

IN THE SUPREME COURT OF FLORIDA

IN RE: AMENDMENTS TO RULE
REGULATING THE FLORIDA BAR
21-4.1

CASE NO. SC19-

PETITION TO AMEND RULE REGULATING THE FLORIDA BAR 21-4.1

The Florida Bar (the bar) petitions this Court for an order amending the Rule Regulating the Florida Bar 21-4.1 and states:

Jurisdictional Statement

This petition has been authorized by the Board of Governors of The Florida Bar (Board of Governors) under R. Reg. Fla. Bar 1-12.1.

Amendments

This Court requested by letters dated April 15, 2019 and June 17, 2019, that the bar review Chapter 21 of the Rules Regulating The Florida Bar and determine whether it should be amended “to permit a service member's spouse to engage in the supervised practice of law as a certified legal intern until the Board completes its character and fitness review and he or she obtains authorization to practice law in Florida.” These letters are attached in Appendix D. After study, the bar files this petition to amend rule 21-4.1 by adding new subdivision (c) to allow a military spouse who has applied to be certified under chapter 21 to act as a certified legal intern while the application is pending. The military spouse applicant must be employed by or in a mentor relationship with a member of The Florida Bar who is eligible to practice law in Florida. The certification as a legal intern terminates either on certification of the applicant as a military spouse lawyer or on denial of certification by this Court.

**CHAPTER 21 MILITARY SPOUSE AUTHORIZATION TO ENGAGE IN THE
PRACTICE OF LAW IN FLORIDA
SUBCHAPTER 21-4 PERMISSIBLE ACTIVITIES AND PRACTICE
REQUIREMENT**

RULE 21-4.1 ACTIVITIES AND REQUIREMENT

Explanation: Adds new subdivision (c) that allows for temporary practice by a military spouse applicant as a certified legal intern and sets forth circumstances under which the certification terminates.

Reasons: This Court requested by letters dated April 15, 2019 and June 17, 2019, that the bar review Chapter 21 of the Rules Regulating The Florida Bar and determine whether it should be amended “to permit a service member's spouse to engage in the supervised practice of law as a certified legal intern until the Board completes its character and fitness review and he or she obtains authorization to practice law in Florida.”

Source: Supreme Court of Florida

Background Information – Member Commentary / Committee Action:

- Rules Committee approved 9-0 on a substantive and procedural basis on August 5, 2019.
- The bar's chief financial officer determined de minimus impact on August 21, 2019.
- Program Evaluation Committee approved on a strategic basis on September 19, 2019.

Board Action: Board of Governors approved unanimously, including waiving first reading, on September 20, 2019.

Official Notice of Amendments

Pursuant to R. Regulating Fla. Bar 1-12.1(g), formal notice of intent to file all the proposals in this petition was published in the October 1, 2019 issue of the bar *News*. A copy of that published notice from the Internet version of that *News* issue is included with this petition in Appendix C. This notice can also be found at:

<https://www.floridabar.org/the-florida-bar-news/proposed-amendment-to-bar-rules/>

No Discrepancy with Thomson Reuters’ Florida Rules of Court

During the preparation of this petition, the bar noted no discrepancies between the Rules Regulating the Florida Bar as maintained by the bar and the

Rules Regulating The Florida Bar as published in Thomson Reuters' *Florida Rules of Court*.

Other Pending Amendments

There are 2 pending petitions to amend Rules Regulating The Florida Bar pending before this Court:

- *In re: Amendments to Rule Regulating The Florida Bar - 1-3.2*, Case No. SC19-1335; and
- *In re: Amendments to Rule Regulating The Florida Bar - Rule 3-6.1*, Case Number: SC19-1688.

The proposed amendments within this filing are unrelated to the petitions above and may be considered independent of them.

Contents of Appendices

The complete text of all proposals is included in Appendix A to this petition, in legislative format (i.e., deleted language struck through, shown first, followed by new language underlined).

A separate two-column presentation follows in Appendix B, which includes extracted text of affected rules with proposed amendments in legislative format and an abbreviated recitation of the reasons for the changes.

The notice of intent to file this petition is provided in Appendix C.

This Court's original requests to the bar and letter granting an extension of time to respond are provided in Appendix D.

Comments in Response to Amendments

The bar referred the request and the bar's proposal to the Military and Veterans Affairs Committee, which responded on August 23, 2019, that the

committee had no objection to the bar's proposal in this petition. The bar has received no other comments regarding this proposal.

Oral Argument Not Requested

The bar does not seek oral argument regarding these amendments, unless this Court orders oral argument or bar members file comments that require additional response or appearance by the bar.

The bar requests that this Court enter an order amending Rule Regulating the Florida Bar 21-4.1 as requested in this petition.

Respectfully submitted,

/s/ Joshua E. Doyle

Joshua E. Doyle
Executive Director
Florida Bar Number 25902

John M. Stewart
President 2019-20
Florida Bar Number 120472

Dori Foster-Morales
President-elect 2019-20
Florida Bar Number 849332

William A. Spillias
Director, Unlicensed Practice of Law
Florida Bar Number 909769

Elizabeth Clark Tarbert
Ethics Counsel
Florida Bar Number 861294

The Florida Bar
651 East Jefferson Street
Tallahassee, Florida 32399-2300
Tel: (850) 561-5600

Primary E-mail Address:
jdoyle@floridabar.org
Secondary E-mail Address:
eto@floridabar.org

CERTIFICATE OF TYPE SIZE AND STYLE

I certify that this petition is typed in 14 point Times New Roman Regular type.

/s/ Joshua E. Doyle

Joshua E. Doyle
Executive Director
Florida Bar Number 25902

CERTIFICATE OF READ-AGAINST

I certify that the Rules Regulating the Florida Bar set forth within this petition have been read against the most recent copy of *Thomson Reuter's Florida Rules of Court*.

/s/ Joshua E. Doyle

Joshua E. Doyle
Executive Director
Florida Bar Number 25902