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IN THE SUPREME COURT OF THE STATE OF FLORIDA

IN RE: AMENDMENT TO RULE : NO. SC14-1165
REGULATING THE FLORIDA BAR :
1-7.3

COMMENT OF AUSTYN W. SANDERS, ESQ.

August 11, 2014

The Florida Supreme Court
500 South Duval Street
Tallahassee, FL 32399-1927

Re: In opposition to proposed Amendment to RULE 1-7.3, raising the Bar Dues by \$100.

Dear Honorable Members of this Court:

We ought not raise Florida Bar dues one more penny. Real people are struggling for legal services, this is true, but so are new attorneys thrown into a post-recession spiral. I am one of these “indigent attorneys” who would qualify not only for “S.N.A.P.” food stamps or an Affordable Care Act stipend, but also my very own legal aid attorney or public defender.¹

My capabilities are stellar. My internship and volunteer legal portfolio is second to none. Among my peers and “Top 100” law school professors, my reputation demonstrates my keen analytical, legal mind. But the reality is that the legal market is flooded. I have instead relied on the hospitality skills I garnered in my teen years by waiting tables. It’s a pipeline stream from my restaurant paycheck funneled to the Florida Bar of Tallahassee.

It is very humbling to go through the channels to become a licensed attorney in Florida. Aside from the sticker shock of one grand (\$1,000) signup fee (\$1,600 if licensed by another jurisdiction first), the barrage of incidental fees are astounding: the nonrefundable/nontransferable \$160 laptop fee (each time you sit) for the essay day, various background investigation fees totaling hundreds of dollars, and attendant costs of the MPRE. To note, Bar exam travel and price-gouging hotel rates in Tampa those weekdays. Lucky you², if one pass the first administration; otherwise you are assessed

¹ Incidentally, state public defenders (and even an assistant state prosecutor for that matter) would qualify for their own services as a public defender, while the pay rate of a suburban police officer (with a few community college courses under his belt) eclipses that of a Juris Doctorate, often fighting for the most vulnerable populations.

² The hypothetical/conditional pronoun “you” will be used interchangeably with pronoun “one” in the subjunctive tense throughout.

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over \$600 in total for a retake. This is not including the possible cost of taking the summer off to study or the upwards of two (\$2,000) or three grand in bar review courses.

A newly admitted attorney may have thought the dust finally settled after the storm? Not quite. IMMEDIATELY upon licensure, you are hit with a pro-rata bar dues bill statement for \$176.64; within six months you are then assessed the full \$265.00 bill for the coming year. What a relief as a new attorney, the Florida Bar has a three-installment payment plan available. Oh, and then there is the MANDATORY CLE Basic Skills Requirements³ established in 2010: within your first few years, you must take four specific courses, each at about \$180 a pop, approaching nearly \$750 in total. (Why aren't these online video repeats included in my dues?)

Networking events? Other skilled courses? Put that in a budget. Don't forget perhaps practicing in federal court at \$200 each, for the three regional District Courts of Florida. Considering another state Bar or two? You are looking at transfer score fees, fingerprinting and background check costs, travel, and another \$1,000 exam in addition to the dreaded and recurring laptop software fee. (Is not this the same program I just paid for rights to six months ago?) Multiple jurisdictions? Expect nearly \$300-600 a year dues, per state. Hopefully ones new barista job at the local Starbucks (which you studied at over the summer) qualifies for a good enough line of credit to take out a private loan.

The Florida Bar members' hearts are in the right place, but their logic is misguided. Many likely work at an organization or law firm which "subsidizes" the employee's annual Bar dues, putting many of those petitioning (and their wallets) a few steps removed from the impact of what they petition. Perhaps the Florida Bar (or any of its members advocating for sincere, yet paternalistic forced contribution and redistribution) would be interested in funding my own personal fund administered to help offset all the incidental costs of licensure, found at: <https://www.smartypig.com/loves/austyn>

I still have faith in this noble profession. This is a career that descends in line with such men who signed the Declaration of Independence and framed our Constitution. Of professional aspirations for young persons, in mind are great fictional characters such as Atticus Finch and real-life legends like Charles Hamilton Houston, Thurgood Marshall, Ruth Bader Ginsberg or Roberta Kaplan, who won significant justice for racial, gender, and LGBT equality, respectively. But what of classism, economic inequality, or social justice within our OWN profession?

I am a newly licensed attorney in the State of Florida and now my adolescent state of Missouri, with a "Uniform Bar Exam" score high enough to transfer to every other

³ Maybe you scored a spot in your city's "Practicing with Professionalism," though I was not so lucky; Miami's mandatory seminar filled up within an hour of posting. Good thing I did not apply for the cost reduction hardship submitted only by paper application, otherwise I would be driving from south Florida to panhandle for class.

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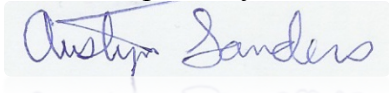
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accepting 15-state jurisdictions. To get to this momentous juncture, I have had to put everything on the line, since I have no family trust fund. I did not come from a family of professionals, nor even high school graduates: (mother was a local cosmetologist; father a mason of marble, tile, limestone, brick; grandfather a farmer; and grandmother a blue collar factory worker her entire life, until becoming disabled and age-discriminated). I made every prudent and pragmatic decision in attending public institutions for my entire education. This was sponsored primarily by scholarships, grants, service-based fellowships, and yet, I still ended up with approaching six-figures of student loan debt.

I do not have a legal job in this volatile market. I do, however, have my self-determined dignity, in conjunction with my exceptional internship and volunteer experience. I have spent the entire post-licensure year at American Civil Liberties Union of Florida as a volunteer attorney. Also, I currently have a pro bono bankruptcy case from Dade Legal Aid/Put Something Back program. But I still have a desire to fulfill that dream that sparked in elementary school. A dream of being a fine-tuned, seasoned litigator and passionate advocate of social justice. My own economic insecurity should not bar me from that dream. We must reform this profession from the ground up. We must stop charging so much just to participate in administering justice to all. That starts right here at home, my new state of Florida.

Respectfully submitted,



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Certificate of Service: I, Austyn W. Sanders, do hereby certify that I have served a true and correct copy of the foregoing Comment upon the persons and in the manner indicated below.

Service on August 11, 2014, by e-mail, upon:

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