September 5, 2020

Stephen Robert Neale Young
1801 N. Drexel Street
Dearborn, MI. 48128

Florida Supreme Court
500 South Duval Street
Tallahassee, FL 32399-1925

Interested Parties Copied via email[1]

Re: Case No. SC20-1236 ("Petition to Waive the Bar")

Dear Florida Supreme Court [and interested parties],

Before addressing the Court's opinion in Case No. SC20-1236, I must disclose that this letter, and any response, will be used as evidence in U.S. District Court Case No. 1:20-cv-00231 (as well as any follow-up cases / appeals involving my right to practice law). Also, while not explicitly named as parties, each State's Bar (with the exception of a select few who provide alternative paths to become lawyers) is a Defendant in the aforementioned case in the U.S. District Court for the District of Hawaii as a result of restrictions on the practice of law to only ABA Accredited Law School Graduates. *See* Case No. 1:20-cv-00231 ECF No. 1. With this information stated, I may now proceed with my letter regarding your case determining law graduates cannot have the Bar exam waved in the State of Florida.

If you look at the case docket referenced previously, it should come as no surprise that I agree with your assessment of the state of lawyers in the United States; to put it mildly I have found lawyers to be lacking in both skill and civility, which has caused me tremendous irritation. However, simply because I agree with a key premise of your decision

[1] The Interested Parties, including the: Michigan AG, Florida AG, Hawaii AG, State Bar of Michigan, Florida Bar, Hawaii State Bar Association, American Bar Association, American Bar Association Legal Education Section, and National Board of Law Examiners, will receive a copy of this letter via email.

does not mean I agree with your decision in part or totality. After discussing the background of the case in question (No. SC20-1236), I will proceed to analyze the arguments your decision is based upon.

CASE NO. SC20-1236 BACKGROUND AND FACTS

> On August 24, 2020, four days after the petition in this case was filed, Chief Justice Canady, with the Court's approval, established the Temporary Supervised Practice Program, under which qualified registrants for the July 2020 Bar Examination may practice, on a temporary basis, under the supervision of an attorney. ... That program is now being implemented ... and will expire within 30 days after the Board releases results for the February 2021 General Bar Examination.
>
> Petitioners, now, ask the Court to adopt emergency rules that "waive the requirement of passing all parts of the bar examination" as a condition for admission to The Florida Bar and, instead, allow for admission of applicants who otherwise qualify for admission based upon graduation from an ABA-accredited law school and demonstration of good moral character as provided in Rule 3-12 of the Rules of the Supreme Court Relating to Admissions to the Bar.
>
> Under the Petitioners' proposal, Bar applicants registered to take the July Bar exam would be admitted immediately upon recommendation of the Board, subject to supervision for six months by a Florida attorney who has been a member of The Florida Bar in good standing for five years.
>
> At the end of six months of supervision, the supervising attorney would "attest[] to the completion of the period of supervised practice," the supervision requirement would terminate, and the newly admitted lawyer would enjoy the privileges of unrestricted practice enjoyed by all other members in good standing of The Florida Bar.

SC20-1236 Decision at 2-3.

As a person who was not permitted to graduate from law school[2], the thought of law students being permitted to practice law is beyond frustrating. However, even with the fact the temporary modified rule: 1) would have no actual impact on me; 2) frustrates me based on what I have seen from law schools and their students (which is admittedly a very small sample size); and 3) is precisely what someone like me would vehemently oppose; my values and principles align with justice and ensuring the laws (throughout this country and world) are reasonable, consistent, and serve the public interest. It is with these concepts in mind that I will discuss your decision in Case No. SC20-1236.

CASE NO. SC20-1236 DISCUSSION

> In a nation whose freedoms are secured by the rule of law and in which civil and criminal justice are largely entrusted to the legal profession, ***it is essential for this Court to ensure that those seeking to practice law*** in this state ***possess "knowledge of the fundamental principles of law and their application"***, an ***"ability to reason logically"***, and ***the preparedness to "accurately analyze legal problems"***, before they are allowed to offer their services to the public. *See* Fla. Bar Admiss. R. 3-10.1(a)-(b).
>
> Unfortunately, ***this Court regularly sees the extreme harm done*** to individual members of the public ***by lawyers who***, in practice, ***fall short of these "essential" requirements.*** *Id.* That harm, when it occurs, undermines confidence in our entire system of justice and, consequently, undermines the foundation for our system of justice itself.

Case No. SC20-1236 at 4. [emphasis added]

---

[2] Feel free to choose from the University of Hawaii WSRSL's failure to provide reasonable accommodations, Title VI violations, Title IX violations, RICO Act violations, intentional infliction of emotional distress constituting torture under the United Nations Torture Convention, or fraud, as to the reasons I was not permitted to graduate.

To clarify, it is your "responsibility" to ensure that those seeking to practice law in the State of Florida possess "knowledge of the fundamental principles of law and their application", an "ability to reason logically", and the ability to "accurately analyze legal problems" (by means of some form of preparation)? *Id.* Simultaneously though, you admit this Court "regularly" sees the "extreme harm" done by lawyers who fall short of these "essential requirements". *Id.* Perhaps I am missing something, but if the Court directly controls and manages the Florida Board of Law Examiners and the Florida Bar, whose responsibility it is to administer the Bar exams (which are the method by which lawyers practicing in the State of Florida demonstrate they have met these "essential requirements"), would the problem of the extreme harm done to individual members of the public not be the direct result of the actions of the Florida Supreme Court?

Let's assume the Court is providing "direct and active" oversight to the Florida Bar and Board of Examiners after the U.S. Supreme Court's ruling in *North Carolina State Board of Dental Examiners*[3]; if only to ensure the agencies maintain parker immunity. If the Court is providing direct and active oversight, and simultaneously is so invested in protecting the public from harm caused by unqualified lawyers, why are lawyers still causing "extreme" harm to the public on a "regular" basis? Perhaps it is because the stated objectives cannot possibly be demonstrated on any test ever created; that no matter what form people take the Bar exams in, or what entities produce them, the process is nothing more than a barrier to entry to the legal market sanctioned by the State Supreme Courts at the bequest of the State Bars (who are acquiescing to the ABA and NCBE). In short, it is the ***Florida Supreme***

[3] *North Carolina State Board of Dental Examiners v. FTC*, 135 S. Ct. 1101 (2015).

Court's job to ensure people are protected from poorly trained and educated lawyers, yet despite witnessing this on a regular basis; you clearly ***do nothing*** to prevent it. Instead the Court, like every other State Supreme Court in the country, is focused on restricting the practice of law to only ABA law school graduates despite the Court's admission that the current legal education (and passage of the Bar exam) results in "extreme" harm being caused to the general public on a "regular" basis. At this point it would be really helpful to know how the Court felt about the legal education, or the quality of the lawyers, in Florida.

> ***This Court has determined and still believes that law school graduation alone does not sufficiently demonstrate the knowledge, ability, and preparedness necessary to admit a law graduate to the practice of law in Florida.*** Therefore , it has long been the ***Court's policy to require Bar applicants to demonstrate that they meet these essential requirements by taking and obtaining a passing score on the Florida Bar Examination*** before admitting them to The Florida Bar. ... (amending Bar admission rule requiring Bar examination and recognizing ***1955*** adoption of that rule). ...
>
> This Court also does not believe that the completion of six months of supervised practice can ***sufficiently substitute*** for the passage of a comprehensive Bar examination that would allow the Court to fulfill its constitutional duty to evaluate a Bar applicant's knowledge and skill before admitting the applicant to the unrestricted practice of law.

SC20-1236 at 4-5.

To clarify, the Court does not believe graduating from law school is a demonstration of the skills required to be a lawyer while simultaneously requiring the passage of law school in order to take the bar exam[4]. Nor does the Court believe 6 months of actual litigation experience, combined with a sworn declaration by a member of the Florida Bar, would be enough to demonstrate the required skills. Therefore, it is the opinion of the Court, on the

[4] *See* NCBE's Comprehensive Guide to Bar Admission Requirements.

record, that: 1) an exam alone is the ***only*** method to demonstrate a person has the required skills to be a responsible lawyer in the State of Florida; 2) despite not demonstrating anything to the Court, graduation from a law school is still required in order to be ***permitted*** to take the Bar exam; 3) the sworn testimony of lawyers is meaningless (which says a great deal about the way the Court feels about the State Bar Membership's "Character and Fitness"); and 4) the practice of law in Florida before 1955 must have reduced people's confidence in the legal system and thus the foundation of the legal system in the State of Florida to the point where someone thought it would be in the public's interest to have lawyers "regularly" cause "extreme harm" to the public before the Florida Supreme Court.

I would like to conclude by stating that while it might surprise the Court to learn lawyers existed in Florida prior to 1955, when the Court began requiring the Bar exam, and despite studying the history of the ABA's propaganda extensively I have not seen any evidence of confidence in the legal system being so low that the current system could possibly be better than what existed prior to the Florida Bar Exam. If law schools are preparing students so poorly as to not justify permitting them to practice law upon graduation, and the sworn testimony of members of the Florida Bar means so little as to prevent the Court from fulfilling its constitutional mandate; the Court really needs to consider whether law schools are properly preparing students for the practice of law and whether the "Character and Fitness" test actually evaluates a person's character.

The alternative is the choice being made for you in active litigation which could have the horrific consequence of someone like me actually being able to practice law in your state. It would truly be a shame if you were forced to permit someone to practice law who actually

has a desire to practice law responsibly and advocate for those who cannot help themselves, right?

Best Regards,

Stephen Robert Neale Young