

APPENDIX B

Full Text of Proposed Amendments

RULE 6-12.3 REQUIREMENT

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

(1) ~~the~~ a 1-day Practicing with Professionalism program sponsored by the YLD; and

(2) 23 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 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:

(~~1~~A) the member is on active military duty;

(~~2~~B) compliance would create an undue hardship;

(~~3~~C) 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~~

(~~5~~D) the member elects inactive membership status in The Florida Bar.

(~~b~~2) Deferment Expiration. A deferment of the requirements of rule 6-12.3(a)(1) as provided under this rule shall expire at the time the member is no longer eligible for deferment. Upon expiration, a member must:

(~~1~~A) promptly notify The Florida Bar in writing of the date deferment expired; and

(2B) attend the Practicing with Professionalism program within 12 months of deferment expiration; 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 requirements of rule 6-12.3(a)(2) as provided under this rule shall expire at the time the member is no longer eligible for deferment. Upon expiration, a member must:

(A) promptly notify The Florida Bar in writing of the date deferment expired; 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)(2) shall be granted if:

(1) Governmental Practice. An exemption from rule 6-12.3(a)(2) shall be granted if a member has been continuously engaged in the practice of law for a Florida or federal governmental entity as a full-time governmental employee for a period of at least 6 years.

(2) Foreign Practice. An exemption from rule 6-12.3(a)(2) shall be granted if a member has been continuously engaged in the practice of law (non-governmental) in a foreign jurisdiction for a period of 5 years; ~~(2) within the immediate 3-year period, the member,~~ can demonstrate completion of 30 hours of approved continuing legal education; within the immediate 3-year period, and ~~(3) the member~~ can attest that the continuing legal education completed has reasonably prepared the member for the anticipated type of practice in Florida.

Comment

In [Case Citation] the Supreme Court of Florida accepted changes to rule 6-12.3 that were proposed by The Florida Bar and which, effective [insert Implementation Date], made lawyers who were engaged in a government practice for 6 years or more additionally exempt from the continuing legal education component of the Basic Skill Course Requirement. Further changes within those bar proposals, however, eliminated for any “full-time governmental employee” the deferment of the Practicing with Professionalism (hereinafter PWP) component of the BSCR. To accommodate that latter change, the bar requested – and the court accepted – a scheduled implementation of the revision whereby all such government lawyers who had benefitted from the deferral as of its [insert Implementation Date] elimination, would still be entitled to defer the Practicing with Professionalism component of the BSCR as long as they continuously remained in government practice. In addition, the court accepted the bar’s willingness to administer that [Implementation Date] change so that any government lawyer then deferred from PWP and who had already or thereafter served 6 years or more in a governmental practice would be granted exemption from PWP. This comment memorializes those accommodations agreed to by the bar in its administration of these [insert Implementation Date] rule changes.