

**IN THE SUPREME COURT OF FLORIDA
CASE NO. SC20-_____**

IN RE: PETITION FOR AN EMERGENCY RULE
FOR A SUPERVISED PRACTICE AND PATHWAY
TO ADMISSION TO THE FLORIDA BAR
WITHOUT EXAMINATION

**PETITION FOR AN EMERGENCY RULE FOR A SUPERVISED
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Petitioners and Applicants to the Florida Bar respectfully request that the Supreme Court of Florida adopt this emergency rule to the Rules of the Supreme Court Relating to the Admission to the Bar.

Jurisdictional Statement

This Court has jurisdiction of this petition pursuant to Rule 1-12.1(f) of the Rules Regulating the Florida Bar, as well as Rule 1-12 of the Rules of the Supreme Court Relating to the Admission to the Bar.

1. Petitioners, who total over 50 in number and whose names are set forth on Appendix C attached to this Petition, are all Members in Good Standing of The Florida Bar.
2. Due to the exigency of this situation and need for immediate relief, and pursuant to Rule 1-12.1(i), the Petitioners respectfully request that the Court waive the requirements to file Petition with the Executive Director of the Florida Bar and publish a notice of intent in The Florida Bar News.

Explanation of the Proposed Changes

The Coronavirus Disease (COVID-19) has disrupted every aspect of our lives, our communities, and our legal profession in Florida. However, our profession has essentially ignored the needs of our newest potential members by moving the goalposts each time they were ready to take the Florida Bar.

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Petitioners and Applicants to the Bar propose an emergency rule to the Rules Regulating the Florida Bar and the Rules of the Supreme Court Relating to Admissions to the Bar to make an exception to the requirements of passing the Florida Bar exam and instead, creating a period of supervised practice and pathway to admission without examination to the Florida Bar.

The delays along with the haphazard method in which the Florida Board of Bar Examiners has attempted to administer The Florida Bar Exam in the Summer of 2020 has resulted in more than a delay for the thousands of applicants who had signed up to take the exam. The disruption of the settled expectations has created extreme financial hardships, loss of employment opportunities, loss of health care, and repeated psychological stress. While all lawyers are aware of the stress of taking the bar exam within settled expectations, none have the experiences of these students who can not reach the finish line for no fault of their own.

Furthermore, these delays cause harm to The Florida Bar's efforts to create diversity in our profession. Many candidates from communities of color who do not matriculate from top-tier law schools are saddled with exorbitant debt and no expectation or ability to obtain a job in the near future. As to applicants with disabilities, the failure to get a job and the ending of school-based health insurance places these applicants in a dire situation.

There are measures this Court can take immediately that would both be fair to future members of our profession and ensure their competence and the safety of the public.

Background - Need for an Alternative to the Florida Bar Exam

For over seventy years, Florida Bar Applicants have taken the Florida Bar Exam as a requirement for admission to The Florida Bar. Most would attend an ABA accredited law school for three years, complete the grueling character and fitness investigation, and study for months until the July or February Bar Exam. Hopefully, after passage of the Bar exam, the newly minted member of the Florida Bar would begin their career as an employed lawyer. This has been the settled expectation for over 100,000 members of the Florida Bar who have been admitted. This year was different because of COVID-19.

Pursuant to Rule 1-15.2, Rules of the Supreme Court Relating to Admission to the Bar, it is the Board of Bar Examiners' responsibility to prepare, administer,

and grade a written examination which is a required precondition of being recommended for admission to the Florida Bar. Each of the applicants relied on the Board of Bar Examiners to execute their duties, with the expectation that they would be able to earn a living, pay their debts, obtain housing and medical care, and maintain peace of mind.

Every member of the Florida Bar was required to acclimate to a new reality where hearings are remote, physical protection is paramount, civil trials are indefinitely postponed, and the speedy trial rule tolled while criminal defendants wait in custody for a trial date. Applicants to the Florida Bar were subject to differing plans to take the exam, unproven technologies, and an absence of notice or knowledge with regards to their future professional and personal life. This is combined with the anxiety and requirement to be prepared to take the Florida Bar Exam. A review of the timeline is useful to summarize the general experiences of the applicants:

March 1, 2020: Governor Ron DeSantis and the Florida Department of Health announced the first presumptively positive COVID-19 cases in Florida. Accordingly, Governor DeSantis issued Executive Order 20-51, which ordered the Florida Department of Health to declare a Public Health Emergency.

April 1, 2020: Governor DeSantis issued Executive Order 20-91 in an attempt to slow the spread of COVID-19 within the state of Florida. The order states that “all persons in Florida shall limit their movements and personal interactions outside of their home to only those necessary to obtain or provide essential services or conduct essential activities.” Essential activities are narrowly defined to include: (1) religious gatherings; (2) socially distance recreational activities; (3) taking care of pets; and (4) caring for or otherwise assisting a loved one or friend.

April 7, 2020: In a public letter, the deans of Florida’s twelve law schools provided guidance to FBBE and the Supreme Court of Florida regarding the impact of COVID-19 on law licensure. Among the options the Deans gave the Court and the FBBE are the following:

- i. Facilities at law schools and logistical support for a socially distanced Bar Exam, offering around 202 available classrooms at different law schools around the state;

- ii. Administration of the Bar Exam in Both July and September, including two administrations in the Fall;
- iii. Make it more efficient for examinees to take bar exam in parts, establishing lower fees, receiving refunds and giving liberty to examinees to choose which part of the exam they would want to take first;
- iv. Expand Certified Legal Intern Status, permitting candidates that clear character and fitness investigation to practice law under supervision until they have the opportunity to pass the bar exam;
- v. Admission without examination, in the scenario that the Court decides to not expand the Certified Legal Intern program and if the bar exam is not administered by October 1, 2020.

May 5, 2020: In a press release, Florida Board of Bar Examiners announced that the Florida Bar Exam would take place on July 28 and 29, 2020, as originally scheduled. The FBBE admitted to working closely with the Florida Department of Health (“FDOH”) and other medical experts to implement protocols for a safe administration of the exam. Those protocols included:

- i. Administering the exam in Tampa and Orlando to create additional social distancing;
- ii. Screening questions and temperature checks when entering the exam sites, prohibiting those with a temperature of 100.4 or higher to take the exam.
- iii. Social distancing measures, requiring only one applicant to sit in a table, tables being at least six feet apart in all directions and applicants required to remain while in line to enter or exit exam;
- iv. All applicants were required to wearing masks during exam and when in line to enter or exit exam site, being prohibited from entering the exam site without a mask and being required to exit the exam site if they remove their masks during the exam

May 28, 2020: To help applicants understand how the in-person exam would operate during the pandemic, Executive Director Michele Gavagni hosted a webinar on Zoom wherein she discussed FBBE's plans and precautions.

June 3, 2020: The Florida Board of Bar Examiners notified applicants of their updated site assignments (Tampa or Orlando). Exam tickets were re-issued and mailed to applicants. Additionally, the Board of Bar Examiners provided applicants with a four-page "Ticket Packet" explaining how the in-person exam would be administered on July 28 and 29.

June 30, 2020: Florida House of Representatives Carlos Guillermo Smith and Anna Eskamani, sent a joint letter to the Supreme Court of Florida and to the Chair and Executive Director of the FBBE, requesting Florida Bar examination contingencies in light of COVID-19. The representatives informed the Court and the FBBE about the health risks regarding administration of an in-person bar exam due to increasing cases in Florida of COVID-19. The legislators pointed out that according to the National Conference of Bar Examiners, several states had taken additional steps to protect their examiners, like diploma privilege and online testing.

July 1, 2020: In a press release, the Board of Bar Examiners announced that the July administration of the Florida Bar Examination was cancelled due to COVID-19. In its place, FBBE would administer an online, one-day, remotely proctored exam on August 18. ILG Technologies was confirmed as FBBE's software vendor, and the previously optional laptop fee (\$125) became mandatory for all applicants who intended to sit for the August 2020 bar exam. Additionally, the entire MBE portion of the exam was removed and those registered to only take the Part B of the exam, were now only required to take Part A of the exam, which would be considered as having passed the whole General Bar Examination.

July 2, 2020: Bar applicants received a detail communication, explaining how the new administration of the bar exam applied to their situation. The FBBE included requirements for the online exam, including access to a computer with a webcam and the internet to allow proctoring. In addition, applicants were informed that no technical support would be provided during the administration of the exam.

July 3, 2020: Because Florida planned to hold its primary elections on August 18, FBBE announced in a press release that the exam was rescheduled for August 19.

July 7, 2020: The Board of Bar Examiners informed applicants by letter that regardless of them having or not previously downloaded the required software from the board's vendor (ILG) for the July 2020 examination, the applicants who wished to take the August 2020 examination would be required to register their computers, download updated software, and upload a trial examination during a new registration period of July 15, 2020 to August 7, 2020. The computers used for this examination were required to have either a built-in or an external camera that would be enabled during the whole examination and speakers and microphones and would be proctored remotely. An adequate high-speed internet connectivity would be required. As no individuals could be present in the examination room, an applicant had to submit a petition to the board identifying any persons who may be present in the home with the applicant, including location, number of people who would be present at that location and reasons for seeking approval. The FBBE recognized that these petitions will be granted sparingly and that such petitions must be received in the Boards office by close of business at 5:00p.m. Eastern time on July 27, 2020 to be considered.

The FBBE also informed applicants that if there was a new accommodation requested needed due to the change in testing format, the deadline to submit this petition was to be received by July 10, 2020.

July 15, 2020: The Louisiana Supreme Court announced that the in-person bar exam was cancelled, and soon thereafter announced that that "Qualified Candidates" would be granted diploma privilege and that all other applicants would be offered two separate online testing dates, August 24, 2020 or October 10, 2020.

July 24, 2020: The Indiana Supreme Court announced that the online bar examination originally scheduled for July 28, 2020 using ILG Exam360 Software, was postponed to August 4, 2020 due to "unforeseen complications following an update to the test software by the vendor, ILG Technologies".

July 25, 2020: Supreme Court of Nevada announced that the online bar examination originally scheduled for July 28 and 29, 2020, would be postponed until

August 11 and 12, 2020 due to pre-testing of the software that revealed problems the vendor, ILG Software, is going to correct.

July 28, 2020: ILG Technology emailed examinees to download the new software and announced the deadline to download the software was August 7, 2020.

July 29, 2020: The Indiana Supreme Court issued an order detailing that it was not possible for that Court to administer the bar exam in the format promised by the vendor, ILG Technologies. The Indiana Supreme Court stated that in order to protect the integrity of the exam “the vendor used for laptop testing on in-person examinations was to modify its software to allow for remote, live-stream monitoring of the exam”. It further stated that “any further effort to test the software or to continue the exam a second time **would be a disservice to applicants.**” Finally, the Indiana Supreme Court decided that an open book format with no live monitoring or proctoring would be the exam format for August 4, 2020.

July 31, 2020: On its website and by email, the Board of Bar Examiners stated that it was “aware of reported issues with remote examinations in other jurisdictions” and announced that the exam would be “streamlined” from five testing sessions into two. The Board of Bar Examiners also announced that it would hold a “live trial examination” on Exam360 during the week of August 10, presumably to test ILG’s software at scale and help applicants familiarize themselves with the platform.

July 31, 2020: A group of the August 2020 Florida Bar applicants, supported by professors and practicing attorneys, sent a letter to the Supreme Court of Florida and the Chair and Executive Director of the Florida Board of Bar Examiners, requesting the Court to grant diploma privilege and waive examination requirement for those scheduled to take the exam, highlighting the issues presented with the software vendor ILG

August 5, 2020: On its website and by email, the Board of Bar Examiners stated that it anticipated the “updated software” would be available for download by August 7. FBBE further announced that the “live trial examination” would take place on August 10. The Board of Bar Examiners also published its schedule for the August 19 exam.

August 7, 2020: Extegrity software announces that it will not participate in administration of remote proctored bar exams in October 2020, alleging that

“is it plain that remote proctoring was not envisioned for use on large-scale, simultaneous-start event exams”. Furthermore, the software company recognized that “with four synchronized starts, thousands of examinees, and very-high stakes, we believe remote proctoring carries undue risk for the October exam”

August 7, 2020: In the morning, ILG Technologies emailed examinees that a new software update will be released today, but is not yet ready for release. In the early afternoon, ILG released the second version of its software. Later that evening, ILG sent another email providing “General Troubleshooting Assistance.” In this email, examinees were advised to disable or uninstall antivirus software, among other protections for their computer.

August 9, 2020: At roughly 7:00pm on the night before the scheduled test of the Exam360 software, the Board of Bar Examiners notified applicants that many “issues of concern” were presented by the Exam360 software. Accordingly, the “live trial examination” scheduled for August 10 was postponed to an undefined later date.

August 13, 2020: The Board of Bar Examiners announced that a “minority” of applicants who downloaded Exam360 reported issues with the software. Accordingly, a new version of the Exam360 software would be available for download by August 15, but only after the software was reviewed by an independent cybersecurity firm. A “live trial examination” was scheduled for August 17. Because of the stress felt by many applicants, the Board of Bar Examiners announced the availability of mental health services for applicants.

August 14, 2020: The Supreme Court of Nevada reported a successful open book bar exam was completed on August 11 and 12, by 305 examinees using ILG Software that did not utilize the facial recognition and proctor features of the software.

August 14, 2020: Florida House of Representatives Carlos Guillermo Smith and Anna Eskamani, sent a joint letter to the Florida Board of Bar Examiners and the Supreme Court of Florida. The letter applauded FBBE for their prudent decision to administer the exam online and also raised concerns brought to the representatives by examinees. The letter cited that the representatives began getting complaints about the software that was to be utilized for the exam two weeks prior to writing this letter. The concerns were in regard to the software being used to administer the exam and all of the security issues that the

software was causing. The letter from the representatives cited all of the software issues that Indiana, Nevada, and Louisiana all experienced, as these states were using the same software and requested FBBE to consider another method of licensing.

August 14, 2020: In a public letter, the deans of ten Florida law schools requested to the Supreme Court of Florida and the Chair and Executive Director of the FBBE, new contingency plans in light of the persistence of technical issues in other jurisdictions, that have prevented online exam administrations in relation to the software vendor ILG. The Deans recommended that the solution adopted as a contingency plan is a solution similar to what the States of Indiana and Louisiana did: open book exam without technical impediment of live remote proctoring. They also suggested that the answers be sent via email and for the Court and the FBBE to critically examine the use of multiple-choice questions with the software vendor.

August 15, 2020: The Florida Board of Bar Examiners stated that it anticipated the new version of ILG Exam 360 2.3.4 would be available for download at 3PM and provided a deadline of August 17, 2020 at 5PM to download the new software to be able to participate in the exam.

August 16, 2020: Shortly before 11:00pm on the night of August 16, the Florida Board of Bar Examiners announced on its website, by email, and later in a press release, that the administration of an online bar exam in August was not “technically feasible.” Accordingly, the “live trial examination” scheduled for August 17 was cancelled, the next administration of the Florida Bar Exam is scheduled for October, and FBBE will develop a “supervised practice program” in collaboration with The Florida Bar.

As demonstrated by the declarations attached hereto in Appendix “D”, the applicants for the July 2020 administration of The Florida Bar Examination have suffered as a result of this delay. As most graduates of law schools, all of these applicants are saddled with overwhelming debt, the lack of ongoing health insurance, family responsibilities, and an uncertain future. On top of these stressors, the uncertainty of how and when the Bar exam will be administered exponentially adds to the stressors of an uncertain future.

Because of the high cost of a legal education, the opportunities of becoming a lawyer is out of reach of many members of minority communities. For the past twenty years, The Florida Bar has been striving to create a professional community

that reflects the members of our general community in this state. However, the promise is difficult, and many times impossible when the average law school graduate will have taken on more than \$100,000 in debt.

Because of this delay, many students have taken out additional private loans to cover their expenses during the months between when they graduate and when they receive their scores and can be sworn into the Florida Bar. As of August 2020, loan payments are already coming due and even those applicants whose loans are in a temporary grace period worry how they will make their payments when the grace period ends. *See* Hall Decl. One applicant explains her dire financial predicament:

When I took the loan out, I was relying on the statements from the Florida Board of Bar Examiners that there would be a test administered July 28-29. I have already made one payment on this private loan and the next payment (\$300) is due this Sunday. I will be paying \$300 a month for five years for taking three months off of work to study for an exam that ultimately did not occur. I have added \$15,000 to my already large amount of educational debt.

Id. Another applicant, Nicole Vera, took out additional loans so that she could study for the bar while her husband, who normally works during the summer, could take time off from work to care for their four-year-old son. Ms. Vera's husband is now returning to his university studies, requiring Ms. Vera to watch their son. The loans are running low, she is unable to work or study, and the only certainty is that the loans will eventually come due. She confesses, "I'm worried our finances will not last us long enough to survive and pay the bills." Vera Decl. Applicants have had to move in with their parents, forego medical treatment, sell furniture and personal items, and cut expenses to the bone. *See, e.g.,* Jones Decl.

On top of the usual expenses, applicants also spent thousands of dollars on bar exam preparation courses, tutoring, childcare, and other resources to ensure that they would pass the examination. *See, e.g.,* Dixon-Hatcher Decl.; Weiss Decl. These were difficult investments because most applicants—following near universal advice by the law schools and those familiar with the rigors of the exam—do not work during the bar study period. Applicants forwent thousands of dollars in much needed income on the promise that they would make up the shortfall in the fall when they received their results and joined the legal profession. One applicant calculates that she would have earned more than \$10,000.00 as a legal aide during the summer. *Id.* Instead, she studied for the bar examination and, as of August, she is still uncertain whether to return to work or continue studying. *Id.*

Other applicants made multi-year commitments months in advance of the expected examination. One candidate, Jon Christian Prusinowski, enrolled in a L.L.M program, relying on the Florida Board of Bar Examiners' promise that the examination would be administered no later than August 19, 2020. The unexpected delay has put him in the impossible situation of working, completing a full-time L.L.M. program, and studying for an October bar examination. Mr. Prusinowski anticipates that by October he will not be able to pay his rent or afford food. Prusinowski Decl.

The COVID-19 pandemic has caused additional family burdens and loss of employment for many families that has added to the impossible situations faced by these families. Jessica Ramos recalls that her husband was furloughed in April, putting the couple in a desperate financial predicament. Ms. Ramos expected that she would start work in the fall as an attorney, allowing her to help cover the family's expenses during the economic downturn. But now, she is "not sure how we will continue paying for food, much less our mortgage. The longer this test is postponed, the more financial hardship we face and the greater the chance we will lose our home that we painstakingly saved up for." Ramos Decl. Ms. Ramos took out additional loans to cover her expenses through August and she and her husband carefully budgeted through mid-September, when the bar results have always been released.

Most legal employers make hiring decisions months in advance, relying on bar examination schedule that Florida has followed for years. The delayed examination and continued uncertainty of when applicants will be sworn in has forced many employers to rescind or postpone job offers.

In April, the Pinellas County Public Defender's Office extended an offer to Daniela Gomez, scheduling her start date for August 4, 2020. In May, Ms. Gomez prudently signed a lease for an apartment close to her new employer with a move-in date of August 10, 2020. The rent was four hundred dollars more than her prior apartment, but she calculated that she could afford it on her salary at the Public Defender's Office. But the latest delay forced the Public Defender's Office to delay her start date until November 2, 2020. She now fears that she and her spouse will be unable to afford rent or make loan payments when the grace period inevitably ends. Worse still, Ms. Gomez could have avoided this financial disaster if she had only known that the bar examination would be administered in October: "I could have spent the past three months working as a CLI, or working a summer position, instead of continuing to push my start date back." Gomez Decl. Those who have returned to work are deeply concerned that their decisions to work instead of study

will leave them at a disadvantage to those who can afford to continue studying for the October examination.

Many applicants are left in limbo, with employers refusing to extend a permanent job offer until applicants are sworn in as attorneys, leaving applicants to decide whether to seek a new job or continue to work as a clerk until some undetermined date in the future. *See* Arnaout Decl. One applicant was scheduled to start his job on October 17th, which in any normal bar examination timeline would have left him plenty of time to receive the result. Now, he fears that his employer will pull his job offer over the delay, forcing him to take a job that pays an hourly wage of \$15 with no benefits, instead of the \$60,000 annual salary he expected. *See* Carver Decl.

Applicants who still have job offers are the lucky ones, compared to those who are hunting for a job at a time of record unemployment. Finding a job out of law school is a difficult proposition in normal circumstances, but the task is even harder when recent graduates cannot tell interviewers when they will be able to start or whether they will need to take time off to study for an examination. In a vicious cycle, applicants who cannot find employment are now losing sleep wondering if their mounting debts will impact their character and fitness investigation. *See* Hotalen Decl.; Weiss Decl.

The effect on persons with disabilities or who desperately rely on health care places these applicants in a dire situation.. The inability to secure permanent employment is particularly dire because most students received health care through their law school health plans, which have now expired, leaving applicants unable to pay for prescriptions and foregoing necessary treatment for serious medical conditions. *See* Carver Decl.; Hotalen Decl.

Furthermore, the ever-changing examination format and delays have had effects on all persons with disabilities who need accommodations or auxiliary aids or services. After the remote administration of the examination was announced, many examinees who had requested accommodations had to spend more time ensuring that their accommodations would be met, given the new format. For example, accommodations for the visually impaired were in constant flux with the ever-changing software platform, and questions regarding how some accommodations would be provided remained unanswered as of the August 16 announcement.

The accommodation offered to some visually-impaired examinees was that the font would be able to be enlarged. The first version of the ILG software had a split screen format, with the question on the top and the answer section on the bottom. This created a barrier for visually impaired examinees, as the limited space on the screen, amplified by the split screen format, drastically reduced the lines of visible text at any given time. The second release of the ILG software, on August 7, did not provide the ability to zoom in at all. The final version, released on August 15, allowed examinees to zoom in, but as the software still created a split screen format (although then side-by-side), the enlarged font drastically reduced the amount of visible text. Additionally, the ever-changing remote examination platform made it impossible for examinees granted accommodations to test their accommodations on the examination platform to ensure functionality and adequacy in any meaningful way.

Ensuring the Competency of the Profession and Protecting the Public

The purpose of the bar exam is to demonstrate satisfactory evidence of technical competence in Florida law. Rule 4-13 of the Rules of the Supreme Court Relating to the Admission to the Bar. However, until 1951, graduates of Florida law schools were entitled to admission upon presenting to the state board of law examiners satisfactory evidence of good moral character. *See Petition of Florida State Bar Ass'n*, 186 So. 280, 286 (Fla. 1938) (“We approved chapter 10175, Acts 1925, by prescribing courses of legal study and by admitting graduates of law schools under it for more than ten years.”)

When the diploma privilege was abolished, it was viewed as a progressive move. The diploma privilege was originally designed to encourage enrollment in Florida law schools; however, as a byproduct of the automatic admission to the Bar, it lowered the standards of the students of these law schools. Wallace E. Sturgis, *Abolition of the diploma privilege*. 4 U.Fla.L.Rev. 370, 381 (1951). On the other hand, requiring all students to take the bar exam ensured high standards in the law schools, and complements law school training. *Id.*

For the past seventy years, Florida lawyers were required to attend ABA accredited law schools as well as take the Florida Bar Exam. In the 1980s and 1990s, law schools were increasing access to clinical programs to enhance the practical educational experiences of its students.

The Florida Supreme Court adopted a rule creating the Certified Legal Intern program in 1994. The Court briefly rejected a proposal that would have authorized

law school graduates and out-of-state attorneys to be certified to practice pending Bar Exam results (and without any law school clinical requirement):

Because the law school clinical training requirement is important to the protection of the public, we reject the proposal as it applies to persons not admitted to any bar; we approve it as it applies to lawyers admitted to practice in another state. Adopting the part of the rule applicable to admitted lawyers will assist the four agencies³ in their avowed quest for experienced persons, while affording protection to the public.

The Florida Bar re Amendments to Rules Regulating the Florida Bar, 635 So. 2d 968, 969 (Fla. 1994), *as clarified* (Mar. 16, 1994), *as supplemented* (July 7, 1994) (citation omitted). Thus, the court adopted the program, but refused to allow recent graduates to practice in the interim except with the qualifying agencies and in conjunction with the law school clinical program.

In 2007, The Florida Bar's Special Board Committee to Study the Law School Practice Program proposed changes to the CLI program. *See, generally, In re Amendments To Rules Regulating The Florida Bar re Chapter 11 Task Force*, 964 So. 2d 690 (Fla. 2007). The Supreme Court of Florida required the Florida Board of Bar Examiners to complete a character and fitness evaluation before a student could work as a Certified Legal Intern (until this point, the law schools were responsible for conducting a background investigation of candidates). *Id.* at 692-93. The Court also allowed continued CLI eligibility for even those who failed the bar exam during the twelve-month period. *Id.* at 695.

More recently, in a 2017 opinion, the Florida Supreme Court rejected The Florida Bar's proposed amendment to the Certified Legal Intern program that would have allowed students to qualify by completing a level two criminal background check instead of the full character and fitness review. *See, generally, In re Amendments to Rules Regulating The Florida Bar-Rules 11-1.3 & 11-1.9 (Biennial Petition)*, 214 So. 3d 1232 (Fla. 2017) (*per curiam*). The Florida Bar claimed that the expedited screening procedure was necessary to avoid excessive delays in clearance and argued a criminal background check would adequately protect the public. The Florida Board of Bar Examiners objected to the proposal, contending that the character and fitness procedure was not as slow as the Bar claimed and a criminal background check would not detect issues related to honesty, trustworthiness, reliability, and diligence. The Court rejected the Bar's proposal and stressed the importance of a thorough FBBE-administered background investigation before applicants could provide legal representation:

Although we are concerned that the current rule may have contributed to the reduced participation in certified legal intern programs, and we agree that this reduction in participation is detrimental to law students, law schools, and the programs themselves, **we cannot place those interests, no matter how important, above our duty to ensure that the participating students and graduates, who actually provide legal representation under the supervision of members of The Florida Bar, possess the requisite character and fitness for eventual admission to the practice of law, either in this state or another state of their choice.** For this reason, we decline to adopt the proposed amendments at this time. The Florida Board of Bar Examiners and the law schools should continue to stress the benefits of participation and the need for early application to the various clinical and internship opportunities that are available.

In re Amendments to Rules Regulating The Florida Bar-Rules 11-1.3 & 11-1.9 (Biennial Petition), 214 So. 3d 1232, 1235 (Fla. 2017) (emphasis added); *see also id.* (Canady, J., concurring) (“I believe that the public interest can be adequately protected through the suggested Level 2 background investigation coupled with supervision of interns by members of The Florida Bar.”).

In recognition of the judiciary’s duty to protect the public, several states have addressed the COVID-19 pandemic’s effect on bar applicants by ordering a method of supervised practice that leads to admission to their state’s bar without examination. The courts that have done so are as follows:

A) Utah

On April 21, 2020, “in consideration of the public health threat currently posed by the novel infectious coronavirus,” the Utah Supreme Court ordered temporary amendments to the state’s bar admission procedure, which allows qualified candidates to be admitted to the Utah Bar after fulfilling certain requirements, including 360 hours of supervised practice (“Utah Order”). See Utah Supreme Court, Order for Temporary Amendments to Bar Admission Procedures During COVID-19 Outbreak, (Apr. 21, 2020).¹

¹ <https://www.utcourts.gov/alerts/docs/20200421%20-%20Bar%20Waiver%20Order.pdf>.

Utah Supreme Court Chief Justice Matthew B. Durrant explained the decision in a press release:

We know that applicants invest several weeks and thousands of dollars preparing to take the bar exam . . . Because of the crisis, not only could we not guarantee that Utah could offer the bar examination safely, we could not tell applicants when they should start to invest the time and money to prepare for the exam.

The Utah Supreme Court applies only to law school graduate or an attorney admitted by bar examination to another jurisdiction that otherwise meets the requirements to be admitted into the Utah Bar other than passing the bar exam. Unlike Florida, Utah does not have a certified legal intern program and in the order allowing admission, the Utah Supreme Court created a supervised practice requirement in which all admittees would be required to complete 360 hours of Supervised Practice by December 31, 2020.

B) Washington

On June 12, 2020, the Supreme Court of Washington established temporary modifications to Washington’s Admission and Practice Rules to grant diploma privilege to practice in Washington. *See* Supreme Court of Washington, *Order Granting Diploma Privilege and Temporarily Modifying Admission & Practice Rules*, No. 25700-B-630, (June 12, 2020),² In granting diploma privilege, the Court “recognize[d] the extraordinary barriers facing applicants currently registered to take the bar examination.” *Id.* The Order limited eligibility to those who were then registered for the July or September 2020 bar examination and graduated from an ABA-accredited law school. Those applicants who still wished to sit for the July or September 2020 examinations could still do so and receive a Uniform Bar Exam (UBE) score. Finally, the Order applied to those applicants taking the examination for the first time and those who are repeating the examination.

C) Oregon

On June 30, 2020, the Oregon Supreme Court granted emergency diploma privilege for all persons who applied for the July 2020 Oregon Bar examination and

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<http://www.courts.wa.gov/content/publicUpload/Supreme%20Court%20Orders/Order%20Granting%20Diploma%20Privilege%20061220.pdf>.

graduated from either (a) one of Oregon’s law schools or (b) “[a]ny other law school accredited by the American Bar Association that had an overall institutional bar examination passage rate, for persons taking a bar examination for the first time in 2019, of 86 percent . . . or greater.” *See Oregon Supreme Court, Order Approving 2020 Attorney Admissions Process*, (June 30, 2020),³ Those admitted under this temporary waiver would still need to demonstrate good character and fitness and fulfill all other requirements for admission to the state bar. Lastly, the Court also reduced the passing score for those applicants who wished to sit for the July 2020 Oregon Bar examination.

The Court issued the Order one day after a public meeting where the Court considered requests from the deans of Oregon’s three law schools and the Oregon Board of Bar Examiners. The Court recognized “that the spread of **the COVID-19 virus represents an extraordinary burden to applicants registered for the July 2020 Oregon Bar examination and that that burden has had a significantly unequal impact on applicants.**” *Id.* at 1 (emphasis added). The Court noted that, like Florida’s Certified Legal Intern program, “the rules governing the practice of law permit recent law school graduates to work under the supervision of a member of the Oregon State Bar.” *Id.* Considering the extraordinary burden on applicants and the state’s precedent of allowing graduates to practice under supervision, the Court granted diploma privilege for qualified applicants, allowing them to become “a fully licensed member of the Bar with the same rights and responsibilities as other Bar members.” *Id.* at 3.

D) Louisiana

The Louisiana Supreme Court issued an order granting emergency admission of qualified candidates, which are those applicants for the Bar Exam who graduated in December 2019 or later from an ABA accredited law school. Supreme Court of Louisiana, *Order*, 1, 2 (July 22, 2020).⁴ The Louisiana Supreme Court included safeguards to protect the public, including requiring that qualified candidates complete a character and fitness review and pass the Multi-State Professional Responsibility Examination. *Id.* Further, the Court required that qualified candidates must earn twenty-five (25) CLE credits and complete all requirements of the Louisiana State Bar Association’s “Transitions into Practice” program by December 31, 2021. *Id.* at 2-3.

³ https://www.osbar.org/_docs/resources/SCO20-012Order2020BarExam.pdf

⁴ https://www.lasc.org/COVID19/Orders/2020-07-22_LASC_BarExam.pdf

Finally, for those who were not qualified for the waiver of the exam, the Court ordered two remote administrations of one-day bar examinations on August 24, 2020, and October 10, 2020. The Court allowed those candidates who do not meet the qualified candidates criteria to (a) withdraw their application for a full refund, (b) transfer the application (without charge) to an alternate examination date, or (c) maintain their application for the October 10, 2020, examination. *Id.* at 3. Qualified candidates are permitted to sit for future Louisiana Bar Examinations, but a failing score terminates their eligibility for emergency admission under the Order. *Id.* at 4.

None of the applicants in any of these other states have suffered in the same way as the applicants in Florida. Not only has Florida been the center of COVID infections in the United States, the Board of Bar Examiners continued to believe that an in-person examination could be held. Even after other states had decided that the on-line administration of the bar exam would not be successful, Florida decided that it was infeasible three days prior to the most recent attempt to the administration of the exam. As the Supreme Court of Oregon stated, “the spread of the COVID-19 virus represents an extraordinary burden to applicants registered for the July 2020 Oregon Bar examination and that that burden has had a significantly unequal impact on applicants.”

Balance of Hardships

As demonstrated by these applicants who have submitted declarations, these applicants relied on the Rules of the Supreme Court Relating to the Admission to the Bar and the traditional practices of the Board of Bar Examiners to ensure that each could get a job, pay their education loans, obtain health care, and have the peace of mind that their career goals are met. These promises should be kept. State Dept. of Revenue v. Anderson, 403 So. 2d 397, 400 (Fla. 1981) (“to demonstrate estoppel, the following elements must be shown: 1) a representation as to a material fact that is contrary to a later-asserted position; 2) reliance on that representation; and 3) a change in position detrimental to the party claiming estoppel, caused by the representation and reliance thereon.”)

Furthermore, applicants with disabilities have additional concerns. When they receive insufficient notice or new testing programs are used, applicants who are visually impaired have additional difficulties in ensuring that the software is accessible for their auxiliary aids or services. Enyart v. Nat'l Conference of Bar Examiners, Inc., 630 F.3d 1153, 1157 (9th Cir.), *cert denied*, 565 U.S. 929 (2011). Persons with disabilities are accustomed to tests administered in a fashion in which they have used previously. Changing to different format will create additional

hurdles. Due to the absence of preparation time, applicants who require auxiliary aids cannot begin to consider how accommodations can be met or if auxiliary aid or services are compatible with this software. This all takes time, and the failure of preparation serves to discriminate against these applicants.

The psychological effect on applicants is also stark. The American Bar Association Survey of Law Student Well-Being (SLSWB) implemented in spring 2014 at fifteen law schools around the country, demonstrated similar findings, and also included alcohol and drug use,⁵ as follows:

- Twenty five percent of all respondents were at significant risk for alcohol use disorder. More than half of the respondents reported drinking enough to get drunk in the prior thirty days; 43% of the respondents had engaged in binge-drinking at least once in the prior two weeks, and 22% of law students binge-drank two or more times in the prior two weeks.
- Twenty five percent used marijuana within the past twelve months, and fourteen percent within the past 30 days; six percent used cocaine within the past twelve months, and two percent within the past 30 days.
- Prescription drugs within the past year: Sleeping medication 9%; Sedatives - 12%; Stimulants - 13%; Pain Medications – 15%; Anti-Depressants - 12%
- 14% of respondents reported having used prescription drugs without a prescription in the prior twelve months. Stimulants were the prescription drug most frequently used without a prescription (9%), followed by pain medication and sedatives/anxiety medication (4%)

There was no question that the stress and anxiety were a factor with these applicants. In response to this mental health crisis for these applicants who now may have no health insurance, The Florida Bar allowed applicants to call the Florida Lawyers Helpline for counseling assistance with counselors who can also make referrals for up to three free sessions a year with a licensed mental-health

⁵ Jerome Organ, David Jaffe & Katherine Bender, *Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns*, 66 J.Legal Educ., Autumn 2016, at 128-134

professional via phone or virtual video service.⁶ The Helpline is an ongoing Florida Bar member benefit through CorpCare Associates, Inc.

We owe more to the mental health of our future colleagues than three free sessions a year with a licensed mental-health professional.

Amendments

RULES OF THE SUPREME COURT RELATING TO ADMISSIONS TO THE BAR

1-17 – Emergency Rule for Supervised Practice

Due to the effects of the COVID-19 global pandemic, the administration of the July 2020 bar examination was cancelled, and the requirements of these rules requiring passage of all parts of the Florida Bar Examination are waived. Every applicant for the July 2020 bar examination who has complied with the requirements of the applicable rules for admission into the Florida Bar Examination, and met the requirements as to character and fitness, and otherwise complied with the requirements of the applicable rules for admission into The Florida Bar will be recommended by the Florida Board of Bar Examiners to the Supreme Court of Florida for admission to The Florida Bar. Every applicant who is admitted pursuant to this rule will be subject to Supervised Practice under Rule 1-3.12, Rules Regulating the Florida Bar.

RULES REGULATING THE FLORIDA BAR

1-3.12 – Requirements of Supervised Practice

(a) The Supreme Court of Florida may admit an applicant to the Florida Bar as a Member in Good Standing and waive the requirement of passing all parts of the bar examination, and such applicant must comply with all of the requirements under these rules for a Member in Good Standing.

⁶ <https://www.floridabar.org/the-florida-bar-news/bar-exam-registrants-may-now-call-helpline-for-counseling-assistance/>

(b) Supervised practice of law must be done under a supervising attorney. A supervising attorney is an attorney who is a Member of the Florida Bar in good standing who has a minimum of five years as a Member in Good Standing in Florida and no record of public discipline in any jurisdiction of the United States. A supervising attorney may also be a Member of the Judiciary.

(c) Prior to engaging in the practice of law under this Amendment, the person must (1) obtain the consent of a Supervising Attorney; (2) Provide the Florida Bar with the Supervising Attorney's name and contact information, and (3) Provide the Florida Bar with a signed and dated letter from the Supervising Attorney stating that she or he is qualified and willing to serve as a Supervising Attorney and has read the applicable Rules and Amendments, and agrees to comply with its conditions.

(d) The Supervising Attorney remains fully responsible for the manner in which all activities are conducted by the supervised attorney. The supervised attorney may appear in any court or before any administrative tribunal in this state if the person or entity on whose behalf the supervised attorney is appearing has indicated in writing consent to that appearance and the supervising lawyer has also indicated in writing approval of that appearance.

(e) The period of supervision shall be six months from the date of admission, however the Florida Bar may extend the time to complete the supervised admission for good cause shown. Upon completing the period of supervision, the person must provide the Florida Bar with a statement from the Supervising Attorney attesting to the completion of the period of supervised practice. If the person has more than one Supervising Attorney, each Supervising Attorney shall sign the portion of the record that he or she supervised.

(f) In the event that the person takes and passes the bar exam, the person will no longer be subject to the requirements of this rule.

Explanation: The changes in the rules focus on a supervised practice substitute to the bar exam, similar to R. Regulating Fla. Bar Chapter 11- Rules Governing Law School Programs. To the extent that the Court requires the taking of the bar exam at some point, subparts (e) and (f))can be modified to extend the period of supervision for no more than two years until the applicant takes and passes the bar exam.

Official Notice of Amendments

Due to the exigency of this situation and need for immediate relief, and pursuant to Rule 1-12.1(i), the Petitioners respectfully request that the Court waive the requirements to file Petition with the Executive Director of the Florida Bar and publish a notice of intent in The Florida Bar News.

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 as well as a list of the petitioners, who total more than 50 and are all members in good standing with The Florida Bar

Oral Argument Requested

The Petitioners seek oral argument regarding these amendments.

Effective Date Request

As to all amendments sought in this filing, the Petitioners request that any changes be made effective immediately from the date of this Court's order.

Respectfully submitted,

By: /s/ Matthew W. Dietz

Matthew W. Dietz, Esq.

Florida Bar No.: 0084905

Disability Independence Group, Inc.

2990 Southwest 35th Avenue

Miami, Florida 33133

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Applicants who assisted in the preparation of this Petition

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Applicant for the July 2020 Florida Bar Exam

Ashley Larkin
St. Thomas University School of Law
Applicant for the July 2020 Florida Bar Exam

Jessica Lefebvre
University of Florida Levin College of Law '20
Applicant for the July 2020 Florida Bar Exam

Theodore O'Brien
University of Miami School of Law '20
Applicant for the July 2020 Florida Bar Exam

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Petition for an Emergency Rule has been filed using the E-Filing Portal, and served to Joshua E. Doyle, Bar Executive Director, at The Florida Bar Headquarters 651 E Jefferson St, Tallahassee, FL 32399-6584 by e-mail jdoyle@floridabar.org, and J.T Almon, General Counsel and Michele A. Gavagni, Executive Director, Florida Board of Bar Examiners by email almonjt@flcourts.org on this 20th Day of August, 2020.

Respectfully submitted,

By: /s/ Matthew W. Dietz
Matthew W. Dietz, Esq.
Florida Bar No.: 0084905
Disability Independence Group, Inc.
2990 Southwest 35th Avenue
Miami, Florida 33133
T: (305) 669-2822
mdietz@justdigit.org
aa@justdigit.org

CERTIFICATE OF COMPLIANCE

I certify that this petition has been prepared in MS Word using Times New Roman 14-point font, in compliance with the font requirements of Florida Rule of Appellate Procedure 9.210(a)(2).

Respectfully submitted,

By: /s/ Matthew W. Dietz
Matthew W. Dietz, Esq.
Florida Bar No.: 0084905

INDEX TO APPENDICES

Appendix A	Proposed Amendment in Legislative Format	App. 1 - 3
Appendix B	Selected Text of Proposed Amendment and Explanation of Proposed Changes	App. 4 - 7
Appendix C	List of Petitioners who are members in good standing with The Florida Bar	App. 8 - 13
Appendix D	Declarations	App. 14 - 74

APPENDIX A

RULES OF THE SUPREME COURT RELATING TO ADMISSIONS TO THE BAR

RULE 1-17 EMERGENCY RULE FOR SUPERVISED PRACTICE

Due to the effects of the COVID-19 global pandemic, the administration of the July 2020 bar examination was cancelled, and the requirements of these rules requiring passage of all parts of the Florida Bar Examination are waived. Every applicant for the July 2020 bar examination who has complied with the requirements of the applicable rules for admission into the Florida Bar Examination, and met the requirements as to character and fitness, and otherwise complied with the requirements of the applicable rules for admission into The Florida Bar will be recommended by the Florida Board of Bar Examiners to the Supreme Court of Florida for admission to The Florida Bar. Every applicant who is admitted pursuant to this rule will be subject to Supervised Practice under Rule 1-3.12, Rules Regulating the Florida Bar.

RULES REGULATING THE FLORIDA BAR

RULE 1-3.12 REQUIREMENTS OF SUPERVISED PRACTICE

(a) The Supreme Court of Florida may admit an applicant to the Florida Bar as a Member in Good Standing and waive the requirement of passing all parts of the bar examination, and such applicant must comply with all of the requirements under these rules for a Member in Good Standing.

(b) Supervised practice of law must be done under a supervising attorney. A supervising attorney is an attorney who is a Member of the Florida Bar in good standing who has a minimum of five years as a Member in Good Standing in Florida and no record of public discipline in any jurisdiction of the United States. A supervising attorney may also be a Member of the Judiciary.

(c) Prior to engaging in the practice of law under this Amendment, the person must (1) obtain the consent of a Supervising Attorney; (2) Provide the Florida Bar with the Supervising Attorney's name and contact information, and (3) Provide the Florida Bar with a signed and dated letter from the Supervising Attorney stating that

she or he is qualified and willing to serve as a Supervising Attorney and has read the applicable Rules and Amendments, and agrees to comply with its conditions.

(d) The Supervising Attorney remains fully responsible for the manner in which all activities are conducted by the supervised attorney. The supervised attorney may appear in any court or before any administrative tribunal in this state if the person or entity on whose behalf the supervised attorney is appearing has indicated in writing consent to that appearance and the supervising lawyer has also indicated in writing approval of that appearance.

(e) The period of supervision shall be six months from the date of admission, however the Florida Bar may extend the time to complete the supervised admission for good cause shown. Upon completing the period of supervision, the person must provide the Florida Bar with a statement from the Supervising Attorney attesting to the completion of the period of supervised practice. If the person has more than one Supervising Attorney, each Supervising Attorney shall sign the portion of the record that he or she supervised.

(f) In the event that the person takes and passes the bar exam, the person will no longer be subject to the requirements of this rule.

APPENDIX B

**RULES OF THE SUPREME COURT RELATING TO
ADMISSIONS TO THE BAR**

RULE 1-17 EMERGENCY RULE FOR SUPERVISED PRACTICE

Due to the effects of the COVID-19 global pandemic, the administration of the July 2020 bar examination was cancelled, and the requirements of these rules requiring passage of all parts of the Florida Bar Examination are waived. Every applicant for the July 2020 bar examination who has complied with the requirements of the applicable rules for admission into the Florida Bar Examination, and met the requirements as to character and fitness, and otherwise complied with the requirements of the applicable rules for admission into The Florida Bar will be recommended by the Florida Board of Bar Examiners to the Supreme Court of Florida for admission to The Florida Bar. Every applicant who is admitted pursuant to this rule will be subject to Supervised Practice under Rule 1-3.12, Rules Regulating the Florida Bar.

This new rule allows an exception to the Rules Relating to the Admission to the Bar, which require passing scores on The Florida Bar examination as a precondition for practicing law in Florida, including Rules 1-16, 4-12, 4-13, and 5-10

RULES REGULATING THE FLORIDA BAR

RULE 1-3.12 REQUIREMENTS OF SUPERVISED PRACTICE

(a) The Supreme Court of Florida may admit an applicant to the Florida Bar as a Member in Good Standing and waive the requirement of passing all parts of the bar examination, and such applicant must comply with all of the requirements under these rules for a Member in Good Standing

(b) Supervised practice of law must be done under a supervising attorney. A supervising attorney is an attorney who is a Member of the Florida Bar in good standing who has a minimum of five years as a Member in Good Standing in Florida and no record of public discipline in any jurisdiction of the United States. A supervising attorney may also be a Member of the Judiciary.

(c) Prior to engaging in the practice of law under this Amendment, the person must (1) obtain the consent of a Supervising Attorney; (2) Provide the Florida Bar with the Supervising Attorney's name and contact information, and (3) Provide the Florida Bar with a signed and dated letter from the Supervising Attorney stating that she or he is qualified and willing to serve as a Supervising Attorney and has read the applicable Rules and Amendments, and agrees to comply with its conditions.

(d) The Supervising Attorney remains fully responsible for the manner in which all activities are conducted by the supervised attorney. The supervised attorney may appear in any court or before any administrative tribunal in this state if the person or entity on whose behalf

This new rule focus on a supervised practice substitute to the requirement of passing The Florida Bar exam. The rule ensures competence and protects the public by adopting similar safeguards to R. Regulating Fla. Bar Chapter 11- Rules Governing Law School Programs.

the supervised attorney is appearing has indicated in writing consent to that appearance and the supervising lawyer has also indicated in writing approval of that appearance.

(e) The period of supervision shall be six months from the date of admission, however the Florida Bar may extend the time to complete the supervised admission for good cause shown. Upon completing the period of supervision, the person must provide the Florida Bar with a statement from the Supervising Attorney attesting to the completion of the period of supervised practice. If the person has more than one Supervising Attorney, each Supervising Attorney shall sign the portion of the record that he or she supervised.

(f) In the event that the person takes and passes the bar exam, the person will no longer be subject to the requirements of this rule.

APPENDIX C

Name	Last Name	FL Bar Number
Jason	Alderman	0172375
Brett	Amron	148342
Paolo	Annino	0379166
Ashley	Baillargeon	299175
Jeanne	Baker	0880700
Deborah Bari	Barker	294380
O. David	Barksdale	957331
Jeffrey	Bast	996343
Henry P.	Bell	090689
Anthony Dax	Bello	59881
Joel	Bello	1022856
Brian	Bieber	0008140
Eric	Bluestein	58240
Jasmine	Brito	1011239
Christopher	Brochyus	68307
Jessica	Ciminero	11928
Mary	Clark	141482
Andres	Correa	89790
Haley	Cove	1019989
Judy	Cullen	539759
Courtney	Cunningham	628166
Matthew	Dietz	0084905
Jennifer	Dietz	945897

Manuel	Dobrinsky	775525
Donna	Duncan	63869
Mark	Edwards	0906859
Porpoise	Evans	0576883
Jude	Faccidomo	12554
Julie	Feigeles	353604
Michael	Feiler	98477
Maritrini Soto	Garcia	1015647
Theresa L.	Girten	705225
Randee	Godofsky Breiter	0939725
Pedro Alejandro	Gonzalez	36919
Lisa	Goodman	118698
Bryan	Gowdy	0176631
Edward	Grunewald	0612472
Felipe	Guerrero	022589
Michael Andrew	Haggard	73776
Catherine	Henin-Clark	730092
Elizabeth	Herrin	1008297
Peggy R.	Hoyt	0998680
Elizabeth	Iglesias	0163740
Valerie	Jonas	616079
Dennis G.	Kainen	339393
Justin	Karpf	126840
Nellie	King	0099562
Brian	Kirlew	67218
John	Knowles	69404

Jason W.	Kreiss	0087912
Benedict P.	Kuehne	233293
Robert J.	Kuntz	094668
Alyson	Laderman	0657980
Marcy	LaHart	0967009
A. Lester	Langer	137828
Sharon	Langer	284475
Stephanie	Langer	149720
Marni	Lennon	74731
Michael	Levine	107363
MaryAnne	Lukacs	747459
David O.	Marcus	119318
Carlos J.	Martinez	870846
Miles A.	McGrane	201146
Todd	Michaels	568597
Seth	Miller	0806471
Richard	Millstein	175001
Patrick	Montoya	0524441
Leticia	Mora	1002358
Greg	Morton	484393
Bartholomew	Motes	63429
Matthew	Myers	076250
Tequisha	Myles	676551
Tobechuku T.	Nwahiri	112107
Liana	Orta	1015658
Greg	Panzo	72283

Eric J.	Paolino	56686
Rebecca	Parsons-Schram	84660
Melba	Pearson	581038
Robert N.	Pelier	0998834
Bernard P.	Perlmutter	0455260
William R.	Ponall	421634
Jacob	Post	1018692
Donald Anson	Pumphrey	0107980
Mark F.	Raymond	373397
Andrea P.	Reyes	010087
Tylan T.	Ricketts	1010387
J. Eric	Romano	120091
Daniel	Rowinsky	1055025
Evelyn Baltodano	Sheehan	944351
Amanda	Sidman	115644
Aleksandra	Sikorska	99160
Mitchell	Silverman	0230250
H.T.	Smith	0158499
A. Russel	Smith	296880
Kimberley	Spire-Oh	35028
Benjamin	Stevenson	598909
Mitchel A.	Stone	079121
Howard M.	Talenfeld	312398
Laurel	Tallent	1018223
Brian	Tannebaum	047880
Daniel	Tilley	102882

Michael	Ufferman	114227
Scott Andrew	Wagner	10244
Ethan Jared	Wall	045158
Megan	Wall	938300
Diane	Ward	349534
Jonathan	Wasserman	0117579
Nancy	Wright	309419

APPENDIX D

Index Signed Declarations

1	Victoria Ann Arthington
2	Kennedy Peyton Womack
3	Nicole Vera
4	Jon Christian Prusinowski
5	Jessica Ramos
6	Cicely K. L. Hodges
7	Riana S. Maryanoff
8	Daniela Gomez
9	Joanna Hotalen
10	Benjamin Reiser
11	Adam S. Arnaout
12	Camerin Dixon-Hatcher
13	Jennifer Weiss
14	Jonathan Carver
15	Franco Piccinini
16	Zubin Kapadia
17	Aileen Graffe-McDonley
18	Kayla E. Hall

19	Tyler Jay Kelley
20	Brittany Jones
21	Nicholas Sconzo

- (7) The additional study weeks have cost me several thousand dollars. I am still evaluating the loss.
- (8) I am planning on opening my own law firm and I am unable to move forward with this until I pass the BAR.
- (9) I have experienced sever anxiety on a daily basis and that has impacted my marriage and business.
- (10) The FBBE has not consistently responded to letters that I have sent requesting an accommodation.
- (11) I have a new medical diagnosis that was delayed as a result of COVID and my inability to get a doctor's appointment.
- (12) One response stated that my packet was not completed, but I had no choice but to submit it not fully completed based on COVID delays trying to get documentation.
- (13) In that response, the FBBE did not acknowledge the "additional" explanation that is allowed pursuant to the instruction where I explicitly explained the delays.
- (14) I was concerned based on the sporadic and out of character lack of response from the FBBE, so I sent a final packet on 07/16/2020 that required a signature to be delivered on 07/20/2020. (*see attached postage receipt.*)
- (15) The final 07/16/2020 letter to the FBBE contained a recap of all correspondence and medical documentation.
- (16) The FBBE still has not sent an acknowledgement that they received the final compilation of all my correspondence that required a signature.
- (17) I am unable to communicate with the FBBE in any other way besides mail, and I have stopped based on the lack of responses.

- (18) I am unable to plan appropriately for my current business and the workflow needs of the future because I have no idea when the test will happen.
- (19) I am unable to make plans for opening my new law firm because I have no idea when the test will happen.
- (20) All of my mentors from school and the legal field have advised me that I should not speak out against the FBBE.
- (21) All of my mentors from school and the legal field continue to remind me that FBBE makes the character and fitness determinations and such a complaint could result in my application being denied.
- (22) Even with all of the advice not to speak, I cannot remain silent anymore.
- (23) I have remained clam and rational through this process. I have not been vindictive or personally attacked anyone from the NCBE or FBBE.
- (24) I have watched news stations broadcast the flaws in the ILG software as well as countless examples of breach on social media.
- (25) The FBRE stating there were “nine” instances has made me lose faith in their message.
- (26) I have lost all confidence in FBBE or any jurisdiction for that matter, to administer a test that will prevent cheating using any software that is currently available.
- (27) In my humble opinion, we need full diploma privileges for any and all persons that were registered to take the July exam.
- (28) In the alternate, if diploma privileges are not granted, we need a test administered similar to Indiana, that was open book and no software required because that will even the field and remove the ability to cheat.

6. I am aware that my Bar Application is pending and that I am required to exhibit complete candor. I write this with the knowledge that this affidavit may become a part of my Bar Application file and certify that the statements included here are truthful.

7. Under penalties of perjury, I declare that I have read the foregoing statement and that the facts stated in it are true.

Victoria A. Arthington

Victoria Ann Arthington

1. Financial hardship: As stated in Paragraph 3, I will not be able to finance my own living expenses on an intern salary. I am locked into a lease that I cannot pay for on my own and that is due to not being able to be paid a licensed attorney salary.

2. Mental and physical effects: Due to the constant changes and stressors put on bar takers with the indefinite nature of when the exam will actually take place successfully, I have experienced a great deal of anxiety. I have only suffered one panic attack before the bar exam study period in my lifetime, and I now have suffered multiple panic attacks in the last week alone. I am usually a person who can shoulder a good deal of stress, but the physical toll on my body has been shown with these symptoms as a result of the stressful nature of this exam getting constantly changed and postponed.

3. Losing health insurance: Unfortunately, my 26th birthday falls this year in October. This means that I will lose my current health insurance plan under my father. If I do not gain full employment as an attorney, I will not have health insurance through my job, meaning I will have to seek other options for health insurance, such as COBRA. This also is a big hit to me financially, given that these plans can get expensive and I do not have the finances to take another financial burden on as it stands.

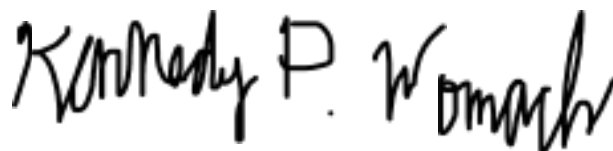
4. Family matters: My father was diagnosed with COVID-19 this spring, which affected my family greatly. We had to all separate in our family home while quarantine was taking place. On top of preparing for the bar exam and the average stresses that come to someone studying 8 hours a day, this was an added hardship I had to deal with. The hardships placed on families due to the COVID-19 pandemic is much greater than anything we have ever experienced before. It is a lot for a person already under immense pressure to pass the bar exam to process when a family member is diagnosed with this disease. The bar

exam delays exacerbated these stressors and made it even more difficult to handle the anxiety faced this summer as a result of the pandemic.

5. I believe it is pertinent to add that, while I am an out-of-state bar taker who only will be moving to Florida this month, I have connected to the Florida legal community already throughout this process, including attending webinars with Florida law school deans and joining an online community of other bar takers sharing our concerns. Through this process, I have learned that Florida law school deans and professors have advised bar takers that complaints may affect admission to the bar, and that any physical or mental health concern could be viewed as mental instability. However, as I stated above, I am fully confident in my mental health and the resilience of myself and other bar takers in this time. All of us are under tremendous stress, and I have seen nothing more than what would be dubbed “zealous advocacy” from my peers (a quality that we all aspire to have as prospective attorneys). I hope that the respected legal body will acknowledge how tough this entire exam season has been on each of us and note that any and all mental health concerns we are experiencing at the moment would not impact our fitness to practice. Many of us have been studying for the upwards of 3-4 months now, after going to law school for 3 years and participating in various internships and clinics. We are ready for practice. We just need the support to make that happen.

6. I am aware that my Bar Application is pending and that I am required to exhibit complete candor. I write this with the knowledge that this affidavit may become a part of my Bar Application file and certify that the statements included here are truthful.

7. Under penalties of perjury, I declare that I have read the foregoing Declaration and that the facts stated in it are true.

A handwritten signature in black ink that reads "Kennedy P. Womack". The signature is written in a cursive, slightly slanted style.

KENNEDY PEYTON WOMACK

DECLARATION OF
PURSUANT TO FLORIDA STATUTE 92.525

STATE OF FLORIDA)
) ss:
 COUNTY OF MIAMI-DADE)

I, Nicole Vera do hereby swear and affirm that:

1. I am over 18 years old and a graduate of St. Thomas University School of Law. I was registered to take the Florida Bar Exam in July, which was then moved to August, then cancelled.

2. My inability to take the Bar Exam will cause my admission to The Florida Bar to be delayed, and therefore my privilege to practice law is denied until the Board of Bar Examiners determines how to recommend applicants to the Florida Bar for admission.

3. In the expectation of the Florida Bar being administered in July 2020:

a. I took out extra loans to supplement mine and my husband’s inability to work during my bar preparation.

b. My husband normally works during the summer months to support our family and supplement our school loans, however this summer he forewent working in order to take care of our four-year-old son, while I studied, and took the exam.

4. Due to the delay of the Bar Exam:

a. The loans I took out, are running low.

b. Our plan was that after I took the originally scheduled July exam my husband would go back to work, to support our family. Unfortunately,

because the exam was moved to August 19, my husband was never able to, because on August 17, he began fall classes at his university.

- c. I myself have not been able to work because I'm continuously studying as the exam date keeps getting pushed back.
- d. Due to my husband beginning his classes, I now will have to take care of our son while I continue to study.
- e. I am extremely concerned with my ability to study properly, while taking care of my son, putting me at a great disadvantage.
- f. I'm worried our finances will not last us long enough to survive and pay the bills.

6. I am aware that my Bar Application is pending and that I am required to exhibit complete candor. I write this with the knowledge that this affidavit may become a part of my Bar Application file and certify that the statements included here are truthful.

7. Under penalties of perjury, I declare that I have read the foregoing [document] and that the facts stated in it are true.

Nicole Vera
NAME OF SIGNER

DECLARATION OF Jon Christian Prusinowski
PURSUANT TO FLORIDA STATUTE 92.525

STATE OF FLORIDA)
) ss:
COUNTY OF Seminole)

I, Jon Christian Prusinowski do hereby swear and affirm that:

1. I am over 18 years old and a graduate of Barry University School of Law. I was registered to take the Florida Bar Exam in July, which was then moved to August, then cancelled.

2. My inability to take the Bar is will cause my admission to The Florida Bar to be delayed, and therefore my privilege to practice law is denied until the Board of Bar Examiners determines how to recommend applicants to the Florida Bar for admission.

3. In the expectation of the Florida Bar being administered in July 2020, I

- 1) Budgeted finances to support my rent, food, and utilities to get me through September 2020.
- 2) Enrolled in an L.L.M. program expecting to have completed the exam on August 19, 2020 (Registrations deadline to enroll was August 15, 2020).

4. THE EFFECTS OF THE DELAY AND THE UNDERLYING FACTS INCLUDE:

- 1) I relied on the exam date of July 28-29, 2020, originally in calculating my budget for the summer of 2020. Once the initial exam date was pushed back until August 19, 2020, I needed to make necessary arrangements to my budget to accommodate the extension.
- 2) I was forced to make the difficult decision to sell my car. My engine failed, and although that was not due to the Bar exam, it would cost several thousand dollars to replace. Being that I was on a fixed budget, I could not afford the repair costs and

essentially had to junk my car for \$325 (It was a 2006 Cadillac CTS. Cadillac parts are worth more than that. I got more than a dozen quotes and that was the best offer I received given the engine failure.)

- 3) I was accepted into a couple of L.L.M. programs, and needed to apply for financial aid and enroll in courses by the August 15, 2020, deadline. I relied on the August 19, 2020, Bar exam date, expecting to have completed the Bar exam, which would allow myself to focus on my coursework, which begins on August 24, 2020, and seeking full-time employment. I now must seek full-time employment (not with the promise/condition of being a licensed attorney by the end of September 2020 as originally anticipated), while simultaneously enrolled full-time in an L.L.M. program, while also trying to study for the October Bar exam.
- 4) Due to the delay of the Bar exam to October 2020, I now must seek full-time employment immediately because my fixed budget will not get me through to whenever the October exam is administered.
- 5) I will be unable to find pay rent on October 1, 2020, nor utilities, and I will be unable to afford food sometime before that due to the change in exam date, unless I gain employment, which is difficult because my lack of reliable transportation, lack of ability to be a licensed attorney prior to October 2020, and due to time commitments of my L.L.M program, and now studying for the October 2020 Bar exam.
- 6) My mental health has been negatively impacted and I have lost faith that I can trust the Florida Board of Bar Examiners to administer an October examination. They have been unable to achieve that task thus far, and I would be deceiving my

better judgment to think THIS is the time they will get it right. There will certainly be an added difficulty in studying for the October 2020 Bar exam with the looming doubts if it will even be administered.

5. I am a May 2020 graduate of Barry University School of Law. I chose to attend Barry because they awarded me a full-tuition scholarship upon acceptance, which I gladly accepted. I was a noteworthy student with a competitive resume. I graduated cum laude with a 3.28 grade point average. I was ranked 20th in my class. I was the Note and Comment Editor of the Environmental and Earth Law Journal. I am having my student note published by the Texas Environmental Law Journal. And finally, I worked three legal internships during my enrollment at Barry. I went to school full-time, worked full-time in the summers, and worked part-time during my last semester enrolled at Barry. I have lived off my summer savings, and any student loan refunds I could obtain. I am an independent student.

My parents and grandparents are deceased. Throughout college and law school I relied on scholarships, loans, grants, and refunds to support my enrollment and living expenses. I have been self-sustaining and have no safety net. I have maxed out one credit card (\$6,500) for my rent, food, expenses, etc., and will max out another (\$1,000) by October. I have been significantly impacted by the delay in administration of the exam. I have been a good student, and did what I thought was diligent in budgeting my living expenses to last me through September 2020. I will do whatever it takes to get by, and am actively seeking a job that I am overqualified for based on my education and experience, just so that I can afford rent and food. I do not need to tell you that the job market is less than ideal, and we are amidst one of the worst recessions in U.S. history, which makes obtaining gainful employment more difficult.

I have not been in favor of Diploma Privileges prior to this most recent cancellation of the August exam. If it was feasible to have an exam, that is what I wanted to do. It no longer seems feasible to have an exam administered in a format preferred by the Florida Board of Bar Examiners (either in-person or remote with proctoring through ILG technologies). I request that an exam be administered remotely by the end of August by way of either a non-proctored software (similar to Nevada) or through an email administered exam under timed conditions (similar to Louisiana and Indiana). In the absence of such a timely exam, I request Diploma Privileges immediately. Waiting to implement a supervised legal intern program until mid-September would be near useless for struggling examinees, and will not significantly increase chances of meaningful employment.

6. I am aware that my Bar Application is pending and that I am required to exhibit complete candor. I write this with the knowledge that this affidavit may become a part of my Bar Application file and certify that the statements included here are truthful.

7. Under penalties of perjury, I declare that I have read the foregoing [document] and that the facts stated in it are true.



NAME OF SIGNER

DECLARATION OF
JESSICA RAMOS
PURSUANT TO FLORIDA STATUTE 92.525

STATE OF FLORIDA)
) ss:
COUNTY OF ORANGE)

I, Jessica Ramos do hereby swear and affirm that:

1. I am over 18 years old and a graduate of Florida A&M University College of Law. I was registered to take the Florida Bar Exam in July, which was then moved to August, then cancelled.

2. My inability to take the Bar is will cause my admission to The Florida Bar to be delayed, and therefore my privilege to practice law is denied until the Board of Bar Examiners determines how to recommend applicants to the Florida Bar for admission.

3. In the expectation of the Florida Bar being administered in July 2020, my fiancé and I purchased a home in December 2019, putting all our savings into the down payment. Due to COVID-19 impacts, my fiancé was placed on furlough in April, and continues to be furloughed with no indication of when he will be getting called back. We had expected that I would start working by October and all would be fine financially. However, now we are not sure how we will continue paying for food, much less our mortgage. The longer this test is postponed, the more financial hardship we face and the greater the chance we will lose our home that we painstakingly saved up for.

4. In preparation for bar preparation, I took out additional loans to help cover living expenses through August. I assumed bar results would be released in September, so I carefully budgeted to make all expenses were covered through mid-September, when bar results would have been released. However, those loans will not be enough to cover expenses for the added

8. I urge the Court to step in now and make this right. Future Florida Bar members are relying on your expertise and your ability to seek a just resolution, which at this point is only one: diploma privilege.

7. I am aware that my Bar Application is pending and that I am required to exhibit complete candor. I write this with the knowledge that this affidavit may become a part of my Bar Application file and certify that the statements included here are truthful.

8. Under penalties of perjury, I declare that I have read the foregoing [document] and that the facts stated in it are true.

Jessica Ramos
NAME OF SIGNER


SIGNATURE

**DECLARATION OF
PURSUANT TO FLORIDA STATUTE 92.525**

STATE OF FLORIDA)
) ss:
COUNTY OF MIAMI-DADE)

I, Cicely K. L. Hodges do hereby swear and affirm that:

1. I am over 18 years old and a graduate of University of Miami School of Law. I was registered to take the Florida Bar Exam in July, which was then moved to August, then cancelled.

2. My inability to take the Bar is will cause my admission to The Florida Bar to be delayed, and therefore my privilege to practice law is denied until the Board of Bar Examiners determines how to recommend applicants to the Florida Bar for admission.

3. In the expectation of the Florida Bar being administered in July 2020, I chose to stop applying for jobs starting on May 15, 2020 so that I could focus on my studies and provide myself at least sixty(60) hours per week to devote to studying.

4. When offered to extend my lease, I had to decline because my remaining money had to go towards paying off my Themis bar exam study aide's \$700 balance (out of the initial cost of \$1,395): this decision resulted in me living in a state of homelessness from July 1, 2020 continuing to present day.

5. When the bar was moved to an online version, I was forced to choose between paying the \$125 laptop fee or postponing to February 2021, meaning the months that I had already spent studying and my choice to become homeless were for naught.

6. As I did not have the \$125 and the Florida Board of Bar Examiners (FBBE) could provide no alternatives for indigent test-takers, I was forced to ask a friend – who was also impacted financially due to COVID-19 – for the money.

7. On top of the test being postponed and moved online, the Multistate Bar Exam (MBE) portion was dropped, meaning I would have to take it again in the future if I wished to move from Florida.

8. When the FBBE dropped the MBE, they did not refund us any portion of the \$1,000 that we paid to them for the two-part test.

9. The combination of homelessness, lack of expediency or assistance from the State of Florida concerning my unemployment claims, and the apathy from the bar at my and others' situations caused me many days of feeling despondent, angry, and – at times – suicidal.

10. Seeing that the Florida Supreme Court refused to step in on our behalf – other than by providing a counseling resource, which many of us felt like we could not use due to worries over a potential FBBE Character and Fitness violation (i.e., as an example of mental instability) – made me more certain in my belief that this State does not want poor people to become lawyers.

11. When I received the email from FBEE regarding the postponement to an undetermined time in October 2020 on August 16, 2020 at 10:46 P.M., I was in shock: unable to sleep, I spent the next hour weighing my options.

12. After waiting almost four (4) months to take the bar exam, living on my friend's dining room floor, and battling with unemployment as I was unable to work due to the hours I needed to devote to studying – or risk failing a test I knew I could not afford to take again – I had to choose to spend another two months without work, racking up more overdraft fees (currently at \$600) or postpone to February 2021 – meaning I had wasted the previous four months and could have been applying to jobs and/or working.

13. I am aware that my Bar Application is pending and that I am required to exhibit complete candor. I write this with the knowledge that this affidavit may become a part of my Bar Application file and certify that the statements included here are truthful.

14. Under penalties of perjury, I declare that I have read the foregoing [document] and that the facts stated in it are true.

Cicely K. L. Hodges
NAME OF SIGNER

DECLARATION OF
PURSUANT TO FLORIDA STATUTE 92.525

STATE OF FLORIDA)
) ss:
COUNTY OF HILLSBOROUGH)

I, DANIELA GOMEZ do hereby swear and affirm that:

1. I am over 18 years old and a graduate of Stetson University College of Law. I was registered to take the Florida Bar Exam in July, which was then moved to August, then cancelled.
2. My inability to take the Bar will cause my admission to The Florida Bar to be delayed, and therefore my privilege to practice law is denied until the Board of Bar Examiners determines how to recommend applicants to the Florida Bar for admission.
3. On April 15, 2020, I was hired by the Pinellas County Public Defender’s Office in the 6th Circuit, start date set for August 4, 2020.
4. On May 27, 2020, in expectation of the Florida Bar being administered in July 2020 and my job start date of August 4, 2020, I signed a lease for an apartment closer to my new job which was above my current budget, move-in date set for August 10, 2020.
5. The rent paid at the previous apartment was \$1006.00 per month, and the new apartment rent is \$1,430.00 per month.
6. On July 7, 2020, when the FBBE announced the exam was postponed for August 18, 2020, my job start date moved to August 24, 2020.
7. After the FBBE’s decision to cancel the August Bar Examination and move it to an undetermined date in October, I attempted to keep my job start date as scheduled.
8. Due to FBBE’s decision, my employer has asked me to begin work until after November 2, 2020.

9. This change has made a significant impact in my finances, as I was expecting to start receiving income, working as a CLI for the Public Defender's Officer, as early as August 10, 2020.

10. I have been studying full-time, preparing for the Florida Bar, since May 11, 2020.

11. The uncertainties surrounding the Florida Bar has affected me emotionally, financially, and physically.

12. I started going to therapy this year, and most of my sessions are spent with me expressing my worries and concerns surrounding the Florida Bar Examination.

13. My spouse works for the Hillsborough Sheriff's Office, and she only makes around \$1,500.00 every two weeks to support the both of us.

14. Her income is not sufficient to continue supporting us given the increased rent payments.

15. I have prediabetes, and the constant worry has made it difficult to control my glucose levels at times.

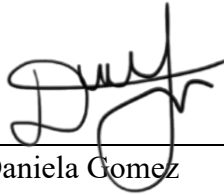
16. I have over \$200,000.00 in law school debt, and I am afraid I will not be able to make any payments once the grace period comes to an end.

17. The FBBE's cancellation of the August Bar Examination means that I could have spent the past three months working as a CLI, or working a summer position, instead of continuing to push my start date back.

18. The Dean at Stetson University College of Law has compared our advocacy to "screaming into the void" and has told us to stop.

6. I am aware that my Bar Application is pending and that I am required to exhibit complete candor. I write this with the knowledge that this affidavit may become a part of my Bar Application file and certify that the statements included here are truthful.

7. Under penalties of perjury, I declare that I have read the foregoing [document] and that the facts stated in it are true.

A handwritten signature in black ink, appearing to read 'Daniela Gomez', is written over a horizontal line. The signature is stylized and cursive.

Daniela Gomez

DECLARATION OF JOANNA HOTALEN
PURSUANT TO FLORIDA STATUTE 92.525

STATE OF FLORIDA)
) ss:
COUNTY OF SEMINOLE)

I, Joanna Hotalen, do hereby swear and affirm that:

1. I am over 18 years old and a graduate of Barry University Dwayne O. Andreas School of Law. I was registered to take the Florida Bar Exam in July, which was then moved to August, then cancelled.
2. My inability to take the Bar will cause my admission to The Florida Bar to be delayed, and therefore my privilege to practice law is denied until the Board of Bar Examiners determines how to recommend applicants to the Florida Bar for admission.
3. In the expectation of the Florida Bar being administered in July 2020, I have:
 - i. Had to cease searching for employment because of the delays and the inability of the FBBE to perform within the time they had promised.
 - ii. Had to move back home to be with my parents for longer than we had anticipated due to the inability of the FBBE to perform their promise of administering an exam on the specific date they had promised.
 - iii. Lost my health insurance which has affected my ability to receive treatment after an event requiring a specialized form of trauma therapy; I also can no longer afford medications for anxiety, attention deficient hyperactivity disorder (ADHD), and suspected type-1 narcolepsy. My medications without insurance total ~\$800 each month, so I now have to take generic medications which have caused numerous

side effects. In addition, I also now have to use other medications to treat new medical issues related to the stress surrounding the delay of the bar exam.

- iv. Fallen behind on credit card bills and cannot afford to pay the property manager of my apartment I have just vacated because I no longer have enough money to sustain me through a period of time that the FBBE has yet to provide a definitive end date for; my family is doing as much as they are able to do in order to assist me.

4. The effects of the delay and the underlying facts:

- i. I have ceased my search for employment because I am no longer able to provide a start date to any prospective employer. Even if the timeline for the proposed temporary licensure made sense in light of a potential October administration of the exam, I do not qualify for the temporary licensure program as I do not have a CLI.
- ii. I have had to move back home to be with my parents in Tarpon Springs, FL, for longer than I and my family had anticipated due to the undue delay in administration of the exam, which is now further complicated as my father is employed by United Airlines. The airline industry is experiencing severe hardship due to COVID-19, so my family's finances may change at any moment.
- iii. Concerning my physical health, the uncertainty surrounding the delayed administration has manifested itself in severe migraine headaches (which I have never previously suffered from), mild cystic acne which has now become severe, hair loss (new cystic acne on the scalp now acting as a contributor), loss of appetite and persistent upset stomach.
- iv. My mental health has declined substantially to where my family and friends have noticed the change. I am more depressed and have struggled to get out of bed on

most days. It has been a struggle to study, and when I am not studying, I am in bed. I either sleep for 10-12 hours each day or struggle with insomnia at night. My anxiety surrounding my finances and ability to pay creditors has become so acute that I am immobilized and make the necessary phone calls or respond to messages due to immense fear. The uncertainty as to how long I will have to remain unemployed in order to study for a bar exam that is not yet scheduled and await results has me in fear that creditors will not be able to help me and it will negatively impact my character and fitness investigation.

5. What has also resulted in a substantial hardship due to the administration of the bar examination and has caused me to lack confidence in FBBE's credibility and competency in administering the bar exam is the denial of my request for exam accommodations. I have a diagnosis from a psychiatrist, a clinical psychologist, and a therapist. The medical community specializing in psychiatry has recognized that a valid diagnosis of ADHD may be made in adulthood. Furthermore, it is more commonly misdiagnosed in adolescent females until they have reached adulthood. The FBBE claims that an expert reviewed my petition package and subsequently denied my request, claiming that my medical team is incorrect. I do not believe an expert reviewed my report because the information this person provided was not only patently false, but unprofessional. I was not given any additional time to appeal the decision and gather more information by my medical doctor, psychologist, and therapist.
6. I am aware that my Bar Application is pending and that I am required to exhibit complete candor. I write this with the knowledge that this affidavit may become a part of my Bar Application file and certify that the statements included here are truthful.

7. Under penalties of perjury, I declare that I have read the foregoing Declaration and that the facts stated in it are true.

Respectfully,

A handwritten signature in black ink, appearing to read 'Joanna Hotalen', written over a horizontal line.

Joanna Hotalen

DECLARATION OF BENJAMIN REISER
PURSUANT TO FLORIDA STATUTE 92.525

STATE OF FLORIDA)
) ss:
COUNTY OF MIAMI-DADE)

I, Benjamin Reiser do hereby swear and affirm that:

1. I am over 18 years old and a May 2020 Juris Doctor graduate of Fordham University School of Law in New York, New York. I was registered to take the Florida Bar Exam in July, which was then moved to August, then cancelled.
2. My inability to take the Bar will cause my admission to The Florida Bar to be delayed, and therefore my privilege to practice law is denied until the Board of Bar Examiners determines how to recommend applicants to The Florida Bar for admission.
3. In the expectation of The Florida Bar being administered in July 2020, I (1) purchased, enrolled, and participated in bar preparation coursework from Themis Bar Review; (2) hired the services of an independent bar exam prep tutor to supplement my studies in Themis; (3) purchased several additional bar prep materials, including but not limited to, Critical Pass flash cards, Emanuel In a Flash flash cards, Emanuel Strategies & Tactics for the MBE, and attack outlines from Studicata; (4) purchased a new 2019 MacBook Pro out of fear that my 2017 MacBook Pro's keyboard would falter during the bar exam's essay portion; (5) delegated duties and responsibilities I otherwise hold in my family in order to focus on studying and preparing for the bar exam; and (6) began studying on a full-time basis on May 6, 2020 at a regular pace

of 40-50 hours per week, even in the midst of a global pandemic and nationwide civil unrest.

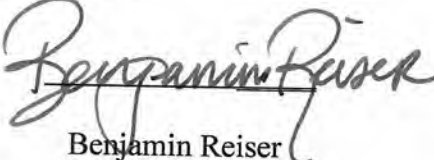
4. The effects of the bar exam delays on me have included: (1) the prolonged inability to provide for and support my family members in the midst of the COVID-19 pandemic due to my prolonged need to focus on studying; (2) a continued lack of certainty regarding my ability to begin my career in a position I had accepted as an Assistant State Attorney; (3) psychological and mental stress caused by multiple changes to the exam format and administration date; (4) psychological and mental stress caused by the Board of Bar Examiners' lack of communication with examinees until the last minute for many of these major announcements; (5) mental anguish and frustration, as I targeted the rigor and pace of my studying to a specific exam date, only to have the date be moved multiple times throughout the summer and then postponed to an unknown date at the last minute; and (6) needing to divide my focus as a result of needing to continue my studies for the bar exam on some October date while I begin my studies in a master's program which I had long expected to begin upon completion of an August 19 bar exam administration.

5. As a bar applicant who attended law school out of state, I found the Board of Bar Examiners' complete lack of communication throughout the summer to be especially troubling and stressful, as I learned quite frequently that many applicants who attended law school in the State of Florida were kept updated by their law school deans about communications they had with the Board. I felt completely disconnected and regarded as less important than my fellow examinees that happened to attend law school in the State of Florida. I contacted the Board of Bar Examiners multiple times

by phone throughout the summer and was met with consistently rude and antagonistic responses. When I was told to put my concerns and questions in writing, every response to me—and I note that I did not even receive a response to many of them—was simply a copy-and-paste of previously publicly released statements from the Board of Bar Examiners.

6. I am aware that my Bar Application is pending and that I am required to exhibit complete candor. I write this with the knowledge that this affidavit may become a part of my Bar Application file and certify that the statements included here are truthful.

7. Under penalties of perjury, I declare that I have read the foregoing Declaration and that the facts stated in it are true.


Benjamin Reiser

DECLARATION OF ADAM S. ARNAOUT
PURSUANT TO FLORIDA STATUTE 92.525

STATE OF FLORIDA)
) ss:
COUNTY OF MIAMI-DADE)

I, Adam S. Arnaout, do hereby swear and affirm that:

1. I am over 18 years old and a graduate of University of Miami School of Law. I was registered to take the Florida Bar Exam in July, which was then moved to August, then cancelled.

2. My inability to take the Bar will cause my admission to The Florida Bar to be delayed, and therefore my privilege to practice law is denied until the Board of Bar Examiners determines how to recommend applicants to the Florida Bar for admission.

3. In the expectation of the Florida Bar being administered in July 2020, I:

 1) entered into a joint degree JD/LLM program to be completed in 7 semesters, culminating in December 2020, which will be placed into jeopardy if the 2020 examinees are required to complete an examination in October, as this would require the diversion of significant time and resources towards continued exam preparation throughout the beginning of the Fall 2020 semester;

 2) extended a lease expiration date from April 30th to July 31st, purely in reliance on the premise that the exam would be completed by July 29th, which would've have provided me the ability to relocate after the examination had been completed; and

 3) forgave three months of clerkship and incurred more than \$5,000 in examination preparation expenses as of August 18, 2020.

4. My employer is unable to extend an offer of permanent employment to me until I have received a passing score on the bar exam.

5. The inability to earn a passing score in a timely manner has detrimentally impacted my ability to 1) solicit a permanent job offer from my current employer, and 2) apply to other legal positions which require a passing bar score.

6. Without an opportunity to earn a passing score in July and therefore begin working as an attorney, my ability to make payments on the student loans that become due in the coming months is gravely impacted.

7. An October examination would be catastrophic for any examinee who is enrolled in an LLM program and is expected to commit his or her attention towards an LLM degree throughout Fall 2020.

8. If the proposed October administration moves forward, myself and similarly situated examinees will be forced to choose between completing a degree in which we have been on track to complete for more than three years, or

foregoing the opportunity to successfully complete the degree on account of diverting approximately 10 hours per day towards studying for the examination throughout September and October.

9. I am aware that my Bar Application is pending and that I am required to exhibit complete candor. I write this with the knowledge that this affidavit may become a part of my Bar Application file and certify that the statements included here are truthful.

10. Under penalties of perjury, I declare that I have read the foregoing declaration and that the facts stated in it are true.

Adam Arnaout

Adam S. Arnaout

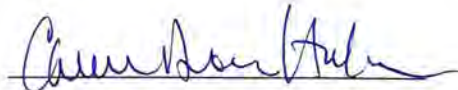
DECLARATION OF CAMERIN DIXON-HATCHER
PURSUANT TO FLORIDA STATUTE 92.525

STATE OF FLORIDA)
)
COUNTY OF HOLMES)

I, **CAMERIN DIXON-HATCHER**, do hereby swear and affirm that:

1. I am over 18 years old and a graduate of Florida State University College of Law. I was registered to take The Florida Bar Exam in July of 2020, which was then moved to August, and then postponed again until a date not yet to be determined.
2. My inability to take The Florida Bar Exam will cause my admission to The Florida Bar to be delayed, and therefore my privilege to practice law is denied until the Florida Board of Bar Examiners determines how to recommend applicants to The Florida Bar for admission.
3. In the expectation of The Florida Bar Exam being administered in July 2020:
 - a. I have paid over Four Thousand Dollars (\$4,000.00) for my bar exam preparation courses;
 - b. I have taken leave from work for the entire summer, where I would have made over Ten Thousand Dollars (\$10,000.00) as a legal aide at this point in time, with a full-time salary of Seven Hundred Dollars (\$700) per week;
 - c. I have relied on The Florida Board of Bar Examiner's promises to offer The Florida Bar Exam in July, and then again in August, when making my decision to take leave from work;
 - d. I would not have taken leave from work if I had known that the bar exam would be postponed indefinitely;
 - e. I have lost several months of valuable experience with my employer;
 - f. My ability to practice law with my current employer has been postponed for at least three (3) weeks as of now, and counting until the exam is administered, although no date for the exam has been determined. Thus, my ability to earn an attorney's wage has been postponed indefinitely;

- g. I have put my computer at risk repeatedly downloading updates for the ILG exam software;
 - h. My fellow test takers and I have reported to The Florida Board of Bar Examiners computers overheating, computer crashes, exam malfunctions, and security breaches after downloading the ILG software;
 - i. I have paid over One Thousand Three Hundred Dollars (\$1,300.00) for my 2017 MacBook Pro, and The Florida Board of Bar Examiners required me to download ILG software multiple times in order to take the Florida Bar Exam, even after the Florida Board of Bar Examiners had been made aware of the software's propensity to damage computers;
 - j. I reported to The Florida Board of Bar Examiners in my applicant portal that the software caused my computer to crash, but I was still required to download yet another version of the software after I reported my computer crash;
4. I am aware that my Bar Application is pending and that I am required to exhibit complete candor.
5. I write this with the knowledge that this affidavit may become a part of my Bar Application file and certify that the statements included here are truthful.
6. Under penalties of perjury, I declare that I have read the foregoing and that the facts stated in it are true.



Camerin Dixon-Hatcher

DECLARATION OF JENNIFER WEISS
PURSUANT TO FLORIDA STATUTE 92.525

STATE OF FLORIDA)
) ss:
COUNTY OF MIAMI-DADE)

I, Jennifer Weiss, do hereby swear and affirm that:

1. I am over 18 years old and a graduate of St. Thomas University School of Law. I was registered to take the Florida Bar Exam in July, which was then moved to August, then cancelled.
2. My inability to take the Bar will cause my admission to The Florida Bar to be delayed, and therefore my privilege to practice law is denied until the Board of Bar Examiners determines how to recommend applicants to the Florida Bar for admission.
3. In the expectation of the Florida Bar being administered in July 2020:
 - i. I left my full-time job in April to devote my time to studying for the July exam
 - ii. Purchased bar-prep materials from Kaplan
 - iii. Hired a tutor
 - iv. Paid for childcare of my daughter while I studied
4. The effects of the aforementioned delay have resulted in:
 - i. Delay of being able to work full-time because studying for an October administered bar exam and working full-time simultaneously, while being a single parent is not possible.
 - ii. Loss of my healthcare insurance because my university healthcare insurance terminates at the end of August (I am no longer a student because I graduated in December 2019) and without a full-time job I have no access to group health insurance.

- iii. Economic loss because I budgeted all my bills (rent, utilities, car payment, childcare, etc.) up to August in reliance that I would be done studying for the bar and would resume fulltime employment.
- iv. My credit score has gone down because of the debt I have to carry while waiting to take the exam, which in turn now impacts my character and fitness application because debt negatively impacts my good standing.
- v. Expiration of my character and fitness application which I will have to go through the process again.
- vi. Psychological and emotional stress impacting both myself and my young child resulting in 8-10 hours of studying with no end in sight.
- vii. Psychological and emotional stress as a result of just filling out this form with my real name out of fear of backlash from the FBBE and my character and fitness application.

6. I am aware that my Bar Application is pending and that I am required to exhibit complete candor. I write this with the knowledge that this affidavit may become a part of my Bar Application file and certify that the statements included here are truthful.

7. Under penalties of perjury, I declare that I have read the foregoing [document] and that the facts stated in it are true.



Jennifer Weiss

August 19, 2020

DECLARATION OF JONATHAN RICHARD CARVER
PURSUANT TO FLORIDA STATUTE 92.525

STATE OF FLORIDA)
) ss:
COUNTY OF MIAMI-DADE)

I, Jonathan Carver, do hereby swear and affirm that:

1. I am over 18 years old and a graduate of the University of Miami School of Law. I was registered to take the Florida Bar Exam in July, which was then moved to August, then cancelled.

2. My inability to take the Bar will cause my admission to The Florida Bar to be delayed, and therefore my privilege to practice law is denied until the Board of Bar Examiners determines how to recommend applicants to the Florida Bar for admission.

3. In the expectation of the Florida Bar being administered in July 2020, I

1. I scheduled my testicular surgery at Mount Sinai Hospital in Miami Beach, Florida around studying for the July 2020 bar exam despite severe pain. I scheduled the much needed surgery on June 22, 2020 to avoid extensive studying delays.

2. I studied for the July examination in emergency rooms on numerous occasions in Miami-Dade County and while recovering from testicular surgery, including immediately before and after my testicular surgery as suggested by my school-employed bar examination coach.

3. I was told by my law school not to work to earn a wage in any capacity while studying for the examination.

4. I had to extend my apartment lease to August due to the July exam so I would not have to move the day of the initial exam. This one month extended lease at AMLI Dadeland costs \$2,343.34 in total, and \$1,171.67 individually with 1 roommate.

5. I scheduled my wedding to be after the bar examination, meaning I will have been engaged to be married for thirty months prior to marriage out of financial necessity due to the July 2020 bar examination.

4. THE EFFECTS OF THE DELAY AND THE UNDERLYING FACTS INCLUDED:

1. I did not and do not qualify for higher-paid positions who had a minimum qualification of being barred in the state of Florida. I took a job for a lower salary for \$60,000 outside of my field of law expertise out of financial necessity despite having two law degrees: a juris doctor and an LL.M. in Sports, Entertainment, & Arts.

2. My current job offer is contingent on me passing the bar examination. My start date is currently October 17th, which is now in jeopardy due to the delay to the October examination. If I do not pass the bar examination and receive my results by my start date, I will make \$15/hour instead of \$60,000/year in salary according to my written and signed job offer. This is not a living wage in Florida and I would lose all benefits, including health care.
 3. I had to move home to live temporarily with my family in Kansas instead of affording to live in Florida, where I would like to practice.
 4. I had to practice for weeks how to take a full examination without using the restroom prior to the Florida Board of Bar Examiners explaining that we would be allowed to do so and how. I have severe ulcerative colitis and I have a history of kidney stones. Holding in urination during my examination practice caused severe pain in my left testicle, resulting in me needing significant opiate medication.
 5. According to my parents, I have shown signs of depression such as oversleeping, mood swings, and I had my first panic attack since 2010 directly due to the examination changes and announcements by the Florida Board of Bar Examiners in August.
 6. I had to call the National Suicide Hotline to report three reportedly suicidal examinees based on a credible anonymous tip sent to me directly on Twitter. I followed up in email correspondence with the administration at the University of Miami School of Law, as one of the examinees was a former female classmate. She also allegedly called the hotline herself. I was told these were directly related to the Florida Board of Bar Examiner's announcement that they would resume the examination despite reported data breaches and broken technology on Friday, August 14th. This announcement also caused me to need to take Xanax medication to prevent another panic attack.
5. I am deeply concerned about retaliation by the Court and for my Character and Fitness application, specifically for speaking out about these issues and my mental health.
6. I am aware that my Bar Application is pending and that I am required to exhibit complete candor. I write this with the knowledge that this affidavit may become a part of my Bar Application file and certify that the statements included here are truthful.
7. Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

Jonathan Carver
JONATHAN RICHARD CARVER

DECLARATION OF FRANCO PICCININI
PURSUANT TO FLORIDA STATUTE 92.525

STATE OF FLORIDA)
) ss:
COUNTY OF MIAMI-DADE)

I, FRANCO PICCININI do hereby swear and affirm that:

1. I am over 18 years old and a graduate of UNIVERSITY OF MIAMI SCHOOL OF LAW. I was registered to take the Florida Bar Exam in July, which was then moved to August, then cancelled.

2. My inability to take the Bar will cause my admission to The Florida Bar to be delayed, and therefore my privilege to practice law is denied until the Board of Bar Examiners determines how to recommend applicants to the Florida Bar for admission.

3. In the expectation of the Florida Bar being administered in July 2020, I have:

(1) experienced significant financial hardships due to my inability to work for the previous 3 months following graduation. My starting job with a law firm has since been postponed until the spring, and I have to figure out how to pay for my rent, health insurance, car insurance, groceries, and all other living expenses for the remainder of the year with no steady income and a savings account that contains less than 1 months' rent left in it. To be candid, I will be receiving a one-time stipend this fall to assist with living expenses. While I am extraordinarily grateful for the assistance, even this stipend will only cover my living expenses for a short period of time. Unfortunately, given the fact that I have not made any income since May 2020, I am compelled to apply at least half of the stipend immediately to cover living expenses I have incurred in July and August;

(2) postponed seeing my father, stepmother, sister, brother, sister-in-law, brother-in-law, 1-year old nephew, cousins, aunts, uncles, and perhaps most upsetting my recently widowed grandmother for the past 5 months. Because they all in Michigan, I had planned on visiting my family immediately after taking the Bar Exam that was scheduled for July 28-29. Now that the exam has been postponed twice, especially considering the fact that the most recent postponement was announced a mere 58 hours before the exam was scheduled to begin, I have not seen my family members since March 1, 2020, the day of my grandfather's funeral. This kind of separation, in the midst of a global pandemic and while studying for the most important exam of my life, has caused me severe emotional stress and trauma. And, I am not the only one in my life who has suffered from the delayed exam—my father has had to grieve the loss of his father without my presence to comfort him, and my brother and his wife are going to have their first child without my ability to be present or meet my new nephew for who knows how many months, given that we do not yet know when the Bar Exam will take place.

4. In short, the delays to the administration of the Bar Exam have negatively impacted:

(1) my mental health and well-being;

(2) my financial health; and

(3) my ability to see family members and be surrounded by the ones I love while going through one of the most daunting, stressful tasks that any recent law graduate likely ever endures.

5. Up to this point, I have been reluctant to speak out and voice my frustration out of fear of retaliation and out of fear that any complaints submitted would be mischaracterized and dismissed as “whining” about the Bar Exam. To be clear, I wanted to take the Bar Exam on July 28-29, and I wanted to take the Bar Exam on August 19th, the date that we had all been planning

on for over 6 weeks. I was ready to take the Bar Exam this week, and I have studied for the Bar Exam for 12 weeks, taking 4 or 5 days off during that entire time period. That being said, the Bar Exam favors memorization and rewards meticulous attention to detail, meaning that an uncertain delay to a not-yet-identified date some 6-8 weeks into the future causes extraordinary stress and emotional trauma to even the most mentally strong and emotionally mature applicants. No person can effectively continue to study for an exam that they have already studied for since May 18th, when the date the exam is supposed to be administered keeps moving into the future.

6. I am aware that my Bar Application is pending and that I am required to exhibit complete candor. I write this with the knowledge that this affidavit may become a part of my Bar Application file and certify that the statements included here are truthful.

7. Under penalties of perjury, I declare that I have read the foregoing [document] and that the facts stated in it are true.



FRANCO PICCININI

DECLARATION OF ZUBIN KAPADIA
PURSUANT TO FLORIDA STATUTE 92.525

STATE OF FLORIDA)
) SS:
COUNTY OF Pinellas County)

I, ZUBIN KAPADIA, do hereby swear and affirm that:

1. I am over 18 years old and a graduate of Howard University School of Law (J.D.) and Georgetown University Law Center (LL.M.). I was registered to take the Florida Bar Exam in July, which was then moved to August, then cancelled.
2. My inability to take the Bar will cause my admission to The Florida Bar to be delayed, and therefore my privilege to practice law is denied until the Board of Bar Examiners determines how to recommend applicants to the Florida Bar for admission.
3. In the expectation of the Florida Bar being administered in July 2020:
 - a. I paid \$1125.00 to the Florida Board of Bar Examiners, as requested.
 - b. I moved back in with my parents to save money on expenses and to stay near the Tampa, FL, testing location and not with my wife or near my prospective employer.
 - c. I was offered a position, that I accepted, with the hope and reliance that I would take the bar exam on July 27th and 28th. The position required me to obtain a bar license to ensure that I can appropriately represent clinic clients in litigation.
 - d. The offer remains open but will prove to be a challenge for my employer and I to navigate due to the postponement of the bar exam. I will need to take time off to review and study subjects that are not related to field of work at all.
 - e. I was denied other job offers and positions due to the need for immediately FL bar licensed attorneys rather than waiting for a license.
4. Due to the uncertain exam date:
 - a. I have suffered excess stress, worry, and anxiety as a result of the decision to postpone the bar exam.
 - b. I have been losing sleep since August 16th when the exam was declared moved for a third time.
 - c. I have felt uneasy not knowing how and when I should start studying again and applying myself to the variety of bar exam subjects.
5. The deans of the law schools I have attended have all advocated for an emergency diploma privilege in light of COVID-19's effects on law graduates and the economy.

6. I am aware that my Bar Application is pending and that I am required to exhibit complete candor. I write this with the knowledge that this affidavit may become a part of my Bar Application file and certify that my statements included here are truthful.
7. Under penalties of perjury, I declare that I have read the foregoing and that the facts stated in it are true.

Zubin Kapadia

NAME OF SIGNER

DECLARATION OF AILEEN GRAFFE-MCDONLEY
PURSUANT TO FLORIDA STATUTE 92.525

STATE OF FLORIDA)
) ss:
COUNTY OF MIAMI-DADE)

I, Aileen Graffe-McDonley do hereby swear and affirm that:

1. I am over 18 years old and a graduate of The University of Miami School of Law. I was registered to take the Florida Bar Exam in July, which was then moved to August, then cancelled.
2. My inability to take the Bar will cause my admission to The Florida Bar to be delayed, and therefore my privilege to practice law is denied until the Board of Bar Examiners determines how to recommend applicants to the Florida Bar for admission.
3. In the expectation of the Florida Bar being administered in July 2020, I allotted financial resources to allow my sole focus to be the Florida Bar examination, after which I would work and ensure I could pay for my health expenses.
4. Upon Board of Bar Examiners adding a new testing location, I was assigned to take the examination at the Orange County Convention Center in Orlando, Florida.
5. At the time I was assigned to take the Florida Bar at the Orange County Convention Center, the center was a testing site for COVID-19.
6. Although the effects of COVID-19 are still being discovered, I was concerned (and still am) about contracting COVID-19 because I knew that my health insurance was due to expire August 14.
7. I have Asthma and Attention Deficit Hyperactivity Disorder (ADHD).
8. Managing my ADHD requires seeing a specialist every two months and taking medication daily.
9. Upon moving the examination to an online platform in August, I notified my husband that he could not be home while I was scheduled to take the exam.
10. My husband works from home and the nature of his work requires him to be in constant communication, i.e., phone and video meetings, with his colleagues, the team he manages and third-party vendors.
11. As a result, my husband took off from work and made alternate plans to ensure I was at home during the examination as required.
12. The financial resources allotted for the July 2020 examination have been depleted and my health insurance expired.
13. In a field where the general consensus is that it is imperative that all of one's time and resources be devoted to studying for the bar, I have no choice but to work from now until the administration of the October examination.

14. I am concerned that the logistical uncertainties surrounding the administration of the Florida Bar examination in October will impact my current employment.

15. I am concerned about how the logistical uncertainties surrounding the October examination will impact my ability to obtain appropriate accommodations and how those accommodations will impact my husband and his work.

16. I am concerned that my need to work, so I can pay to see my doctors and pay for my prescribed medications, will make passing the Florida Bar examination implausible.

17. I am aware that my Bar Application is pending and that I am required to exhibit complete candor. I write this with the knowledge that this affidavit may become a part of my Bar Application file and certify that the statements included here are truthful.

18 Under penalties of perjury, I declare that I have read the foregoing [document] and that the facts stated in it are true.

Aileen Graffe-McDonley

**DECLARATION OF
PURSUANT TO FLORIDA STATUTE 92.525**

STATE OF FLORIDA)
) ss:
COUNTY OF PINELLAS)

I, Kayla E. Hall do hereby swear and affirm that:

1. I am over 18 years old and a graduate of Stetson University College of Law. I was registered to take the Florida Bar Exam in July, which was then moved to August, then cancelled.

2. My inability to take the Bar is will cause my admission to The Florida Bar to be delayed, and therefore my privilege to practice law is denied until the Board of Bar Examiners determines how to recommend applicants to the Florida Bar for admission.

3. In the expectation of the Florida Bar being administered in July 2020, I took out a private loan in the amount of \$15,000. I used this money, in part, to pay off a credit card that was maxed out from medical, moving, and living expenses accrued during law school. I have used the remainder to pay bills, rent, and buy food while I have been studying for the bar exam. When I took this private loan out, I budgeted my loan to last me until August 1st, just after the July administration of the bar exam. When I took the loan out, I was relying on the statements from the Florida Board of Bar Examiners that there would be a test administered July 28-29. I have already made one payment on this private loan and the next payment (\$300) is due this Sunday. I will be paying \$300 a month for five years for taking three months off of work to study for an exam that ultimately did not occur. I have added \$15,000 to my already large amount of educational debt.

4. The delay in licensing has affected me in the following additional ways:
a. My ability to find a job has been hindered. I am pursuing a career in public service and Public Defender offices across the state are holding off on hiring because they

do not know when we will become licensed. Many of these offices hire on a contingent basis, begin training you once you have sat for the bar exam, and then either terminate you in the event that you fail or move you to a salaried employee once the bar results are released. I was hoping to start a job at the Public Defender's Office for the 13th Judicial Circuit, but I now must update the hiring committee that I will no longer be available to start work on September 5th and that I am unsure of when I will sit for the bar exam.

b. Not being able to work as a licensed attorney affects my ability to buy food, pay rent, and pay bills. I live with my partner, who is also sitting for the same undetermined bar administration and pursuing a career in public service. My partner and I will face eviction and food insecurity if we cannot find a job. We both began paying on private bar study loans last month and will soon begin running out of money to make ends meet.

c. Not being able to work as a licensed attorney also affects my physical health. I have been without health insurance for five years and desperately need coverage as soon as possible.

I have survived ovarian cancer and have been experiencing symptoms for about four months that signal that it may be back.

I suffer from scoliosis, multiple slipped disks, pinched nerves, and benign paroxysmal positional vertigo, all conditions that have worsened tremendously from sitting and studying 60 hours a week for three months. My symptoms include dizziness, neck pain, back pain, migraines, and nausea.

I have been stretching a one-year supply of contact lenses for my astigmatism for four years.

I was anticipating being covered by health insurance by the beginning of August, but as long as remain unemployed or underemployed due to not being licensed, I will remain uninsured and unable to seek treatment for the above-listed illnesses.

d. I have suffered from panic attacks since the age of twelve. I managed to get this under control in my early twenties by practicing yoga, meditation, and using a low-dose anti-anxiety medication on an as-needed basis. Since the uncertainty began with the bar exam administration, I have suffered multiple panic attacks a week, increasing my usage of my prescribed anti-anxiety medication. I do not like to use medication, as it makes me tired and groggy. My mental health has greatly suffered as a direct result of prolonged studying, a lack of time to exercise, a lack of funds to afford healthy food, multiple bar exam postponements, and uncertainty of when I will be able to become licensed.

e. Every day that my career is delayed, my financial future is greatly affected. I am the child of a single mother and I grew up in poverty. I have financed my education entirely on my own. I worked all throughout my undergraduate education, minimizing my student loan debt, and I received a substantial scholarship to attend law school. I still graduated with approximately \$150,000 in debt. I added an additional \$15,000 to that in order to study for and sit for the bar exam. I am in massive amounts of debt in order to pursue a career entirely dedicated to serving the public. It not only affects me financially, but it also affects my mental and emotional health as my dreams of homeownership and motherhood feel further and further out of reach. Facing months upon months of unemployment is destroying my financial, mental, emotional, and physical health. The uncertainty of when this will end contributes to the stress immensely.

5. I am deeply concerned regarding some comments that have been made by law school professors and deans who have advised students not to speak out about how the Florida Board of Bar Examiner's decision-making has affected us. There are very real and devastating consequences to, not only the decisions that the Florida Board of Bar Examiners has made and continues to make, but also the way in which those decisions are made and communicated. I am distressed and disturbed by the idea that we should be concerned about retaliation for expressing the very real emotional impacts that this experience has caused.

6. I am aware that my Bar Application is pending and that I am required to exhibit complete candor. I write this with the knowledge that this affidavit may become a part of my Bar Application file and certify that the statements included here are truthful.

7. Under penalties of perjury, I declare that I have read the foregoing [document] and that the facts stated in it are true.

Kayla E. Hall

NAME OF SIGNER

DECLARATION OF TYLER JAY KELLEY
PURSUANT TO FLORIDA STATUTE 92.525

STATE OF FLORIDA)
) ss:
COUNTY OF ORANGE)

I, Tyler Jay Kelley do hereby swear and affirm that:

1. I am over 18 years old and a graduate of Florida Agricultural and Mechanical University College of Law. I was registered to take the Florida Bar Exam in July 2020, which was then moved to August 2020, then cancelled.

2. My inability to take the Bar Examination will cause my admission to The Florida Bar to be delayed, and therefore my privilege to practice law is denied until the Florida Board of Bar Examiners determines how to recommend applicants to the Florida Bar for admission.

3. In the expectation of the Bar Examination being administered in July 2020, I

- I. Signed an extended lease agreement with my apartment complex.
- II. Saved money with my spouse to ensure our financial stability during my bar exam preparation course.
- III. Filed a notice of medical alert as it related to my pre-existing condition and the Coronavirus pandemic.

4. In the expectation of the Bar Examination being administered in August 2020, I

- I. Downloaded ILG software onto my computer.
- II. Delayed relocating for my spouse's work.
- III. Extended my current lease agreement.
- IV. Signed an overlapping lease agreement.
- V. Significantly reduced discretionary spending in my family budget.

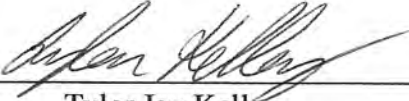
5. As a result of the August 2020 Bar Examination being delayed, I
 - I. Exhausted the financial savings established to support me while in a bar preparation course.
 - II. Was unable to hire help for relocation, as needed with my ongoing medical condition, due to the reduction in my discretionary spending that was caused by the delay of the exam from July 2020 to August 2020.
 - III. Incurred the cost of extending my apartment lease in anticipation of taking the exam in August 2020, in order to avoid relocating on a date near the examination date.
 - IV. Incurred the cost of signing overlapping leases necessary to provide myself more time to relocate in the absence of hired help.

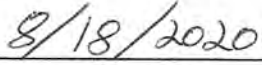
6. Further I ask the following additional circumstances be considered, that
 - I. After installing ILG software to take the online proctored Bar Examination, I received multiple phishing emails and, after determining other applicants were experiencing attempted log-ins to their personal accounts, I dedicated several hours to updating my accounts' login security.
 - II. I have a pre-existing condition with a specific risk of pulmonary disease that may effect my ability to take an in-person exam, under the circumstance imposed by the Coronavirus pandemic, if I postpone.
 - III. I no longer have the financial resources to commit to a bar prep course in the same manner as I would have but for the delayed examination. That is, in any future bar preparation course I am likely to need work-related income inhibiting my ability to prepare for the examination.

IV. Repayment of my loans, associated with my legal education, are scheduled to start before the February 2021 examination is to be administered. My ability to make payments is correlated with an opportunity to take the Bar Examination.

7. I am aware that my Bar Application is pending and that I am required to exhibit complete candor. I write this with the knowledge that this affidavit may become a part of my Bar Application file and certify that the statements included here are truthful.

8. Under penalties of perjury, I declare that I have read the foregoing declaration and that the facts stated in it are true.


Tyler Jay Kelley


August 18, 2020

DECLARATION OF RIANA S. MARYANOFF
PURSUANT TO FLORIDA STATUTE 92.525

STATE OF FLORIDA)
) ss:
COUNTY OF MIAMI-DADE)

I, Riana S. Maryanoff, do hereby swear and affirm the following:

1. I am over 18 years old and a graduate of University of Miami School of Law. I was registered to take the Florida Bar Exam in July 2020, which was then moved to August 2020, then cancelled. This is my third (3rd) time attempting to pass the Florida Bar.

2. My inability to take the Bar will cause my admission to The Florida Bar to be delayed, and therefore my privilege to practice law is denied until the Florida Board of Bar Examiners determines how to recommend applicants to the Florida Bar for admission.

3. Since failing the Florida Bar Exam, it became necessary to take a new medication that causes significant weight gain; furthermore, my psychiatrist does not recommend suspending this medication until after I am eligible to be sworn into the Florida Bar as a licensed attorney.

4. During the February 2020 exam, despite my psychiatrist reporting to the Florida Board of Bar Examiners that I experienced frequent urination from medication for a disability, I was deprived of time during the test because I was seated a significant distance from the restroom.

5. In April 2020, with the expectation of the Florida Bar Exam being administered in July 2020, I put down \$500 for a tutor who costed a total of \$1,600 (whom I now will pay more money to, in light of rescheduling the exam to an unknown date as far into the future as October).

6. In May 2020, I bought AdaptiBar for the third (3rd) time (totaling at about \$1,000) in anticipation of the July 2020 Bar Exam (this of course neither includes the cost of previously purchasing Barbri for about \$4,000, nor the two hotel stays and travel as a result of prior exams).

7. I am experiencing increased anxiety since reporting ILG issues directly to the Florida Board of Bar Examiners; also, the constant changes surrounding the examination cause increased fear, anxiety, and uncertainty about how long my life will continue to remain on hold.

8. As woman with disabilities previously reported to the Florida Board of Bar Examiners, I must respectfully express feeling strung along through an antiquated hazing ritual.

9. I respectfully request granting emergency admission to the Florida Bar upon completing hours of online CLE courses and/or finishing a reasonable amount of hours of supervised practice in light of the pandemic, because forcing applicants to wait until October to take the exam and then continuing the uncertainty in the months following to await results will cause foreseeable harms ranging from mental health concerns to serious financial losses.

10. I am more than prepared to take the Florida Bar Exam today and have put in time, memorization, and countless resources toward getting my license to practice law in Florida for more than a year now (not including what it took to graduate with my law degree *cum laude*).

11. Despite being more than prepared for the test, I am forced to experience another unnecessary session of limbo, paying a tutor, wondering if I should repurchase Barbri, and the looming anxiety of my life being on hold (such as marrying my fiancé, us starting a family, etc.).

12. I refuse to allow this test to break me; however, I am 31-years old with resources, I take care of my mental health, and I finally have the luxury of not renting in Miami-Dade County. However, I truly fear for the majority of those experiencing this state of “limbo” unnecessarily

created because many applicants will likely not call the wisely provided mental health hotline, as he or she may not even realize the need to seek professional consult.

13. I am aware that my Bar Application is pending and that I am required to exhibit complete candor. I write this with the knowledge that this affidavit may become a part of my Bar Application file and certify that the statements included here are truthful.

14. Under penalties of perjury, I declare that I have read this document and that the facts stated herein in it are true.

/s/ Riana S. Maryanoff

Riana S. Maryanoff

DECLARATION OF BRITTANY JONES
PURSUANT TO FLORIDA STATUTE 92.525

STATE OF FLORIDA)

) ss:

COUNTY OF HILLSBOROUGH)

I, Brittany Jones do hereby swear and affirm that:

1. I am over 18 years old and a graduate of Western Michigan University — Cooley Law School. I was registered to take the Florida Bar Exam in July, which was then moved to August, then cancelled.
2. My inability to take the Bar will cause my admission to The Florida Bar to be delayed, and therefore my privilege to practice law is denied until the Board of Bar Examiners determines how to recommend applicants to the Florida Bar for admission.
3. In the expectation of the Florida Bar being administered in July 2020, I took the maximum time (12 weeks) off offered through my workplace, which was extended under special approval an additional two weeks (14 weeks total) after Florida's second postponement. Throughout those 14 weeks, I have been without wages and the ability to contribute to my HSA for health care purposes.
4. In the expectation of the Florida Bar being administered in July 2020, I took out a private Bar Loan offered through Sallie Mae for my living expenses, utility bills, and car insurance. My request with Sallie Mae was budgeted for and up until July 2020. This has now put me in the position where I have had to sell furniture, gently used electronic devices, and sneakers to pay utility bills.
5. Since the delay of the August 19, 2020 Bar Exam and the months leading up to the exam, I have experienced three panic attacks and have had to schedule a doctor's appointment with my primary care. Without an incoming paycheck, I could not *remotely* afford this trip, but made the decision to not jeopardize my health. My doctor's visit was invoiced at \$165.00. The doctor recommended additional blood work, which was invoiced at \$32.00, plus the cost of the two prescriptions he wrote. In addition, I have had to go to the chiropractor's office after experiencing a neck strain from constant studying, which lasted thirteen days, at the cost of ≈ \$160.00.
6. Since the delay of the August 19, 2020 Bar Exam, I will be forced to move amid studying, as my apartment lease ends mid-October. I am unsure on how I am going to afford any moving fees given this difficult time, but hoping I can qualify for any assistance offered through Hillsborough County.

7. Since the delay of the August 19, 2020 Bar Exam, I am now required to return to work on Monday, August 24, 2020. I will now be forced to work full-time while studying for Florida's Bar Exam — which has an undetermined date.
8. I am aware that my Bar Application is pending and that I am required to exhibit complete candor. I write this with the knowledge that this affidavit may become a part of my Bar Application file and certify that the statements included here are truthful.
9. Under penalties of perjury, I declare that I have read the foregoing [document] and that the facts stated in it are true.

A handwritten signature in dark blue ink, appearing to be 'mj' with a long, sweeping flourish extending to the right.

Brittany Jones

DECLARATION OF NICHOLAS SCONZO
PURSUANT TO FLORIDA STATUTE 92.525

STATE OF FLORIDA)
) ss:
COUNTY OF MIAMI-DADE)

I, NICHOLAS SCONZO, do hereby swear and affirm that:

1. I am over 18 years old and a graduate of UNIVERSITY OF MIAMI SCHOOL OF LAW. I was registered to take the Florida Bar Exam in July, which was then moved to August, then cancelled.

2. My inability to take the Bar will cause my admission to The Florida Bar to be delayed, and therefore my privilege to practice law is denied until the Board of Bar Examiners determines how to recommend applicants to the Florida Bar for admission.

3. In the expectation of the Florida Bar being administered in July 2020, I accepted employment at the Miami-Dade State Attorney's Office, initially set to begin on August 17, 2020.

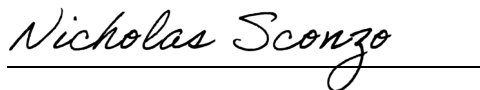
4. In the expectation of the Florida Bar being administered in July 2020, I signed a residential lease for one year at a new apartment, beginning on August 1, 2020.

5. As a result of the Florida Bar being delayed and then cancelled altogether, I have been left to struggle with the following scenarios:

- a. My start date for employment at the Miami-Dade State Attorney's Office was postponed until January 4, 2021;
- b. I do not have the ability to gain any employment opportunities as an attorney as a result of my being left without a license to practice law;
- c. I was forced to study for three months, where I was not working and therefore not earning any money to support myself, in preparation for an exam that ultimately was cancelled;
- d. I am forced to struggle each month to pay the rent at my apartment, relying on assistance from my parents and expending my savings rather than being able to support myself; and
- e. My mental health and overall well-being have suffered as a result of stress, uncertainty, and now hopelessness as a result of my being left without a license to practice law.

6. I am aware that my Bar Application is pending and that I am required to exhibit complete candor. I write this with the knowledge that this affidavit may become a part of my Bar Application file and certify that the statements included here are truthful.

7. Under penalties of perjury, I declare that I have read the foregoing declaration and that the facts stated in it are true.



NICHOLAS SCONZO