

IN THE SUPREME COURT OF FLORIDA

CASE NO. SC21-284

IN RE:
AMENDMENT TO RULE
REGULATING THE FLORIDA
BAR 6-10.3.

**THE AMERICAN BAR ASSOCIATION'S
REQUEST FOR ORAL ARGUMENT**

The American Bar Association (ABA) requests oral argument pursuant to Florida Rule of Appellate Procedure. 9.320. The ABA believes that oral argument would materially assist the Court in addressing the issues presented by the amendment to Rule Regulating The Florida Bar 6-10.3.

The amendment is being applied by The Florida Bar to deny accreditation to *all* American Bar Association Continuing Legal Education (CLE) programs, and to deny CLE credits to any Florida lawyer who participates in an ABA CLE program. But the Court's opinion determined *only* that the use of constitutionally prohibited quotas or set-asides would disqualify CLE programs from Bar certification.

The ABA's CLE Diversity & Inclusion Policy is not—and never

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has been—an impermissible quota or set-aside. It is a policy of *inclusion*, not *exclusion*. Once an ABA entity proposes a CLE program and secures a roster of expert panelists, if that panel is not diverse—meaning racial, gender, sexual orientation, or disability-based diversity—the ABA will work with the entity to locate a person or persons (depending on the size of the panel) who can bring diversity by *adding* them to the panel. No one is ever *excluded* from a panel to achieve diversity and inclusion.

The ABA requests an opportunity to explain its policy's operation to the Court, and to answer any questions that the Court may have about that policy.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed with the Clerk of Court on July 15, 2021, via the Florida Courts E-Filing Portal, which will serve a notice of electronic filing to all counsel of record.

/s/ Elliot H. Scherker
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