

# UpFront

By Mike Eidelbes

## More Than 120 Attorneys Welcomed to Bar Via Virtual Swearing-In Ceremony

The COVID-19 pandemic has thrown virtually every aspect of everyday life into disarray. For folks who recently passed the Michigan bar exam but couldn't be sworn in due to the ban on public gatherings, the disruption effectively forced them to put the start of their legal careers on hold.

Recognizing the dilemma, the State Bar of Michigan and the Michigan Supreme Court found a unique solution. On Friday, May 15, more than 120 prospective attorneys representing all five Michigan law schools and nearly 20 other institutions from coast to coast took part in a virtual mass swearing-in ceremony via Zoom administered by Chief Justice Bridget McCormack. State Bar President Dennis Barnes made the motion to Justice McCormack presenting the candidates for swearing-in.

"You are entering this profession at its most unique moment in my lifetime," Chief Justice McCormack told the candidates after they took the oath. "Courts are extremely high-volume public spaces. People who visit them are, for the most part, required to be there. How we manage protecting public health with protecting access to justice is complicated and high stakes."

A YouTube livestream of the event drew nearly 700 viewers, some of whom logged in from as far away as Puerto Rico and Costa Rica.

"While our remote admissions and swearing-in ceremony may be unprecedented and novel," Barnes said, "you should remember that ours is an old and noble profession." ■



Photo by Mike Eidelbes

Michigan Supreme Court Chief Justice Bridget McCormack (pictured in top row, highlighted green square) swore in more than 120 new attorneys on Friday, May 15, as part of a virtual ceremony conducted via Zoom. State Bar President Dennis Barnes (top row, left) presented the candidates for admission to the Bar.

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## Michigan Case Featured in Innocence Project Series on Netflix

The case of a Michigan man wrongly jailed for a crime he didn't commit and the efforts the Western Michigan University Cooley Law School Innocence Project took to clear his name was featured in a new Netflix series that debuted in April.

The final episode of "The Innocence Files" highlighted the case of Kenneth Wyniemko, a Clinton Township resident convicted in 1994 of criminal sexual conduct, breaking and entering, and armed robbery. None of the physical evidence linked Wyniemko to the crime scene, and his attorney only had two days to prepare for trial. Still, he was found guilty based on testimony from a government informant and identification by the victim, who had a limited opportunity to view the assailant.

The WMU-Cooley Innocence Project obtained post-conviction DNA testing in 2003. With assistance from attorney Gail Pamukov, Wyniemko's conviction was overturned and all charges against him were dismissed by Macomb County prosecutors in 2013. Five years later, the actual perpetrator was identified through the DNA data bank.



Courtesy photo

*Kenneth Wyniemko, the subject of an episode of a Netflix series highlighting the Innocence Project, and WMU-Cooley Innocence Project Director Marla Mitchell-Cichon.*

"The Innocence Files" has drawn raves from critics. *TIME* magazine's Judy Berman called the nine-episode series "a sobering look at how one trial can steal decades of life from an innocent person and a hopeful glimpse of selfless lawyers righting grievous wrongs," and Brian Tallerico of RogerEbert.com wrote, "Equally moving, informative, and infuriating, 'The Innocence Files' is one of the best true crime series ever made."

## Online Article Series on COVID-19 and the Practice of Law

Throughout the pandemic, the State Bar of Michigan is publishing timely articles by Michigan attorneys relating to COVID-19 and the practice of law. Bookmark <https://www.michbar.org/generalinfo/pandemic> articles and check back often. Current titles include:

- "The Animal Farm Principle" by Patrick Barry
- "Legal Ethics and Emergency Lawyering: Effective Representation in the Time of COVID-19" by Kenneth M. Mogill
- "A Primer on Virtual Litigation Practice" by Thomas M. Schehr and Nasseem S. Ramin

Over nearly two decades, the WMU-Cooley Innocence Project, which is staffed by law students working under the supervision of program attorneys, has screened more than 5,700 cases and is responsible for the exoneration of Wyniemko and three other men. ■

## July 2020 Bar Exam to Be Remote Online Essay Test

The Michigan Supreme Court announced that the Board of Law Examiners has shelved the traditional two-day format for the July 2020 bar examination in favor of a single-day, essay-only, remote option. Uncertainty regarding the continuing COVID-19 pandemic and the ability to accommodate in-person gatherings necessitated the change.

Originally scheduled for July 28–29, the modified test will be held on Tuesday, July 28. The 15-question essay exam will cover both state and federal law topics similar to those that would be addressed in the 200-question Multistate Bar Exam, which cannot be administered online this year.

"The board conducted extensive research and consultations to make this decision, in-

cluding outreach to Michigan public health officials and law school deans, while monitoring developments in the pandemic and approaches of other states," Justice Brian K. Zahra, the Court's liaison to the Board of Law Examiners, said in a press release. "Law school graduates can sit for the exam without risking public health."

Since this year's summer applicants will be on the same professional track as previous July examinees, the Board of Law Examiners did not recommend any limited licensure because of the change.

"I am confident the Michigan essay examination will adequately test the applicants' legal knowledge and skill," Justice Zahra said. "The public can be confident that those who

pass this exam will have requisite knowledge of state law to become a member of the Michigan bar."

The BLE is working with Michigan's five law schools and the University of Toledo to make sure that individuals with disabilities who cannot take the exam online are able to take the test in person with appropriate safety measures.

The full extent of Michigan Supreme Court Order 2020-15 addressing the July 2020 bar exam modifications can be found at [https://courts.michigan.gov/Courts/MichiganSupremeCourt/rules/court-rules-admin-matters/Administrative%20Orders/2020-08\\_2020-05-18\\_Formatted\\_Order\\_AO2020-15.pdf](https://courts.michigan.gov/Courts/MichiganSupremeCourt/rules/court-rules-admin-matters/Administrative%20Orders/2020-08_2020-05-18_Formatted_Order_AO2020-15.pdf). ■