

67,942

THE FLORIDA BAR,

RE: Petition to Amend the
Bylaws under the Integration
Rule of the Florida Bar
(Florida Certification Plan)

CASE NO

FILED

SID J. WHITE

NOV 26 1985

CLERK, SUPREME COURT

By _____
Chief Deputy Clerk

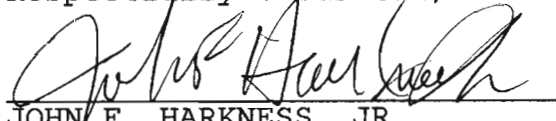
PETITION

THE FLORIDA BAR, by direction of its Board of Governors,
respectfully shows unto the Court:

1. This matter is within the exclusive jurisdiction of the Supreme Court of Florida under Article V, Section 15, Florida Constitution (1968 Revision), and Florida Bar Integration Rule, Article XXI.
2. Florida Bar Integration Rule, Article XXI, Section 2, provides for the establishment of a Certification Plan, and provides further that any future amendments be approved by the Supreme Court.
3. After careful study and debate, the Board of Governors recommends this Court adopt the Real Estate Certification Standards appended to this Petition.

WHEREFORE, the Florida Bar petitions this honorable Court for adoption of the attached Real Estate Certification Standards.

Respectfully submitted,



JOHN F. HARKNESS, JR.
Executive Director
The Florida Bar
Tallahassee, Florida 32301-8226

PATRICK G. EMMANUEL, President
The Florida Bar
Post Office Drawer 1271
Pensacola, Florida 32596

JOSEPH J. REITER, President-elect
The Florida Bar
2000 Palm Beach Lakes Boulevard
West Palm Beach, Florida 33409

STEPHEN A. RAPPENECKER, Chairman
Board of Certification,
Designation & Advertising
Post Office Box 566
Gainesville, Florida 33602

Attachment: Proposed Integration Rule Bylaws Change

67,942

F D
S
NOV 27 1985
CLERK, SUPREME COURT
By _____
Chief Deputy Clerk

APPENDIX VI
STANDARDS FOR CERTIFICATION OF A
BOARD CERTIFIED REAL ESTATE LAWYER

Lawyers who are members in good standing of The Florida Bar and who meet the standards prescribed below may be issued an appropriate certificate identifying the lawyer as a Board Certified Real Estate Lawyer. The purpose of the standards is to identify those lawyers who practice in the area of real estate and have the special knowledge, skills, and proficiency to be properly identified to the public as certified real estate lawyers.

Section 1. DEFINITIONS.

(a) "Real Estate" is the practice of law dealing with matters relating to real property transactions including, but not limited to real estate conveyances, title searches, property transfers, leases, condominiums and cooperatives, interval ownership, mortgages, zoning and land use planning, real estate development and financing, real estate litigation, and determination of property rights.

(b) The "practice of law" for this area is defined as set out at Section 5(c)(1) of Article XIX of the Integration Rule Bylaws governing the Florida Certification Plan. Practice of law which otherwise satisfies these requirements but which is on a part-time basis will satisfy the requirement if the balance of the applicant's activity is spent as a teacher of real estate subjects in an accredited law school.

APPENDIX A

Section 2. MINIMUM STANDARDS.

(a) Minimum Period of Practice. Every applicant shall have been engaged in the practice of law in the United States, or engaged in the practice of United States law while in a foreign country, and shall have been a member in good standing of the Bar of any state of the United States or the District of Columbia for a period of five years as of the date of filing an application. The years of law practice need not be consecutive.

(b) Substantial Involvement. Every applicant must demonstrate substantial involvement sufficient to show special knowledge, skills and proficiency in the practice of real estate law during the three years immediately preceding the date of application. Substantial involvement is defined as including devoting at least forty percent or more of one's practice to matters in which issues of real estate law are significant factors and in which the applicant had substantial and direct participation in those real estate issues. Upon an applicant's request and the recommendation of the Real Estate Certification Committee, the Board may waive the requirement that the three years be "immediately preceding" the date of application if the Board determines the waiver is warranted by special and compelling circumstances. An applicant must furnish information concerning the frequency of his work and the nature of the issues involved. For the purposes of this section the "practice of law" shall be as defined in Section 1(b) except that it shall also include time devoted to lecturing and/or authoring books or articles on fields of real estate law if the applicant was engaged in the practice of law during such period. Demonstration of compliance with this requirement shall be made initially through a form of questionnaire approved by the Real Estate Certification Committee but written or oral supplementation may be required.

(c) References for Knowledge and Experience. Every applicant shall submit the names and addresses of five other attorneys or judges who are familiar with his practice, not including attorneys who currently practice in the applicant's law firm, who can attest to the applicant's reputation for involvement in the field of real estate law. The Board and the Real Estate Certification Committee may authorize references from persons other than attorneys in such cases as they deem appropriate. The Board and the Real Estate Certification Committee may also make such additional inquiries as they deem appropriate.

(d) Education. Every applicant must demonstrate that during the three-year period immediately preceding the date of filing an application, he has accumulated accredited continuing legal education in real property law of not less than 45 hours.

(e) Examination. The applicant must pass a written examination which will be practical, objective and designed to demonstrate special knowledge, skills and proficiency in real estate law. An oral examination may be required of some or all of the applicants, or used in lieu of the written examination in special waiver situations, as determined by the Board.

Section 3. RECERTIFICATION. To be eligible for recertification, an applicant must meet the following requirements:

(a) A satisfactory showing, as determined by the Board and the Real Estate Certification Committee, of continuous and substantial involvement in real estate law throughout the period since the last date of certification. The demonstration of substantial involvement of at least forty percent during each year after certification prior to recertification shall be made in accordance with the standards set forth in Section 2(b).

(b) Completion of at least 75 hours of accredited continuing legal education in real estate law since the last date of certification.

(c) An applicant for recertification shall submit the names and addresses of five other attorneys or judges who are familiar with his practice, not including lawyers who currently practice in the applicant's law firm, who can attest to the applicant's reputation for ability of practice and involvement in the field of real estate law. The Board and the Real Estate Certification Committee may also make such additional inquiries as they deem appropriate.