

RECEIVED, 10/26/2016 08:53:34 AM, Clerk, Supreme Court

APPENDIX B

SELECTED TEXT OF PROPOSED AMENDMENTS WITH REASONS FOR CHANGE

October 26, 2016

RULES REGULATING THE FLORIDA BAR

CHAPTER 11 RULES GOVERNING THE LAW SCHOOL PRACTICE PROGRAM

* * *

SUBCHAPTER 11-1 GENERALLY

* * *

RULE 11-1.3 REQUIREMENTS AND LIMITATIONS

(a) Generally. In order to make an appearance pursuant to this chapter, the law student must:

~~(a)(1) have registered with the Florida Board of Bar Examiners as a certified legal intern registrant; have paid the \$75 registration fee for such registration if the registration is completed within the first 250 days of the registrant's law school education or a \$150 fee if the registration is filed after the 250-day deadline; and have received a letter of initial clearance as to character and fitness from the Florida Board of Bar Examiners as provided elsewhere in this rule; any fee paid under this subdivision shall be deducted from the applicable application fee should the certified legal intern registrant subsequently decide to apply for admission to The Florida Bar;~~

~~(b)(2) be duly enrolled in an American Bar Association approved law school in the United States in, and appearing as part of a law school practice program of, a law school approved by the American Bar Association;~~

~~(c)(3) have completed legal studies amounting to at least 4 semesters or 6 quarters for which the student has received not less than 48 semester hours or 72 quarter hours of academic credit or the~~

Acting as a certified legal intern is a valuable part of law school. In order to be certified by this Court as a certified legal intern, the law student must first receive a letter of clearance as to character and fitness from the Florida Board of Bar Examiners. According to the Florida Board of Bar Examiners, at the time the board considered the proposed amendment, this process can take from 6 - 9 months during which time the law student may not act as a certified legal intern. The delay is detrimental to law students who are interested in being certified and to the certified legal intern program. The proposed amendments require that the law student register with the Florida Board of Bar Examiners as a certified legal intern registrant but allows the law student to be certified as a legal intern after passing a Level 2 criminal background investigation rather than waiting for the full admission background investigation to be completed. A Level 2 background investigation is both state and national in scope and can be completed in 1 - 3 weeks. The amendment accomplishes 3 goals: 1) it ensures that the public is protected by confirming that the law student has a clear criminal history before being certified as a legal intern; 2) it allows the law student to be certified in 1-3 weeks rather than 6-9 months; and 3) it requires

equivalent if the school is on some other basis;

~~(d)~~(4) be certified by the dean of the student's law school as being of good character and competent legal ability and as being adequately trained to perform as a legal intern in a law school practice program;

~~(e)~~(5) be introduced to the court in which the student is appearing by an attorneya lawyer admitted to practice in that court;

~~(f)~~(6) neither ask for nor receive any compensation or remuneration of any kind for the student's services from the person on whose behalf the student renders services, ~~but this shall not prevent~~ except that a state attorney, public defender, legal aid organization, or state officer or governmental entity ~~from paying~~ may pay compensation to the eligible law student ~~(nor shall it prevent any of the foregoing from making such~~ and charge for its services as it may otherwise require); and

~~(g)~~(7) certify in writing that the student has read, ~~and~~ is familiar with and will abide by the Rules of Professional Conduct as adopted by this court ~~and will abide by the provisions thereof.~~

(b) Letter of Initial Clearance. As part of the registration required by subsection (a)(1) of this rule, the law student must furnish their fingerprints to the Florida Board of Bar Examiners to enable the Florida Board of Bar Examiners to conduct a Level 2 background investigation. The Florida Board of Bar Examiners will conduct the Level 2 background investigation as soon as possible after the law student submits the registration and appropriate fee. The Florida Board of Bar Examiners will issue an initial letter of clearance to the law student if the results of the Level 2 background investigation do not demonstrate a lack

early application to the Florida Bar Examination.

of honesty, trustworthiness, diligence or reliability.

(c) Fees. Any fee paid under this subsection will be deducted from the applicable application fee if the certified legal intern registrant subsequently applies for admission to The Florida Bar.

* * *

RULES REGULATING THE FLORIDA BAR

RULE 11-1.9 CONTINUATION OF PRACTICE PROGRAM AFTER COMPLETION OF LAW SCHOOL PROGRAM OR GRADUATION

(a) Certification. A law student at an American Bar Association approved Florida law school who has filed an application for admission to The Florida Bar, has received an initial clearance letter as to character and fitness from the Florida Board of Bar Examiners, has completed a law school practice program awarding a minimum of 3 semester credit hours or the equivalent or requiring at least 200 hours of actual participation in the program, and has had certification withdrawn by the law school dean by reason of successful completion of the program or has graduated from law school following successful completion of the program may make appearances for any of the same supervisory authorities under the same circumstances and restrictions that were applicable to students in law school programs pursuant to this chapter if the supervising attorneylawyer:

(1) files a certification in the same manner and subject to the same limitations as that required to be filed by the law school dean and files a separate certificate of the dean stating that the law student has successfully completed the law school practice program. This certification may be withdrawn in the same manner as provided for the law school dean's withdrawal of certification. The maximum term of certification for graduates ~~shall be~~ is 12 months from graduation; and

(2) further certifies that the attorneylawyer will assume the duties and responsibilities of the supervising attorneylawyer as provided by

The rule allows graduates of Florida law schools and non-Florida law schools to continue to act as a certified legal intern while awaiting admission to The Florida Bar. In order to be certified by this Court as a certified legal intern, the graduate must first receive a letter of clearance as to character and fitness from the Florida Board of Bar Examiners. According to the Florida Board of Bar Examiners, at the time the board considered the proposed amendment, this process can take from 6 - 9 months during which time the graduate may not act as a certified legal intern. As graduates of Florida law schools will already have received this letter, amendments to that subsection are not necessary. However, as graduates of non-Florida law schools would not have received a letter of clearance, the proposed amendments apply to graduates of non-Florida law schools only. The proposed amendments continue the requirement that the graduate make application to The Florida Bar but allows the graduate to be certified as a legal intern after passing a Level 2 criminal background investigation rather than waiting for the full admission background investigation to be completed. A Level 2 background investigation is both state and national in scope and can be completed in 1 - 3 weeks. The amendment ensures that the public is

other provisions of this chapter.

(b) Graduates of Non-Florida Law Schools. A graduate of an American Bar Association approved non-Florida law school may qualify for continuation if the graduate has made application for admission to The Florida Bar and received a letter of initial clearance ~~as to character and fitness~~ from the Florida Board of Bar Examiners as provided in rules 11-1.3(a)(1) and (b), and has successfully completed a clinical program in law school that met the definition of a law school practice program under rule 11-1.2(a) and that awarded a minimum of 3 semester hours or the equivalent or required at least 200 hours of actual participation in the program.

(c) Termination of Certification. Failure of a post-graduate certified legal intern to do any of the following ~~shall~~will result in the automatic termination of certification:

- (1) failure to take the next available Florida bar examination;
- (2) failure to take the second available Florida bar examination, if unsuccessful on the first administration;
- (3) failure to pass every portion of the Florida bar examination by at least the second administration, if unsuccessful on the first administration; or
- (4) denial of admission to The Florida Bar.

* * *

protected by confirming that the graduate has a clear criminal history before being certified as a legal intern and allows the graduate to be certified in 1-3 weeks rather than 6-9 months thereby providing greater access to those in need of legal representation.