

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

LAURA FORD,
Plaintiff

CASE NO: 6:06-cv-3-Orl-31JGG

v.

THE SUPREME COURT OF FLORIDA and
BARBARA J. PARIENTE, in her individual
and official capacity;

And

FLORIDA BOARD OF BAR EXAMINERS,
KATHRYN RESSEL, in her individual and
official capacity; ELEANOR MITCHELL
HUNTER in her individual and official
capacity; and JANE DOE PROCTOR, in her
individual and official capacity.

AFFIDAVIT OF LAURA LYN FORD

STATE OF FLORIDA

COUNTY OF ORANGE

BEFORE ME, the undersigned authority, personally appeared **LAURA L. FORD**, who, produced personal identification to me and after being duly sworn by me, deposes and says as follows:

1. My name is Laura L. Ford, I have personal knowledge of the facts included in this Affidavit.

2. **PLAINTIFF**, Laura Ford, holds a Juris Doctor degree from Western New England College of Law (2001) and resides in the Middle District of Florida.

3. On November 10, 2002, **PLAINTIFF** again requested accommodations for the February 2003 bar exam, indicating that the accommodations provided in July 2002 were adequate, only because the **PLAINTIFF** passed Part A (Fl) and was now only taking Part B (MBE).

4. After being denied three times, without any reason by the Defendant **FBBE**, for the accommodation of one day of rest between exams days and since **PLAINTIFF** passed part A of the exam, she believed it would be futile to request the one day of rest and resubmit to the entire exam (both Parts A & B) again.

5. Defendant **FBBE** informed **PLAINTIFF** they were granting the accommodations previously provided.

6. By the first week of February 2003, **PLAINTIFF** had not received an exam schedule, nor the letter outlining the accommodations. **PLAINTIFF** contacted Defendant, **KATHRYN RESSEL** by phone. After discussion with Defendant **RESSEL**, about not receiving an exam schedule or letter outlining **PLAINTIFF'S** accommodations, on February 12, 2003, the Defendant **FBBE**, mailed **PLAINTIFF** her testing schedule.

7. **PLAINTIFF** then notified the Defendant **FBBE** that she was in receipt of a letter stating, "...those same accommodations previously granted by the Board as well as a podium and permission to bring a drink."

8. **PLAINTIFF** expressed concern, at that time, to Defendant **RESSEL** about the lack of the usual letter, which specifically listed the **PLAINTIFF'S** accommodations. **PLAINTIFF** was reassured that the, "proctors will know what accommodations you're supposed to have."

9. **PLAINTIFF** arrived at the testing center and checked in at the appropriate time for the February 2003 exam. The Defendant **JANE DOE PROCTOR**¹ was not present in the room until the exact time the test was supposed to begin.

10. Upon arrival, Defendant **JANE DOE PROCTOR** proceeded to read the test instructions and then announced the exam to begin. During that entire time, **PLAINTIFF** had waited with her arm raised to indicate that she had a question.

¹ The volunteer proctors in the room are not able to answer specific questions and will tell you to wait for the Fl bar proctor with your questions. However, **PLAINTIFF** did inquire at the time.

11. *After* Defendant **JANE DOE PROCTOR** had finished and announced the begin of the exam, she then approached the **PLAINTIFF**.

12. **PLAINTIFF** inquired as to instructions as to what items to fill out on the scan-tron sheet² noting that it was her accommodation to circle her answers.

13. Defendant **JANE DOE PROCTOR** insisted that **PLAINTIFF** must use the scan-tron sheet and cannot circle her answers.

14. Fearing this would happen, **PLAINTIFF** produced the November 21, 2002 letter and the June 4, 2002 letters from the Defendant **FBBE**.

15. The Defendant **JANE DOE PROCTOR** then proceeded *for the next several minutes*, to read both letters, even though **PLAINTIFF** was pointing to Item #4 of the June 4 letter indicating she could circle her answers.

16. After several more minutes passed, the Defendant **JANE DOE PROCTOR** directed **PLAINTIFF** to “just bubble in her name and social on the scan-tron³.”

17. As a result of the confusion caused by the Defendant **FBBE** failure to provide **PLAINTIFF** with the documentation and to inform their proctors, **PLAINTIFF** lost nearly 9 minutes of exam time. By then, she chose to not engage further into a discussion about the loss of time for fear of losing even more time, in an already stressful situation.

18. **PLAINTIFF** proceeded to begin her exam, nearly 9 minutes after everybody else had begun, with no time offered to compensate for the lost time.

² This is also known as a “bubble sheet.” Although **PLAINTIFF** was not required to use it, proctors in the past still required her to fill out her name and other information.

³ The Defendant **JANE DOE PROCTOR** and/or Defendant **FBBE** was also responsible for “bubbling in” the **PLAINTIFF’S** answers that she had circled in the exam booklet according to unwritten policies that **PLAINTIFF** has been able to decipher. Additionally, upon a rescore request to the NCBE, they do not match your original exam booklet answers to your scan-tron sheet. They only will rescore the scan-tron. Thus, the assertion that they “handscore” is unreasonable and unrealistic when it comes to a rescore request by a disabled applicant who has circled answers in the exam booklet. In fact, if the proctor had filled out the scan-tron and made any number of possible mistakes, it could cause an examinee to fail the entire exam. Consequently, there are no provisions available for a disabled examinee to be know whether their scan-tron was properly filled out and scored.

19. On April 14, 2003 PLAINTIFF received an "Admission Status Report" indicating she failed Part B (MBE) of the bar exam. PLAINTIFF received a raw score of 107 which was converted to a 125 scaled score.

20. Had PLAINTIFF not lost 9 minutes of testing time because of the JANE DOE PROCTOR'S confusion about the accommodations, PLAINTIFF would have made the 5 (6)⁴ points needed to pass the MBE portion of the exam.

21. Additionally, had the Defendant FBBE granted PLAINTIFF'S original requests, she would have passed the entire exam while benefiting from having her scores averaged by the overall method⁵ like everybody else, rather than being forced to submit to the individual method⁶ thereafter.

FURTHER AFFIANT SAYETH NOT.

Laura Lyn Ford
LAURA LYN FORD

SWORN TO AND SUBSCRIBED before me this ____ Day of April, 2006.

Affiant produced identification.

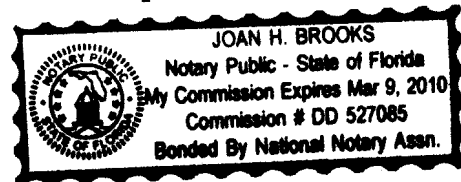
Florida License

Joan H. Brooks
Signature

JOAN H. BROOKS
Printed Name

NOTARY PUBLIC
State of Florida at Large

My Commission Expires:

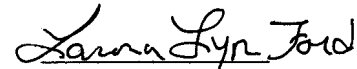


Respectfully submitted on this 21st day of April 2006.

⁴ See: Supreme Court Ruling AOSC03-29.

⁵ R. Regulating Fla. Bar 4-25, R. 4-25.1.; (4-25 Submission Methods).; (4-25.1 Overall method).

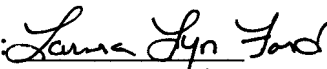
⁶ Fla. Bd. Bar Exam. R. 4-25.2. (Individual method . . . "under the individual method *may not combine a score attained on one part from one administration with a score on the other part from a different administration.*").


Laura Lyn Ford
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CERTIFICATE OF SERVICE

I, **LAURA LYN FORD**, declare under penalty of perjury and hereby certify that a true and correct copy of this **AFFIDAVIT OF LAURA LYN FORD** has been served, on **April 21, 2006**, by **United States Mail** to the following:

LEAH L. MARINO, Attorney for **THE FLORIDA SUPREME COURT AND CHIEF JUSTICE BARBARA J. PARIENTE** located at **Office of the Attorney General, PL-01, The Capitol Tallahassee Florida 32399-1050**; **JAMES J. DEAN**, Attorney for **THE FLORIDA BOARD OF BAR EXAMINERS**; **KATHRYN RESSEL**, agent or employee of **FBBE**; **ELEANOR MITCHELL HUNTER** agent or employee of **FBBE**; and **JANE DOE PROCTOR**, an agent or employee of the Florida Board of Bar Examiners, located at **Messer, Caparello & Self, P.A., 215 S. Monroe Street, Suite 701, P.O. Box 1876, Tallahassee, Florida 32302-1976**.

Signed and Sworn to on this 21st Day of April 2006 By: 
Laura Lyn Ford
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