

Proposed amendments to Rule 4-13.4 (Alternative Method of Educational Qualification) of the Rules Relating to Admissions to the Bar

The Florida Supreme Court is considering, on its own motion, amendments to Rule 4-13.4 (Alternative Method of Educational Qualification) of the Rules of the Supreme Court Relating to Admissions to the Bar. The amendments under consideration would adjust the requirements for foreign-educated applicants, and other applicants who do not satisfy the requirements of rule 4-13.1 (Educational Qualifications), to take the bar examination.

The Court invites all interested persons to comment on the amendments under consideration, which are reproduced in full below. All comments must be filed with the Court on or before April 30, 2021, as well as a separate request for oral argument if the person filing the comment wishes to participate in oral argument, which may be scheduled in this case. If filed by an attorney in good standing with The Florida Bar, the comment must be electronically filed via the Florida Courts E-Filing Portal (Portal) in accordance with *In re Electronic Filing in the Supreme Court of Florida via the Florida Courts E-Filing Portal*, Fla. Admin. Order No. AOSC13-7 (Feb. 18, 2013). If filed by a nonlawyer or a lawyer not licensed to practice in Florida, the comment may be, but is not required to be, filed via the Portal. Comments filed via the Portal must be submitted in Microsoft Word 97 or higher. *See In re Electronic Filing in the Florida Supreme Court*, Fla. Admin. Order No. AOSC17-27 (May 9, 2017). Any person unable to submit a comment electronically must mail or hand-deliver the originally signed comment to the Florida Supreme Court, Office of the Clerk, 500 South Duval Street, Tallahassee, Florida 32399-1927; no additional copies are required or will be accepted.

IN THE SUPREME COURT OF FLORIDA

IN RE: AMENDMENTS TO RULE 4-13.4 OF THE RULES OF THE SUPREME COURT RELATING TO ADMISSIONS TO THE BAR, CASE NO. SC21-187

4-13.4 Alternative Method of Educational Qualification. An applicant who does not meet the educational qualifications in rule 4-13.1, must meet the requirements of either subdivision (a) or subdivision (b).

(a) Applicants without an LL.M. Not Meeting Educational Qualifications.
An applicant who does not meet the educational qualifications in rule 4-13.1, must meet the following requirements:

(1) evidence as the board may require that the applicant was engaged in the practice of law for at least ~~40~~7 years in the District of Columbia, in other states of the United States of America, or in federal courts of the United States or its territories, possessions, or protectorates (federal courts are not limited to Article III Courts), was in good standing at the bar of the jurisdictions in which the applicant practiced, and was not suspended or disbarred from the practice of law in the ~~40~~7 years prior to applying for admission to The Florida Bar; and

(2) a representative compilation of the work product in the field of law showing the scope and character of the applicant's previous experience and practice at the bar, including samples of the quality of the applicant's work, including pleadings, briefs, legal memoranda, contracts, or other working papers that the applicant considers illustrative of his or her expertise and academic and legal training. The representative compilation of the work product must be confined to the applicant's most recent ~~40~~7 years of practice and must be complete and include all supplemental documents requested.

(b) Applicants with an LL.M.

(1) an LL.M. degree from an accredited law school, or within 12 months of accreditation, where the program meets the curricular criteria for the practice of law in the United States of America adopted by the board and published on board's website;

(2) evidence as the board may require that the applicant was engaged in the practice of law for at least 2 years in the District of Columbia, in other states of the United States of America, or in federal courts of the United States or its territories, possessions, or protectorates (federal courts are not limited to Article III Courts), was in good standing at the bar of the jurisdictions in which the applicant practiced, and was not suspended or disbarred from the practice of law in the 2 years prior to applying for admission to The Florida Bar; and

(3) a representative compilation of the work product in the field of law showing the scope and character of the applicant's previous experience and practice at the bar, including samples of the quality of the applicant's work,

including pleadings, briefs, legal memoranda, contracts, or other working papers that the applicant considers illustrative of his or her expertise and academic and legal training. The representative compilation of the work product must be confined to the applicant's most recent 2 years of practice and must be complete and include all supplemental documents requested.

(~~b~~c) *Deadline for Filing Work Product.* To be considered timely filed, the work product must be complete with all required supplemental documentation and filed by the filing deadline of the General Bar Examination as required by rule 4-42. Work product initially filed incomplete and perfected after the deadline will not be considered timely filed. Late or incomplete work product will be given consideration for admission into the next administration of the bar examination for which the deadline has not passed.

(~~e~~d) *Acceptance of Work Product.* If a thorough review of the representative compilation of the work product and other materials submitted by the applicant shows that the applicant is a lawyer of high ability whose reputation for professional competence is above reproach, the board may admit the applicant to the General Bar Examination and accept score reports from the National Conference of Bar Examiners or its designee.

(~~e~~) *Board Discretion.* In evaluating academic and legal scholarship under subdivision (a) and subdivision (b), the board is clothed with broad discretion.