

IN THE SUPREME COURT OF FLORIDA

AMENDMENT TO RULES OF THE SUPREME)
COURT RELATING TO ADMISSIONS TO)
THE BAR) CASE NO SC96869
_____)

EMERGENCY MOTION FOR CLARIFICATION

The Florida Board of Bar Examiners, by and through its undersigned counsel, files this Emergency Motion for Clarification pursuant to Article V, Section 15 of the Florida Constitution and Rules 9.300(c) and 9.330(a) of the Rules of Appellate Procedure and states:

1. By published decision dated March 20, 2003, the Court ruled to increase the pass/fail line for the bar examination "to 133 immediately, and raised further to 136 one year from the date of this opinion."

2. The bar examination is administered by the Board twice a year during the last Tuesday and Wednesday of February and July. The Board is currently grading the bar examination administered on February 25-26, 2003.

3. Based upon the wording of the Court's March 20, 2003 decision, the Board is unsure if the previous pass/fail line of 131 or the current pass/fail line of 133 should apply to the scores that will be released in the future from the February 2003 bar examination.

4. Expedited consideration by the Court is requested in that the Board is unable to proceed any further with the grading process until the Court clarifies as to whether the pass/fail line for the February 2003 bar exam should be 131 or 133.

5. If the Court wishes to make the increased pass/fail line applicable to those applicants who sat for the February 2003 bar exam, the Board suggests the following amended language in the last paragraph

of the majority decision: The pass/fail line is increased to 133 immediately and shall be applicable to the scores from the February 2003 administration of the bar examination. The pass/fail line is further raised to 136 one year from the date of this opinion and shall be applicable to the scores from the February 2004 administration of the bar examination.

6. If the Court wishes to make the increased pass/fail line inapplicable to those applicants who took the February 2003 bar exam, the Board suggests the following effective dates for Rule 4-26.2: "Effective from July 1, 2003 until July 1, 2004, each applicant must attain a scaled score of 133 or better...Effective July 1, 2004, each applicant must attain a scaled score of 136 or better...."

WHEREFORE, the Board respectfully requests the entry of an order clarifying whether the new pass/fail line of 133 should be applicable to those applicants who sat for the February 2003 administration of the bar examination and whether the pass/fail line of 136 effective one year from the date of Court's opinion should be applicable to those applicants who will sit for the February 2004 administration of the bar examination.

DATED this 25th day of March, 2003.

Respectfully submitted,

FLORIDA BOARD OF BAR EXAMINERS
MICHAEL J. KEANE, CHAIR

Kathryn E. Ressel
Executive Director

By: _____
Thomas A. Pobjecky
General Counsel
Florida Board of Bar
Examiners
1891 Eider Court
Tallahassee, FL 32399-1750
(850) 487-1292
Florida Bar #211941

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion has been served by FAX this 25th day of March, 2003 to the following individuals: The Honorable Noel G. Lawrence, Member of the Board (904) 356-6762; Dean Stanley M. Talcott, Barry University (407) 275-2020; Dean Paul Hendrick, Florida Coastal School of Law (904) 680-7777; Dean Donald J. Weidner, Florida State University (850) 644-5487; Dean Joseph Harbaugh, Nova University (954) 262-3834; Dean John Makdisi, St. Thomas University (305) 623-2397; Dean W. Gary Vause, Stetson University (727) 345-6428; Dean Jon Mills, University of Florida (352) 392-8727; Dean Dennis Lynch, University of Miami (305) 284-3210.

Thomas A. Pobjecky

