

APPENDIX A

Official Notice



# Notice

## Corrected YLD PWP amendments

The Board of Governors of The Florida Bar hereby publishes this corrected notice of intent to file with the Supreme Court of Florida, on or about June 1, 2004, a petition to amend the Rules Regulating The Florida Bar. Rule 1-12.1, Rules Regulating The Florida Bar, governs such matters.

The revised verbiage corrects the January 1, *News* notice of the Bar's intention to petition for amendment of Rules 6-12.3 & 6-12.4 regarding the basic skills course requirement. A scrivener's error appeared within the published revisions to Rule 6-12.4(c)(1) as proposed, which were intended to codify certain grandfather components of the rule affecting government attorneys. The revised entry is now consistent with all other recommended changes within the rule and commentary.

The full text of the proposed amendments is printed in its entirety below. A copy of the petition will be available on the Bar's Web site ([www.flabar.org](http://www.flabar.org)) and the court's Web site ([www.flcourts.org](http://www.flcourts.org)) after the petition has been filed. If you do not have internet access, you may request a copy by contacting the Office of the General Counsel, The Florida Bar, 651 Jefferson East Street, Tallahassee 32399-2300 or calling (850) 561-5600, ext. 5751.

Members who desire to comment on these proposed amendments may do so within 30 days of the filing of the Bar's petition. Comments should be filed directly with the clerk of the Supreme Court of Florida, and a copy must be served on the executive director of The Florida Bar.

### RULES REGULATING THE FLORIDA BAR

#### CHAPTER 6. LEGAL SPECIALIZATION AND EDUCATION PROGRAMS

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#### SUBCHAPTER 6-12. BASIC SKILLS COURSE REQUIREMENT

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##### RULE 6-12.3 REQUIREMENT

(a) **Course Components.** Compliance with BSCR shall include in-person attendance at:

- (1) ~~the~~ 1-day Practicing with Professionalism program sponsored by the YLD; and
- (2) ~~23~~ 2 elective, basic, substantive continuing legal education programs sponsored by the YLD.

(b) **Time for Completion.** BSCR shall be completed as follows:

- (1) the Practicing with Professionalism program shall be completed no sooner than 812 months prior to or no later than 12 months following admission to The Florida Bar; and
- (2) the ~~23~~ 2 elective, basic, substantive continuing legal education programs shall be completed during the member's initial 3-year continuing legal education requirement reporting cycle assigned upon admission to The Florida Bar.

##### RULE 6-12.4 DEFERMENT AND EXEMPTION

(a) **Deferment of Practicing with Professionalism Requirement.**

(1) **Deferment Eligibility.** A member of The Florida Bar is eligible to defer compliance with the BSCR requirements of rule 6-12.3(a)(1), if:

- (1A) the member is on active military duty;
- (2B) compliance would create an undue hardship;
- (3C) the member is a nonresident member whose primary office is outside the state of Florida; or
- (4) the member is a full-time governmental employee; or
- (5D) the member elects inactive membership status in The Florida Bar.

(b2) **Deferment Expiration.** A deferment of the provided under this rule shall expire at the time the member. Upon expiration, a member must:

- (+A) promptly notify The Florida Bar in writing;
- (2B) attend the Practicing with Professionalism program; and

(3) ~~attend 2 elective, basic, substantive continuing legal education programs~~ sponsored by the YLD within 24 months of deferment expiration.

##### (b) Deferment of Basic Level YLD Courses.

(1) **Deferment Eligibility.** A member of The Florida Bar is eligible to defer compliance with the requirements of rule 6-12.3(a)(2) if:

- (A) the member is on active military duty;
- (B) compliance would create an undue hardship;
- (C) the member is a nonresident member whose primary office is outside the state of Florida;
- (D) the member is a full-time governmental employee; or
- (E) the member elects inactive membership status in The Florida Bar.

(2) **Deferment Expiration.** A deferment of the provided under this rule shall expire at the time the member. Upon expiration, a member must:

- (A) promptly notify The Florida Bar in writing;

and

- (B) attend 3 elective, basic, substantive continuing legal education programs sponsored by the YLD within 24 months of deferment expiration.

##### (c) Exemption. An exemption from rule 6-12.3(a)(1) shall apply if:

(1) **Governmental Practice.** An exemption from rule 6-12.3(a)(1) shall apply if the member has been continuously engaged in the practice of law for a governmental entity as a full-time governmental employee for at least 3 years.

(2) **Foreign Practice.** An exemption from rule 6-12.3(a)(1) shall apply if the member has been continuously engaged in the practice of law for a foreign jurisdiction for a period of 5 years; (2) within the immediate past 3 years, the member can demonstrate completion of 30 hours of approved continuing legal education; and (3) the member can attest to having completed has reasonably prepared the member for the practice of law in the jurisdiction.

##### Comment

In *[Case Citation]* the Supreme Court of Florida accepted the proposal proposed by The Florida Bar and which, effective [insert date], would exempt lawyers who were engaged in a government practice for at least 3 years from the continuing legal education component of the BSCR. Other changes within those bar proposals, however, eliminated the "governmental employee" exemption from the BSCR. To accommodate that latter change, the court accepted a scheduled implementation of the BSCR. Lawyers who had benefitted from the deferral as of its implementation, would still be entitled to defer the Practicing with Professionalism program as long as they continuously remained in government practice. The court accepted the bar's willingness to administer that [insert date] rule changes. Government lawyers who had deferred from PWP and who were engaged in government practice would be granted the same accommodations memorialized in those accommodations agreed to by the court in *[Case Citation]*.