

07/17/02“See News Release 056 for any concurrences and/or dissents.”

SUPREME COURT OF LOUISIANA

No. 02-OB-1763

IN RE: APPEAL OF RAPHAELE R. FAVRE SCHNYDER

Weimer, J. would grant the petition and assigns reasons

This most recent application by a temporary resident alien for permission to sit for the July bar examination raises the specter of individuals who have been notified prior to our decision in *In re: Bourke*, 02-1468 (La. 6/14/02), ___ So.2d ___, that they could sit for the exam, only to be informed on the eve of that exam that they can no longer sit for that exam. Their situation demonstrates the unfairness of applying our decision in *In re: Bourke* retroactively. Although I agree with this Court’s determination that our prior decisions on this issue, including *In re: Application or Appert*, 444 So.2d 1208 (La. 1984) and *In re: Application of Respondek*, 442 So.435 (La. 1983), are incorrect, because of the length of time that contrary jurisprudence existed and the reliance individuals placed on the existence of the former rule, I would revisit the issue of retroactivity and apply *In re: Bourke* prospectively only. In addition, I would *sua sponte* review the petitions of those individuals to whom this Court has retroactively applied *In re: Bourke*, and grant these individuals permission to sit for the July bar examination.