

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

FRANK J. LAWRENCE, JR.,

Plaintiff,

vs.

CASE NO.: 4:05-CV-14 RH/WCS

**PAUL J. SCHWIEP, in his official
capacity as Chairman of the Florida
Board of Bar Examiners, et al.,**

Defendants.

**DEFENDANT, CHIEF JUSTICE PARTIENTE'S
MOTION TO FILE DOCUMENTS UNDER SEAL**

The Defendant, CHIEF JUSTICE PARIENTE, moves this Court to grant leave for Defendant to file certain documents under seal in this case. As grounds therefor, Defendant would state:

1. Chief Justice Pariente seeks leave to file under seal in this court various documents filed in the Florida Supreme Court relating to Plaintiff's Bar Admission proceedings. Chief Justice Pariente seeks leave to file the subject documents under seal because all records relating to such proceedings are confidential pursuant to applicable rules. *See* Rule 1-60 *et seq.* and Rule 3-23.7, Rules of The Supreme Court Relating to Admissions to The Bar.
2. These documents would be filed along with a Motion for Judicial Notice. The purpose of the Motion for Judicial Notice, if granted, would be to update the Court on the status of Plaintiff's Bar Admission proceedings. This update is relevant to Chief Justice Pariente's

argument, made in the Motion to Dismiss (DE #10) filed in this case, that the Court should abstain from consideration of this matter based on Younger v. Harris, 401 U.S. 37, 91 S.Ct. 746, 27 L.Ed.2d 669 (1971).

3. As a general rule, the Defendant must provide to the Court the information necessary to take judicial notice. Rule 201(d), Federal Evidence Code.

4. In order to both provide the Court the information necessary to take judicial notice in this case, and to maintain the confidentiality of the records at issue, Chief Justice Pariente seeks leave to file certain documents filed in the Florida Supreme Court relating to Plaintiff's Bar Admission proceedings under seal.

MEMORANDUM OF LAW

Pursuant to Rule 1-60 *et seq.* and Rule 3-23.7, Rules of The Supreme Court Relating to Admissions to The Bar, when read *in pari materia*, the records of both the Florida Board of Bar Examiners and the Florida Supreme Court relating to initial Bar admission proceedings are confidential. In order to avoid breaching these confidentiality rules, Chief Justice Pariente seeks leave to file the documents at issue under seal, and asserts that the foregoing constitutes good cause for such action.

WHEREFORE Chief Justice Pariente moves this Court to grant Defendant leave to file under seal in this court various documents filed in the Florida Supreme Court relating to Plaintiff's Bar Admission proceedings.

**CERTIFICATE OF CONFERRING WITH OPPOSING
COUNSEL REGARDING MOTION**

On August 11, 2005, the undersigned sent Plaintiff's counsel an e-mail seeking his position on this motion (and an anticipated motion for judicial notice). As of the time that this motion was filed, the undersigned had received no response to the e-mail. Should the undersigned receive information relating to Plaintiff's position on this motion at a subsequent time, the undersigned will advise the Court.

Respectfully Submitted,

CHARLES J. CRIST, JR.
ATTORNEY GENERAL

s/ Stephanie A. Daniel
STEPHANIE A. DANIEL
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Fla. Bar No. 332305
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished, by Notice of Electronic Filing, to DENNIS B. DUBUC, ESQUIRE, at Essex Park Law Office, P.C., 12618 10 Mile Road, South Lyon, Michigan 48178, and to JAMES J. DEAN, ESQUIRE, at Post Office Box 1876, Tallahassee, Florida 32302-1876, on August 11, 2005.

s/ Stephanie A. Daniel
Stephanie A. Daniel
Senior Assistant Attorney General