Supplement to Registrant Bar Application, the appropriate applicant filing fee, a current 2" x 2" photograph of the applicant, and submission of fingerprints in the format required by the board. ~~taken on a card provided by the board and certified by an authorized law enforcement officer. By the same date, each applicant seeking reexamination must submit to the board a Reexamination Application as prescribed in rule 4-48. If the photograph furnished by the applicant with the Bar Application or the Supplement to Registrant Bar Application no longer is current, by such date the applicant also must submit to the board a current 2" x 2" photograph of the applicant.~~

4-43.2 \$525. If the Bar Application, Supplement to Registrant Bar Application, or Reexamination Application, as applicable, is postmarked or received after December 15 but on or before January 15 for the February examination or after June 1 but on or before June 15 for the July examination, the fee is \$525. No Bar Application, Supplement to Registrant Bar Application, Reexamination Application, appropriate applicant filing fee, 2" x 2" photograph, or submission of fingerprints card will be deemed to have met the late filing deadline if postmarked after January 15 for the February examination, or after June 15 for the July examination.

~~**4-44 Filing Deadline on Weekend or Holiday.** If the examination filing deadline falls on a Saturday, Sunday, or holiday, then the deadline will be extended until the end of the next business day.~~

4-45 44 Word Processing Accommodations. Applicants are permitted the use of a laptop computer with software designated by the board to complete answers to the essay portion of the General Bar Examination. Applicants seeking to use a laptop computer must complete a form available on the board's website and pay a fee of \$100.

4-46 45 Examination Postponement. Applicants seeking to postpone the taking of an individual part or the entire General Bar Examination must file a written request with the board. The applicable postponement fees based on the received date of the postponement request are set forth in rule 4-46 below. Applicants who fail to request a postponement or who untimely request a postponement received by the board after the commencement of the bar examination ~~Postponement of taking an individual part or the entire General Bar Examination will be accommodated on receipt of written notice in advance of the General Bar Examination. The date of receipt of notice will define the applicable postponement fee due when refiled for a future examination. Any applicant who files an untimely postponement received after commencement of the General Bar Examination, and any applicant who has been issued a ticket to the examination and who fails to show for that bar examination must reapply under rule 4-48 47 and pay the \$375 reapplication fee.~~

4-47 46 Reapplication after Postponement. Applicants seeking to reapply after postponing as indicated above will be permitted admission into another General Bar Examination on filing with the board the Reexamination Application on the form available on the board's website and receipt payment of the applicable postponement fee. ~~In order to~~To be timely filed, the completed application and appropriate fee must be postmarked or received by the examination filing deadline. If the Reexamination Application is not postmarked or received on or before the filing deadline or if filed incomplete, the appropriate examination late filing fee must be included. If requested by the board, an applicant will submit a current photograph. The fee payable with the Reexamination Application will be as follows:-

(a) If the board receives the applicant's written notice of postponement under rule 4-45 at least 7 days before the commencement of the administration of the postponed examination, the fee is \$75.

(b) If the board receives the applicant's written notice of postponement under rule 4-45 prior to but less than 7 days before the commencement of the administration of the postponed examination, the fee is \$150.

~~4-47.1 \$75. If the applicant's written notice of postponement under rule 4-46 is received by the board at least 7 days before the commencement of the administration of the postponed examination, the fee is \$75.~~

~~4-47.2 \$150.~~ If the applicant's written notice of postponement under rule 4-46 is received by the board prior to but less than 7 days before the commencement of the administration of the postponed examination, the fee is \$150.

4-48 47 Examination Reapplication. Applicants not covered by rule 4-46 and seeking to reapply for repeat all or part of the General Bar Examination, ~~or to take a second administration of the General Bar Examination, or those who untimely postponed or failed to show for a previous administration of the General Bar Examination,~~ will be permitted admission into another General Bar Examination on filing a Reexamination Application on the form available on the board's website and payment of the reapplication fee of \$375. ~~In order t~~To be timely filed, the completed Reexamination Application and fee must be postmarked or received by the examination filing deadline. If the Reexamination Application is not postmarked or received on or before the filing deadline or if filed incomplete, the appropriate examination late filing fee must be included. If requested by the board, an applicant will submit a current photograph.

~~**4-48 Examination Reapplication.** Applicants seeking to repeat all or part of the General Bar Examination, or to take a second administration of the General Bar Examination, or those who untimely postponed or failed to show for a previous administration of the General Bar Examination, will be permitted admission on filing a Reexamination Application on the form available on the board's website and payment of the reapplication fee of \$375. In order to be timely filed, the completed Reexamination Application and fee must be postmarked or received by the examination filing deadline. If the Reexamination Application is not postmarked or received on or before the filing deadline or if filed incomplete, the appropriate examination late filing fee must be included.~~

4-65 Invalidation of Examination Scores. ~~If an applicant is found by the Board after an investigation under rule 3-20 to be in violation of rule 4-13.1, to have made a material misstatement or omission under rule 4-13.4, or to have violated the examination administration rules of conduct in rule 4-51, the results of the Florida Bar Examination will be invalidated. The applicant will not be eligible to submit another work product (if in violation of rule 4-13.4) or submit to another examination for a period of 5 years from the date that the board delivered its adverse Findings or the period of time as may be set in the Findings.~~

4-65.1 Relating to Educational Qualifications. If an applicant is found by the board after an investigation under rule 3-20 to be in violation of rule 4-13.1, the results of the Florida Bar Examination will be invalidated. Once the results are invalidated and subsequent to providing evidence that all eligibility requirements have been met, the applicant will be permitted to resubmit to the General Bar Examination by filing a new application and the reapplication fee.

4-65.2 Relating to Work Product Submission or Rules of Conduct. If an applicant is found by the board after an investigation under rule 3-20 to have made a material misstatement or omission under rule 4-13.4, or to have violated the examination administration rules of conduct under rule 4-51, the results of the Florida Bar Examination will be invalidated. The applicant will not be eligible to submit another work product (if in violation of rule 4-13.4) or submit to another examination for a period of 5 years from the date that the board delivered its adverse Findings or the period of time as may be set in the Findings.