>> THE COURT WILL NOW PICK UP
THE RULES CASE IN AMENDMENTS TO
RULE 4.13.4 THE RULES OF THE
SUPREME COURT RELATING TO A
MISSION TO THE BAR.
NOW RECOGNIZE COUNSEL FOR
FLORIDA BOARD OF EXAMPLES.
>> MAY IT PLEASE THE COURT,
JAMES ALLMAN FOR THE FLORIDA BAR
EXAMINERS, THE BOARD WELCOMES
THE COURT'S DECISION TO TAKE A
FRESH LOOK AT RULE 13.4 WHICH IS
PART OF THE RULES, AND ENSURING
APPLICANTS TO THE FLORIDA BAR,
THE PRACTICING IS A CORE
RESPONSIBILITY FOR THE BOARD IN
THIS COURT.
14.4 IS PART OF THE ADVOCATE CAN
PROVE THEIR CONFIDENCE WITH
ADMISSION TO THE BAR.
INTO THE BAR ADMISSION POOLS
APPLICANTS APPROVE THEIR
CONFIDENCE BY SHOWING
EDUCATIONALLY QUALIFIED BEFORE
PASSING THE FLORIDA BAR EXAM.
NEARLY ALL APPLICANTS ADMITTED
TO THE FLORIDA BAR, WITH THE
EDUCATIONAL REQUIREMENT BY
GRADUATING FROM AN ACCREDITED
LAW SCHOOL.
ACCORDING TO THE ABA WEBSITE
THERE ARE 199 ABA ACCREDITED LAW
SCHOOLS IN THE UNITED STATES
TODAY.
WILL 14.34 PROVIDES ALTERNATIVE
PATH FOR APPLICANTS WHO HAVEN'T
GRADUATED FROM AN ACCREDITED LAW
SCHOOL.
REGARDLESS WHETHER THEY STUDIED
LAW IN ANOTHER COUNTRY OR AND AN
ACCREDITED LAW SCHOOL IN THE
UNITED STATES, THIS ISN'T A
COMMON PATH OR A BAR APPLICANTS.
IN THE LAST FIVE YEARS ONLY 24
APPLICANTS HAVE APPLIED UNDER
RULE 4.1504.
BY COMPARISON THE BOARD RECEIVED
15,000 APPLICATIONS IN THE SAME
TIME.
>> LET'S GET YOUR ASSESSMENTS
WHAT WOULD HAPPEN TO THE
UNIVERSE OF PEOPLE WHO RECEIVE
AND LAW DEGREE FROM AN ABA

CREDITED LAW SCHOOL.
JUST NOT WITH THE RIGHT DOCTOR.
IT SEEMS TO ME THAT WOULD BE A LARGE PATHWAY FOR LAWYERS IN OTHER COUNTRIES WHO HAVE LEGAL EDUCATION IN THAT COUNTRY.
WHAT INFORMATION CAN YOU SHARE ABOUT THE NUMBER OR SIGNIFICANCE OF THIS WILL CHANGE?
>> IN TERMS OF THE NUMBER WE DON'T HAVE A SPECIFIC PROJECTION BUT IN PREPARATION FOR THIS ORAL ARGUMENT AND SUBMITTING OUR COMMENT IN THIS CASE WE HAD CONVERSATIONS WITH FLORIDA LAW SCHOOLS WHO HAVE THE KIND OF PROGRAMS QUALIFIED UNDER THE CRITERIA WE SUBMITTED TO THE COURT AND EVERY ONE OF THEM WAS EXCITED BY THE CHANGES SUGGESTED THERE COULD BE A NUMBER OF APPLICANTS.
THE PATH IS THE ONE WE WILL SEE A LOT MORE APPLICATIONS UNDER GOING FORWARD.
CURRENTLY, IT REQUIRED APPLICANTS TO PRACTICE IN THE UNITED STATES FOR 10 YEARS AND SUBMITTED WORK PRODUCT COMPILATION FOR THE BOARD TO REVIEW.
PROPOSED RULE CHANGE LOWERS YEARS OF PRACTICE TO TWO YEARS FOR APPLICANTS WITH QUALIFYING L O M INTO 7 YEARS FOR APPLICANTS WHO DON'T HAVE QUALIFIED.
THE BOARD HAS NO OBJECTION TO THE PROPOSED CHANGE AND IS READY TO ADMINISTER ANY CHANGES AS SOON AS THEY BECOME EFFECTIVE, THE BOARD FOCUSED ON THE PART OF THE PROPOSED CHANGE, BECAUSE UNDER THE PROPOSED CHANGE THE BOARD HANDED A BILL OF CURRICULAR CRITERIA FOR PROGRAMS IN ABA ACCREDITED LAW SCHOOLS, THE SHORTER TO YOUR PRACTICE REQUIREMENT.
THE BOARD DIDN'T TRY TO REINVENT THE WHEEL FOR THE CURRICULUM CRITERIA.
A NUMBER OF OTHER STATES WITH LARGE NUMBERS OF BAR APPLICANTS ALREADY HAD CRITERIA FOR

ANALOGOUS ADMISSION POOLS ABOUT LAW PROGRAMS AND STATES DIDN'T HAVE IDENTICAL CRITERIA BUT THEY DID ADDRESS SIMILAR ISSUES SUCH AS ON-CAMPUS LEARNING REQUIREMENTS, CREDIT HOURS AND REQUIRING COURSES IN FOUNDATIONAL SUBJECTS LIKE PROFESSIONAL RESPONSIBILITY, RESEARCH AND WRITING AND SUBJECTS ABOUT THE BAR EXAM.
THE BOARD DRAFTED CRITERIA CONSISTENT WITH THE APPROACHES TAKEN IN THOSE OTHER STATES.
BASED ON THE BOARD'S CRITERIA, QUALIFYING 24 CREDIT LAW IS SIMILAR TO ONE STUDY IN TRADITIONAL JD PROGRAM, THE BOARD AGREES WITH THE PROPOSED APPROACH OF NOT TREATING THE LAW THE SAME AS GRADUATING FROM ABA ACCREDITED JD PROGRAM BUT GIVING APPLICANTS QUALIFYING LAW SOME CREDIT BY REDUCING THE YEARS IN PRACTICE THAT GO WITH THE LAW AS EVIDENCE OF CONDUCT.
THE OTHER ISSUE TO ADDRESS, PRACTICING LAW, THE APPLICANT DOESN'T HAVE A QUALIFYING LAW IN PREPARATION FOR TODAY'S ORAL ARGUMENT, MUCH LIKE IT DID THE LAW CRITERIA.
THERE ARE SIGNIFICANT NUMBERS OF BAR APPLICANTS HAVE ANALOGOUS RULES, A USEFUL RESOURCE TO FINDING BEST OVERALL POLICIES THAT HAVE APPLICANTS INTERESTS WITH THE CORE RESPONSIBILITY TO ENSURE CONFIDENCE AND PROTECT THE PUBLIC.
SIGNIFICANTLY THOSE RULES OFTEN REQUIRE FOR THE RECENT LAW PRACTICES EVIDENCE OF COMPETENCE.
715 FOR EXAMPLE REQUIRES INTERNATIONAL LAW GRADUATES TO PRACTICE THE LAW IN THE UNITED STATES FOR 5 OF THE 7 YEARS IMMEDIATELY PRECEDING THE FILING OF THE BAR APPLICATION.
PENNSYLVANIA BAR ADMISSION RULE 203 USES THE SAME TIME. GO 5 OF 7 YEARS IMMEDIATELY PRECEDING THE FILING OF THE BAR

APPLICATION, FOR UNACCREDITED US LAW SCHOOLS.
BAR ADMISSION WILL 205 REQUIRES PRACTICING FIVE OF EIGHT YEARS PRECEDING THE FILING OF THE BAR APPLICATION FOR INTERNATIONAL LAW GRADUATES.
NEW YORK IN SECTION 520.5 REQUIRES APPLICANTS WHO GRADUATED FROM AN ACCREDITED US LAW SCHOOLS TO PRACTICE LAW FOR 57 YEARS IMMEDIATELY PRECEDING THE FILING THE BAR APPLICATION.
TEXAS IS MORE PERMISSIVE IN ITS BAR ADMISSION RULES BUT IT FOCUSES ON RECENT PRACTICE.
TEXAS BAR ADMISSION RULE 13 REQUIRES APPLICANTS WHO DON'T HAVE A QUALIFYING LAW PRACTICED LAW FOR THREE OF THE FIVE YEARS PRECEDING THE BAR APPLICATION WHETHER THEY STUDIED LAW IN THE UNITED STATES OR ANOTHER COUNTRY.
IF THE COURT IS BETWEEN WHETHER THE PROPOSED RULE SHOULD REQUIRE 5 YEARS OR 7 YEARS FOR APPLICANTS WHO DON'T HAVE A QUALIFYING LAW THE BOARD RESPECTFULLY SUGGESTS THERE IS A THIRD OPTION BASED ON THE APPROACH IN THOSE STATES.
RULE 4.13.4 SHOULD REQUIRE APPLICANTS WITHOUT A QUALIFYING LAW TO PRACTICE LAW IN THE UNITED STATES IN 5 OF THE 7 YEARS IMMEDIATELY PRECEDING THE FILING OF THE BAR APPLICATION INSTEAD OF ANY 5-YEAR OR 7-YEAR TIME. GO.
NOT ONLY DOES THIS OPTION ALIGN WITH BAR ADMISSION RULES BUT RECENT PRACTICE IS BETTER EVIDENCE OF AN APPLICANT'S CURRENT COMPETENCE WHICH IS THE ULTIMATE ISSUE THE BOARD AND THIS COURT HAVE TO ASSESS.
THE CONCEPT THAT RECENCY MATTERS IN DETERMINING COMPETENCES FOUND ELSEWHERE IN THE BAR ADMISSION RULES, BEFORE-18.2, PASSING THE BAR EXAMS IS ONLY VALID FOR FIVE YEARS.

IF AN APPLICANT ISN'T ADMITTED
WITHIN FIVE YEARS OF PASSING THE
BAR EXAM BECAUSE OF A CHARACTER
OR FITNESS ISSUE THE APPLICANT
HAS TO TAKE AND PASS THE FLORIDA
BAR EXAM AGAIN TO DEMONSTRATE
HIS OR HER CURRENT COMPETENCE
BEFORE THE BOARD WOULD RECOMMEND
ADMISSION.
ONE LAST POINT.
REQUIRING LAW PRACTICE IN 5 OF
THE RECENT 7 YEARS, SIMPLY
SAYING WITHIN THE RECENT 5 YEARS
IS ALSO BETTER BECAUSE IT DOES
ALLOW SOME FLEX ABILITY FOR
APPLICANTS IF THEY HAVE A
HEALTH, PERSONAL OR OTHER
LEGITIMATE REASON THAT PREVENTED
THEM FROM PRACTICING TEMPORARILY
DURING THAT TIME. GO.
THIS FLEXIBILITY IN
ADMINISTRATIVE PRACTICE FOR THE
BOARD BECAUSE IT HELPS AVOID
UNNECESSARY PETITIONS FOR
WAIVERS THAT WOULD DIVERGE
RESOURCES AND WITH THAT, UNLESS
THE COURT HAS MORE QUESTIONS,
THE BOARD TAKES THE OPPORTUNITY
TO PREPARE TODAY IT IS READY TO
IMPLEMENT ANY REVISIONS TO RULE
4-15.4 IS THE COURT SEES FIT.
I RESUME 3 MINUTES OF MY TIME
FOR REBUTTAL.
>> SO, COUNSEL, ARE YOU
SUGGESTING THAT FIVE OUT OF THE
PREVIOUS SEVEN IS ACTUALLY,
BECAUSE OF THE WHAT YOU WERE
TALKING ABOUT, WITH SORT OF THE
BENEFITS OF THE RECENCY, IS THAT
PREFERABLE TO SAYING SEVEN YEARS
OF EXPERIENCE?
>> YES, IT IS.
FIVE OF THE MOST RECENT SEVEN IS
PREFERABLE TO THE BOARD.
AND I THINK EITHER ONE OF THOSE
OPTIONS WOULD WORK FOR THE
BOARD.
GIVEN A CHOICE TO THE BOARD,
WE'D PREFER FIVE OF THE MOST
RECENT SEVEN.
>> OKAY, THANK YOU.
>> THANK YOU, MR. ALLMAN.
I'LL NOW RECOGNIZE A PRO SE
PROPONENT, MS. AVASECERA, AND I

APOLOGIZE IF I MANGLED YOUR NAME.
>> THANK YOU, YOUR HONOR.
MAY IT PLEASE THE COURT, YOUR HONORS, THERE ARE THREE POINTS IN THE WRITTEN COMMENTS, ALL OF WHICH MERIT CONSIDERATION.
BUT THE HEART OF THE ARGUMENT IS POINT NUMBER ONE.
AND THAT IS THAT THE PROPOSED SEVEN-YEAR ACTIVE PRACTICE REQUIREMENT IS STILL UNDULY ONEROUS, AND I WILL TURN TO THAT THAT NOW.
THESE COMMENTS ARE FOCUSED ON THE ABILITY OF NON-U.S. EDUCATED LAWYERS TO SIT FOR THE BAR EXAM IN FLORIDA WITHOUT AN LLM, AND THESE COMMENTS ARE CONSISTENT WITH THE COMMENTS OF THIS COURT IN JULIUS CROWN.
THE LEGISLATIVE OBJECTIVE OF THE ACTIVE PRACTICE REQUIREMENT IN THAT CASE WAS DESCRIBED IN THIS WAY.
IT WAS SAID THAT ACTIVE PRACTICE IS CONSIDERED A RELATIVELY FLEXIBLE REQUIREMENT, AND IT WAS DESCRIBED AS FLEXIBLE IN THE CONTEXT OF RECENCY WHICH WAS THE POINT--
>> I GUESS IF I COULD JUST INTERRUPT YOU TO GET TO THE SAME POINT THAT COUNSEL FOR THE BOARD OF BAR EXAMINERS WAS SPEAKING TO.
WHAT WOULD YOU BE OF FIVE OF THE MOST RECENT SEVEN YEARS, WOULD YOU HAVE THE SAME ARGUMENT IN TERMS OF AN OBJECTION TO THAT AS ONEROUS?
>> YOUR HONOR, YES, I WOULD HAVE AN OBJECTION TO THAT FOR THIS REASON: IN THE SAME WAY THAT U.S.-EDUCATED GRADUATES ACCREDITED BY THE ABA ARE NOT REQUIRED TO HAVE RECENCY FOR PASSING THEIR LAW DEGREE, IT IS THE SAME REASON THAT THAT REQUIREMENT WOULD BE ONEROUS FOR FOREIGN-EDUCATED GRADUATES.
AGAIN, MR. ALLMAN WAS SPEAKING SPECIFICALLY ABOUT BAR SCORES BEING CURRENT FOR A PERIOD OF

TIME.
RESPECTFULLY THOUGH, THIS IS NOT ABOUT BAR SCORES.
THIS IS ABOUT BEING ADMITTED TO TAKE THE BAR EXAM.
AND SO I THINK IT WOULD BE STILL UNDULY OWN ONEROUS--
>> OKAY, SO WHAT WOULDN'T BE?
>> WELL, THE PERIOD OF FIVE YEARS IS, I THINK, IT'S WHAT I HAVE SUBMITTED AS BEING WELL WITHIN THE PREDOMINANCE OF STATES' REQUIREMENTS.
SO IN ACTUALITY, FLORIDA IS REALLY AN OUTLIER WHEN IT COMES TO THE ADMISSION OF FOREIGN-EDUCATED LAWYERS.
AT TEN YEARS, IT HAS ONE OF THE STRICTEST-- IF NOT THE STRICTEST-- RULES WITH RESPECT TO THE NUMBER OF YEARS OF ACTIVE PRACTICE REQUIRED FOR NON-U.S.-EDUCATED LAWYERS IN THE COUNTRY.
CONNECTICUT RIVALS FLORIDA, IT'S THE ONLY STATE THAT RIVAL FLORIDA'S REQUIREMENTS.
AND EVEN FOR THEM, THEIR REQUIREMENT IS TEN YEARS OF BEING ADMITTED TO CONNECTICUT BUT WITH FIVE YEARS OF ACTIVE PRACTICE.
IN ANSWER TO YOUR QUESTION, YOUR HONOR, FIVE YEARS EVEN FROM THE STATES THAT MR. ALLMAN HAS SUBMITTED FOR YOUR REVIEW-- TEXAS, MASSACHUSETTS, CALIFORNIA, GEORGIA AND NEW YORK-- THEY ALL REQUIRE FIVE YEARS OR LESS FOR ACTIVE PRACTICE.
IN FACT, NEW YORK AND CALIFORNIA SPECIFICALLY OPERATE A RELATIVELY OPEN POLICY IN PERMITTING FOREIGN LAW GRADUATES AND LAWYERS TO SIT FOR THEIR BAR EXAM.
NEW YORK, WHEN I TOOK THE BAR IN THE NEW YORK ATTORNEY, THERE WAS NO ACTIVE PRACTICE REQUIREMENT.
CALIFORNIA REQUIRES NON-U.S. GRADUATES TO BE IN GOOD STANDING.
MOREOVER, IN A REVIEW OF ALL 50

STATES, THE PREDOMINANCE OF
STATES THAT REQUIRED ACTIVE
PRACTICE AS A PATH TO ADMISSION
TO THE BAR WERE REQUIRING FIVE
YEARS OR LESS.
AND SO THAT IS WHY I HAVE
SUBMITTED IN OUR WRITTEN
COMMENTS THAT FIVE YEARS IS,
FIVE YEARS WOULD STOP FLORIDA
BEING AN OUTLIER AND SOMEWHAT
OUTDATED IN THESE REQUIREMENTS
FOR FOREIGN-EDUCATED LAWYER
ADMISSION.
>> BUT, SO YOU'D WANT FIVE YEARS
WITH NO SPECIFICATION AS TO THE
TIME PERIOD WITHIN WHICH THE
FIVE YEARS OCCURRED, IS THAT--
THAT'S THE UNDERSTANDING.
SO IF WE SAID EVEN FIVE YEARS
WITHIN THE MOST RECENT TEN
YEARS, THAT WOULD-- YOU STILL
THINK THAT WOULD BE ONEROUS?
>> YOUR HONOR, MY ANSWER TO THAT
WOULD BE A QUESTION.
NOT TO YOURSELF, OF COURSE, BUT
IS THAT SAME REQUIREMENT
REQUIRED OF U.S. GRADUATES?
AND I DON'T BELIEVE IT IS.
>> SO WOULD YOUR POSITION BE
THAT THE ABILITY TO PASS THE BAR
EXAM SHOULD DEMONSTRATE CURRENT
PROFICIENCY AND ENOUGH KNOWLEDGE
IN AND OF ITSELF THAT YOU DON'T
NEED THE RECENCY OF THE
PRACTICE?
>> YOUR HONOR, MAY I JUST
CLARIFY THE QUESTION?
WERE YOU ASKING IF THE SUCCESS
OF A LAW DEGREE WOULD BE
SUFFICIENT AS OPPOSED TO
ANYTHING ABOVE THAT IN TERMS OF
RECENCY?
>> NO.
YOU'RE STILL GOING TO HAVE TO
TAKE THE FLORIDA BAR EXAM TO BE
ADMITTED IN FLORIDA, CORRECT?
>> THAT IS CORRECT.
>> OKAY.
>> AND IT IS WORTHWHILE
EMPHASIZING THAT POINT, THAT
APPLICANTS UNDER THIS RULE ARE
NOT APPLYING FOR A WAIVER OF THE
ABA ACCREDITATION OR THE
REQUIREMENT TO HAVE A LAW

DEGREE.
THEY'RE SIMPLY APPLYING TO,
THEY'RE SIMPLY APPLYING TO SIT
FOR THE BAR EXAM, TO PROVE
COMPETENCY BY ITSELF.
AND THAT IS IN ADDITION TO ALL
THE OTHER REQUIREMENTS OF THE
RULES SUCH AS BEING OF GOOD
STANDING FOR A PERIOD OF TIME
IF, PROVING EDUCATIONAL
QUALIFICATION, ETC.
SO MY BACKGROUND MAY BE A GOOD
CASE STUDY IN POINT, AND I WILL
JUST BRIEFLY KIND OF GIVE THIS
TO THE COURT.
I WOULDN'T NORMALLY, BUT IN THIS
EVENT I THINK IT IS RELEVANT FOR
THE QUESTIONS THAT THIS COURT IS
CONSIDERING.
SO I AM A U.S. CITIZEN.
I HAVE LIVED IN THE U.S. FOR 15
YEARS, SERVED IN THE LAW ALL OF
MY LIFE OF AND CONTINUE TO DO IS
SO.
I'M A NEW YORK ATTORNEY OF 21
YEARS IN GOOD STANDING, AND I
HAVE BEEN-- AND I AM A
BARRISTER IN ENGLAND AND WALES
FOR THE SAME PERIOD OF 21 YEARS
AND IN GOOD STANDING THROUGHOUT.
I'VE ALSO BEEN LICENSED TO
PRACTICE IN ILLINOIS WHERE I
ACTUALLY PRACTICE LAW.
MY LAW DEGREE IS FROM A
PRESTIGIOUS UNIVERSITY IN THE
UNITED KINGDOM RANKED THIRD BEST
IN THAT AREA, IN THAT COUNTRY.
AND, OF COURSE, IT IS AN ENGLISH
COMMON LAW JURISDICTION.
I WAS ALSO EDITOR-IN-CHIEF OF MY
UNIVERSITY LAW JOURNAL AND BEGAN
MY CAREER AND PRACTICE IN 2000
WHERE I WORKED IN A TOP
COMMERCIAL OF CHAMBERS AS A
BARRISTER DOING INSURANCE LAW
FROM THE U.K.
SHORTLY AFTER THAT I BEGAN IN
PRIVATE PRACTICE AT SIMMONS AND
SIMMONS, ONE OF THE TOP LAW
FIRMS THERE, AS A FINANCIAL
SERVICES REGULATORY LAWYER
CONTINUING TO ADVISE NEW
YORK-BASED CLIENTS ON INVESTMENT
MANAGEMENT PRODUCTS AMONG OTHER

THINGS.
IN 2005 I JOINED AS A SENIOR ATTORNEY THE NORTHERN TRUST BANK AND MOVED TO CHICAGO SHORTLY THEREAFTER TO PRACTICE LAW AS A SENIOR ATTORNEY IN THE BANK'S HEADQUARTERS.
AND I MOVED TO THE U.S. UNDER A SPECIAL TYPE OF EXECUTIVE-LEVEL VISA WHICH REQUIRED SPECIALIZED KNOWLEDGE AND PROOF OF EDUCATIONAL QUALIFICATION ABOVE COMPARABLE EXECUTIVES IN THE U.S.
AND THEN DURING THE CREDIT CRISIS, I ADVISED THE CEO AND THE C SUITE TO NAVIGATE DURING THAT TIME.
AND AFTER FIVE YEARS, I WAS INVITED TO LEAD THE BANK ON VARIOUS REGULATIONS THAT WERE IMPACTING THE BANK.
AND I WENT ON TO DO THE SAME WITH DISCOVER.
YET HERE IN FLORIDA, I AM TREATED LESS THAN A LAW STUDENT AS I'M NOT PERMITTED TO TAKE THE BAR EXAM.
SO IF THIS COURT WAS LOOKING FOR A POSTER CHILD FOR WHY THESE RULES SHOULD CHANGE, YOU MAY HAVE ONE.
BUT IT ISN'T ABOUT ME.
YOUR DECISION IMPACTS NOT ONLY TODAY, BUT FUTURE CANDIDATES.
AND THE QUESTION I WOULD RESPECTFUL REQUEST YOU CONSIDER IS WHETHER IT IS RIGHT WHEN A GOVERNING AGENCY IN THE STATE HAS PERMITTED ONE OF ITS CITIZENS LAW AND THEY HAVE PRACTICED LAW TO A LEVEL WHERE THEY REMAIN IN GOOD STANDING FOR AT LEAST FIVE YEARS OR MORE, WHY, ON WHAT BASIS THAT PERSON SHOULD BE PREVENTED FROM TAKING THE BAR EXAM IN THE STATE OF FLORIDA.
NOW, MOVING TO A QUESTION THAT WAS ASKED JUST A MOMENT AGO WITH REGARDS TO THE LLM, ONE MIGHT ASK, WELL, DOESN'T THE LLM PROVISION SOLVE THIS PREDICAMENT?

BUT THAT NOTION IS INCONSISTENT
WITH THE SYSTEM OF LEGAL
EDUCATION PRESENT IN MOST OF THE
WORLD WHERE THE NORM IS THAT
LAWYERS RECEIVE THEIR LEGAL
EDUCATION AS PART OF THEIR
UNDERGRADUATE EDUCATION.
AND, AGAIN, IT BEARS EMPHASIZING
THAT APPLICANTS HERE ARE
APPLYING TO TAKE THE BAR EXAM,
NOT TO WAIVE IT.
AND SO THERE IS WILLINGNESS TO
DEMONSTRATE COMPETENCY THROUGH
THE BAR EXAM ITSELF.
BUT SEVEN YEARS IS SO EXCESSIVE
AS IT WILL FORCE A TWO-DEGREE
REQUIREMENT ON MANY
FOREIGN-EDUCATED APPLICANTS, AND
THERE'S NO REASON TO BELIEVE
THAT THAT WAS INTENDED.
ADMISSION RULES ARE INTENDED TO
WEED OUT UNQUALIFIED APPLICANTS,
NOT PREVENT QUALIFIED
APPLICANTS.
NOW, ANOTHER POINT YOU MIGHT ASK
IS DOESN'T PART D OR WHAT WOULD
BE PART E UNDER THE PROPOSED
RULE KIND OF PROVIDE A SAFETY
VALVE WHERE IT GIVES THE BOARD
DISCRETION TO EVALUATE ACADEMIC
AND LEGAL SCHOLARSHIP
INDEPENDENT OF THE YEAR
REQUIREMENT.
HOWEVER, PLACING THE REQUIREMENT
OF SEVEN YEARS WILL BECOME AN
IMMUTABLE CHARACTERISTIC IN THE
SAME WAY THAT THE TEN-YEAR
REQUIREMENT HAS BEEN.
AND THAT IS MY PERSONAL
EXPERIENCE OF THE BAR
APPLICATION PROCESS WHERE I WAS
TOLD-- AND IT'S IN
TRANSCRIPTS-- THAT MY ACTIVE
PRACTICE WAS THREE MONTHS SHORT
IN THAT PARTICULAR DISCUSSION.
THEY SAID IT WAS THREE MONTHS
SHORT AND NOTHING COULD BE DONE,
THE RULE IS THE RULE.
AND I BELIEVE THAT THIS
EXPRESSES THE PRINCIPLE--
[SPEAKING IN NATIVE TONGUE]
WHERE SOMETHING IS CLEARLY
EXPRESSED, THE TERMS ARE
IMPLIEDLY EXCLUDED.

THE FRAMERS OF THE OPINION IN CROWN REGARDED TEN YEARS AS A FLEXIBLE REQUIREMENT IN TERMS OF RECENT CITY, BUT I THINK THAT THE LEGISLATIVE THE OBJECTIVE IS THAT, IS THIS: THAT THERE IS NO NECESSARY RELATIONSHIP OF TIME TO ABILITY.
IT IS, TO A CERTAIN DEGREE, A FRAMEWORK FOR SUBSTANCE BUT SHOULD NOT BE CONFUSED WITH SUBSTANCE ITSELF.
AND, THEREFORE, I WOULD ALSO INVITE THE COURT TO CONSIDER CLARIFYING THAT PART D, WHICH WOULD NOW BE PART E UNDER THE PROPOSED RULE, INCLUDES A REFERENCE TO THE ACTIVE PRACTICE DURATION.
AND AS AN EXAMPLE, I WOULD SAY AFTER THE NEW ADDITION THAT IT SHOULD INCLUDE WITHOUT LIMITATION FIVE YEARS OF ACTIVE PRACTICE.
SO THE PARTY WOULD READ IN EVALUATING ACADEMIC LEGAL SCHOLARSHIP UNDER SUBDECISION A AND SUBDIVISION C INCLUDING WITHOUT LIMITATION FIVE YEARS OF PRACTICE, THE BOARD-- WITH DISCRETION TO AVOID THAT UNFORTUNATE INTERPRETATION OF THE LAW.
IN CONCLUSION, IF THE OBJECTIVE IS TO ADMIT FOREIGN LAWYERS WITH SOME APPRECIABLE EXPERIENCE, THIS CAN CERTAINLY BE ACCOMPLISHED WITH A FIVE-YEAR REQUIREMENT.
SEVEN YEARS REALLY DOES NOTHING TO ADVANCE THE CAUSE AND IS REALLY QUITE--
FURTHER, EVEN A SEVEN-YEAR REQUIREMENT KEEPS FLORIDA AS AN OUTLIER ON THIS ISSUE.
YOUR HONORS, ANY HIGHER DISPOSITION WOULD EXCLUDE GOOD CANDIDATES OR DENY THE DIVERSITY OF LEGAL REPRESENTATION WHICH PEOPLE OF FLORIDA, BEING A DIVERSE PUBLIC, DESERVE.
AND SO THIS COURT IS REQUESTED TO MAKE THESE AMENDMENTS AS PER THE WRITTEN COMMENTS AND WITH

CLARIFYING--
[INAUDIBLE]
>> THANK YOU.
MR. ALLMAN.
>> THANK YOU.
I WANT TO RESPOND, FIRST, TO THE IDEA THAT FLORIDA IS AN OUTLIER.
THERE'S STILL SOME STATES THAT REQUIRE YOU HAVE TO HAVE AN ABA-ACCREDITED LAW DEGREE OR NOTHING.
THERE IS NO ALTERNATIVE PATH.
AND THE PROPOSAL THAT WE'VE MADE HERE IS ONE THAT CERTAINLY WOULD BRING FLORIDA MORE IN LINE WITH OTHER STATES THAT HAVE SIMILAR OPERATIONS IN TERMS OF THE NUMBER OF APPLICANTS THAT THEY'RE DEALING WITH.
SHE MENTIONED THAT THERE ARE SOME STATES LIKE NEW YORK THAT HAVE NO ACTIVE PRACTICE REQUIREMENT AT ALL FOR INTERNATIONAL LAW GRADUATES.
AND THAT'S TRUE, BUT THEY USE A VERY DIFFERENT MODEL FROM WHAT'S BEEN IN RULE 4-13 ALL ALONG, AND THAT IS TO SAY THEY ACTUALLY LOOK AT THE DEGREE FROM THE OTHER COUNTRY TO SEE WHETHER OR NOT THAT DEGREE IS EDUCATIONALLY EQUIVALENT TO AN ABA-ACCREDITED LAW SCHOOL LAW SCHOOL IN THIS COUNTRY.
AND THAT'S A STANDARD THAT WE HAVE CONSIDERED AND WE ADDRESSED IN OUR WRITTEN COMMENTS HERE TO SAY THAT THIS IS NOT-- THAT'S A STANDARD THAT IS VERY, IT'S VERY VAGUE, AND IT SEEMS VERY DIFFICULT TO US TO APPLY.
AND WE WOULD PREFER A BRIGHT LINE RULE IN TERMS OF THE YEARS OF PRACTICE REQUIREMENT.
THAT, IN FACT, THIS COURT IN FLORIDA BOARD OF BAR EXAMINERS V. MASSACHUSETTS SCHOOL OF LAW MENTIONED THIS VERY POINT ABOUT HOW DIFFICULT AND TIME CONSUMING IT WOULD BE TO HAVE THE BOARD AND IF THERE ARE ANY APPEALS, THIS COURT TRYING TO DECIDE WHETHER OR NOT A DEGREE THAT COMES FROM ANOTHER COUNTRY IS

EDUCATIONALLY EQUIVALENT TO AN
ABA-ACCREDITED LAW DEGREE IN
THIS COUNTRY.
AND IT'S, AS SHE MENTIONED, SOME
OF THE LAW DEGREES THAT ARE
COMING FROM FOREIGN COUNTRIES
ARE OBTAINED WITHIN THE CONTEXT
OF AN UNDERGRADUATE EDUCATION.
AND, AGAIN--
>> COUNSEL, COUNSEL, I'M SORRY
TO INTERRUPT YOU, COULD YOU--
IT SEEMS LIKE, THOUGH, THE
COMMENTER DOES MAKE SOME
COMPELLING POINTS ABOUT KIND OF
THE SUBSTANCE HERE.
AND I THINK WE ALL CONCEDE THAT
THE RULE IS USING THESE KIND OF,
I WOULD SAY, SORT OF RATIONALLY
ARBITRARY CATEGORIES LIKE THE
FIVE YEARS OR HOW RECENT,
WHATEVER, AND YOU ALL SAID YOU
HAVE THIS KIND OF CATCH-ALL
ABILITY.
SO WHY, YOU KNOW, AND WE'VE GOT
THE ABA WHICH IS, YOU KNOW, ANY
RANDOM PERSON CAN GO TO AN
ABA-ACCREDITED LAW SCHOOL.
WE KNOW IT'S DEBATABLE HOW
VALUABLE THAT EVEN IS.
SO WHY, WHY DOESN'T-- WHY ISN'T
WHAT SHE'S SAYING RIGHT?
I MEAN, WHY, WHY SHOULDN'T--
DON'T YOU HAVE ENOUGH TOOLS IN
THE TOOLBOX IF YOU DO STILL HAVE
THE FIVE-YEAR THING AND SOMEONE
EITHER JUST APPLYING TO SIT FOR
THE BAR SO THERE IS THE RECENCY
IN TERMS OF, OBVIOUSLY, YOU HAVE
TO PASS THE BAR NOW, WHY ISN'T
THAT A COMPELLING POINT?
>> IF IT'S FIVE YEARS AT ANY
POINT IN TIME, WE CAN RUN INTO A
PROBLEM.
AND WE DID IN THIS CASE WHERE
SOMEBODY WAS TRYING TO RELY ON A
FIVE-YEAR TIME PERIOD THAT
OCCURRED, SAY, TWENTY YEARS AGO.
AND THE APPLICANT WASN'T ABLE TO
PROVIDE ANY DOCUMENTS TO VERIFY
THAT THEY, IN FACT, WERE
PRACTICING LAW IN THE UNITED
STATES AT THAT TIME K. AND TO
USE HER CASE AS AN EXAMPLE, WHEN
SHE WAS TRYING TO GET TO THE

TEN-YEAR REQUIREMENT, SHE WAS PIECING TOGETHER TIME THAT SHE'D SPENT IN THE LAW DEPARTMENT AT NORTHERN TRUST HERE IN THE UNITED STATES THAT NOBODY DISPUTED, BEING A SENIOR ATTORNEY IN THAT JOB WAS PRACTICING A LAW IN THE UNITED STATES.
BUT IN HER INITIAL APPLICATION, SHE ALSO TRIED TO ARGUE THAT SHE WAS PRACTICING LAW IN THE UNITED STATES WHILE SHE WAS WORKING AT A LAW FIRM IN LONDON.
AND THE ARGUMENT WAS, WELL, EVEN THOUGH I WAS BASED IN LONDON, I WAS PRACTICING LAW IN THE UNITED STATES BECAUSE I WAS ADVISING AMERICAN CLIENTS ABOUT A LAW, ABOUT UNITED STATES LAW.
THE PROBLEM--
>> BUT THOSE ARE-- I'M SORRY.
I'M SORRY TO INTERRUPT YOU, BUT THOSE ARE APPLICATION PROBLEMS THAT YOU WOULD HAVE WHETHER IT'S FIVE OFF THE LAST SEVEN OR WHATEVER.
THAT'S JUST A MATTER OF WHETHER YOU'RE GOING TO GIVE THE PERSON, YOU KNOW, THE CREDIT.
I GUESS ARE YOU SAYING IF IT BECOMES MORE REMOTE, IT'S HARDER TO PROVE?
AT THE END OF THE DAY, THE BURDEN-- I MEAN, YOU DO HAVE A LOT OF FLEXIBILITY IN THE RULES, YOU KNOW?
IF YOU REALLY DO THINK THAT THE APPLICANT JUST HASN'T BEEN ABLE TO, YOU KNOW, DEMONSTRATE THEY WERE ACTUALLY PRACTICING LAW, THEN THAT'S, YOU KNOW, INDEPENDENT REASONING TO DENY.
>> I UNDERSTAND THE POINT, AND THE POINT THAT I WAS TRYING TO MAKE IS THE POINT THAT YOU MADE, JUSTICE MUNIZ, WHICH IS THAT IF WE'RE ALLOWING-- IT'S FIVE YEARS FROM ANY TIME PERIOD, THERE START TO BECOME EVIDENTIARY PROBLEMS THAT END UP MAKING THE PROCESS VERY DIFFICULT AND FRUSTRATING FOR THE APPLICANT AND FOR--

>> YOU, I MEAN, I KNOW SHE'S TRYING NOT TO MAKE THIS PERSONAL ABOUT HER, BUT LISTENING TO WHAT SHE SAID IT STRIKES ME AS KIND OF RIDICULOUS THAT SHE CAN'T SIT FOR THE BAR EXAM.
AND I'M JUST CURIOUS, YOU KNOW, DID YOU HAVE-- WHAT'S YOUR REACTION WHEN YOU HEAR THAT?
>> MY REACTION IN THE HEARING THIS IS THAT I'M FAMILIAR WITH THE RECORD IN THAT CASE AND THAT THERE'S A LOT OF TIME THAT THE APPLICANT WAS CLAIMING THAT SHE WAS PRACTICING LAW THAT, WHERE SHE ACTUALLY WASN'T.
AND SO THAT, AND THAT WAS THE DISPUTE THAT SHE AND THE BOARD HAD WHEN THIS CASE WENT UP TO THE BOARD.
>> OKAY.
SO, AGAIN, THAT'S SORT OF AN APPLICATION ISSUE.
BUT, I MEAN, IN TERMS OF JUST OVERALL QUALIFICATIONS, I MEAN, I UNDERSTAND WHAT YOU'RE SAYING.
THANK YOU.
>> THANK YOU.
AND WITH THAT, I HAVE NO FURTHER COMMENTS UNLESS THE COURT AS HAS MORE QUESTIONS.
>> I SEE NO MORE QUESTIONS.
SO WE THANK BOTH OF YOU FOR YOUR COMMENTS IN THIS CASE TODAY.
AND THAT CONCLUDES TODAY'S DOCKET.
SO THE COURT NOW ADJOURNED.