

IN THE SUPREME COURT OF FLORIDA

FLORIDA BOARD OF BAR EXAMINERS RE )  
AMENDMENT TO RULES OF THE SUPREME ) Case No. \_\_\_\_\_  
COURT RELATING TO ADMISSIONS TO )  
THE BAR )  
\_\_\_\_\_ )

**PETITION**

The Florida Board of Bar Examiners, by and through its undersigned attorney, petitions the Court for approval of certain amendments to the Rules of the Supreme Court Relating to Admissions to the Bar and, in support thereof, states:

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1. The Board has been engaged in an ongoing review of the Rules of the Supreme Court Relating to Admissions to the Bar (hereinafter referred to as the Rules) including a yearlong study of the pass/fail line for the bar examination.

2. By this Petition, the Board recommends the creation of Rule 1-65 to modify the current rule of secrecy applicable to parties appearing before the Board.

The Board also recommends the creation of Rule 1-70 to provide a ready reference on immunity and privilege to Board members and to third parties who provide information to the Board.

The Board also recommends that certain rules pertaining to the bar examination be relocated from Rule 2 (Application Requirements) to Rule 4 (Bar Examination).

The Board also recommends the creation of Rule 2-13.25 pertaining to restitution and the payment of disciplinary costs by applicants who were disbarred, resigned with pending disciplinary proceedings or suspended from the practice of law in a foreign jurisdiction.

The Board also seeks to amend Rule 2-14 to allow previously denied bar applicants to submit a written statement on rehabilitation and to eliminate the mandatory provision that currently requires all such applicants to appear for a formal hearing before the Board.

The Board also seeks to amend Rule 2-22 to reinstate previously omitted language setting forth the consequence of an untimely bar application following successful completion of the bar examination.

The Board also recommends the creation of Rule 3-10.1 containing the essential eligibility requirements for the practice of law in Florida.

The Board also seeks to amend Rule 3-23.6 to provide the Board with greater flexibility in making recommendations following a formal hearing.

The Board also seeks to amend Rule 3-23.7 to reference the standard of review used by the Court in reviewing the findings of fact issued by the Board after a formal hearing.

The Board also recommends several substantive changes to Rule 4 pertaining to the bar examination. Such changes will make the investigative and adjudicative procedures under Rule 3 (Background Investigation) applicable to the eligibility and conduct rules relating to the bar examination.

The Board also recommends that Rule 4-26.2 be amended to increase the pass/fail line for Parts A and B of the bar examination in Florida. The proposed rule amendment would increase the pass/fail line in two steps with the first step to a scaled score of 133 to be effective one year from the date of approval by the Court. The second step would take place one year after the effective date of 133 and would increase the pass/fail line to a scaled score of 136.

The Board also seeks to implement several housekeeping changes to improve existing language or to update the rules to conform them to the Board's current practices pertaining to the deadline for filing a petition for reconsideration (Rule 2-30.1) and the imposition of fee for extraordinary expenses (Rule 3-17.3).

3. Attached hereto as the Appendix is a compilation of those provisions of the Rules that are proposed to be enacted or amended. The attached Appendix contains the proposed rule amendments reflecting the additions and the deletions. A brief narrative explanation of the rationale for each proposed rule amendment is also provided.

WHEREFORE, the Board requests an order amending, confirming and adopting the amendments to the Rules that are reproduced and attached to this Petition as the Appendix. The Board recommends that the new rules become effective upon entry of the order of the Court except for the revised provision of Rule 4-26.2 pertaining to the pass/fail line for the bar examination.

The Board recommends that the proposed increase to the pass/fail line under Rule 4-26.2 be done in a two-step process with the first step to 133 to be effective one year from the entry of the order of the Court. The Board recommends that the second and final increase to 136 should be effective one year after the effective date of the increase to 133.

DATED this 29th day of October, 1999.

EXAMINERS

Respectfully submitted,

FLORIDA BOARD OF BAR

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