

Supreme Court of Florida

No. SC18-2001

**IN RE: AMENDMENTS TO THE RULES OF THE SUPREME COURT
RELATING TO ADMISSIONS TO THE BAR—RULES 3-23.1 AND 4-23.1.**

August 29, 2019

PER CURIAM.

Before the Court is the petition of the Florida Board of Bar Examiners (Board) proposing amendments to the Rules of the Supreme Court Relating to Admissions to the Bar (Bar Admission Rules). *See* Bar Admiss. R. 1-12. We have jurisdiction. *See* art. V, § 15, Fla. Const.

The Board’s petition proposes amending Bar Admission Rule 3-23.1 (Failure to File the Answer) to “harmonize” it with prior amendments to other Bar Admission Rules, and amending Bar Admission Rule 4-23.1 (Transfer of Score) to address issues regarding the transfer of Multistate Bar Examination (MBE) scores. The proposed amendments were published for comment. The Court received one comment from Attorney Robert Phaneuf. The Board filed a response.

Having considered the amendments proposed by the Board, the comment filed, and the Board's response, the Court hereby adopts these straightforward amendments as proposed by the Board.

Bar Admission Rule 3-23.1 is amended to clarify the Board's procedure in the event an applicant fails to serve an answer to specifications within twenty-five days under Bar Admission Rule 3-23 (Specifications). The amendments harmonize Bar Admission Rule 3-23.1 with the requirements of Bar Admission Rule 3-23 by replacing the word "file" throughout the rule with "serve," and by extending the deadline to "serve" an answer from twenty days to twenty-five days. Bar Admission Rule 4-23.1 is amended to authorize the transfer of MBE scores from jurisdictions that do not utilize the National Conference of Bar Examiners' score reporting service. The rule is also amended to include new language establishing a deadline for the transfer of MBE scores of January 15 for the February bar exam, and June 15 for the July bar exam.

Accordingly, the Rules of the Supreme Court Relating to Admissions to the Bar are amended as set forth in the appendix to this opinion. Deletions are indicated by struck-through type, and new language is indicated by underscoring. The amendments shall become effective immediately upon release of this opinion.

It is so ordered.

CANADY, C.J., and POLSTON, LABARGA, LAWSON, LAGOA, LUCK, and MUÑIZ, JJ., concur.

THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER THE EFFECTIVE DATE OF THESE AMENDMENTS.

Original Proceeding – Florida Rules Regulating The Florida Bar

Scott L. Baena, Chair, Michele A. Gavagni, Executive Director, and James T. Almon, General Counsel, Florida Board of Bar Examiners, Tallahassee, Florida,

for Petitioner

Robert B. H. Phaneuf, Deerfield Beach, Florida,

Responding with comments

Appendix

3-23.1 Failure to FileServe the Answer. If an applicant or registrant fails to fileserve an answer to the Specifications within the 2025-day deadline or within any extension of time allowed by the board, the Specifications will be deemed admitted, and the failure to fileserve an answer shall constitute a waiver of the applicant's right to a formal hearing before the board pursuant to rule 3-23.2. The board will enter Findings of Fact, finding the Specifications proven, and appropriate conclusions of law that may include a recommendation that the applicant not be admitted to The Florida Bar, or that the registrant has not established his or her qualifications as to character and fitness.

4-23.1 Transfer of Score. A score achieved by an applicant on the Multistate Bar Examination administered in a jurisdiction other than the State of Florida will be accepted by the board if the applicant achieved the required scaled score under rule 4-26.2, under the individual method, within the timeframe required under rule 4-18.1. The score must be transferred directly to the board by the National Conference of Bar Examiners or from the jurisdiction where the score was achieved if that jurisdiction does not utilize the NCBE score reporting service. Transferred MBE scores must be received by January 15 if an applicant intends to take Part A, only, of the February General Bar Examination or by June 15 if an applicant intends to take Part A, only, of the July General Bar Examination.