

## State Bar of Michigan | 2016-2017 COMMITTEE ANNUAL REPORT

### Article VI § 6, Bylaws of the State Bar of Michigan

*No later than May 1 of each year, the chair of each committee and sub entity of the Bar, with the assistance of the staff liaison, shall report to the Executive Director on a form provided by the State Bar on the activities and accomplishments of the committee or sub entity.*

### Character and Fitness

Jurisdiction: · Investigate the character and fitness of candidates for admission to the Bar pursuant to Rule 15, Section 1, of the Supreme Court Rules Concerning the State Bar of Michigan.

#### Chair

P30047 Robert B. Ebersole  
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#### Member

##### Term Ending: 2017

P44054 Connell Alsup, Haslett  
P55429 Jeanine Monique Brunson, Detroit  
P33989 Cynthia C. Bullington, Detroit  
P11781 Boyd E. Chapin, Jr., Detroit  
P27034 David G. Chardavoyne, Farmington Hills  
P47610 Phillip D. Churchill, Jr., Lansing  
P33131 Scott E. Dwyer, Grand Rapids  
P30047 Robert B. Ebersole, Holt  
P33132 William H. Fallon, Grand Rapids  
P30781 Linda M. Galbraith, Port Sanilac  
P29905 Randall J. Gillary, Troy  
P27696 Gregory M. Janks, Bloomfield Hills  
P42954 Mary A. Kalmink, Detroit  
P32136 Hon. Cynthia A. Lane, Port Huron  
P24207 Barbara R. Levine, Lansing  
P31668 Barbara A. Menear, Flint  
P29278 Kathleen S. Schultz, Eastpointe  
P33608 John M. Toth, Southfield

#### Advisor

P43178 David H. Baum, Ann Arbor  
P10610 Gordon A. Becker, Brutus  
P55313 John C. Boufford, Troy  
P55468 Karie Holder Boylan, Rochester  
P72808 Brian Patrick Dowgiallo, Southfield  
P65126 Ben K. Frimpong, Detroit  
P64426 Darling A. Garcia, Lansing  
P68759 Patrick B. Green, Detroit  
P14745 Thomas M. J. Hathaway, Detroit  
P55731 Suzanne K. Hollyer, Pontiac  
P41257 William E. Hosler, Birmingham  
P55145 Daphne M. Johnson, Lansing  
P34754 Linda D. Johnson, Detroit  
P43331 Lori A. Marran, Howell  
P42317 Berton K. May, Grand Rapids  
P28714 E. Thomas McCarthy, Jr., Grand Rapids

P41317 Maria C. Miller, Detroit  
P51984 Sonal Hope Mithani, Ann Arbor  
P58346 Brian P. Morley, Lansing  
P33222 Thomas L. Saxe, Grand Rapids  
P44485 Wanda M. Stokes, Lansing  
P33955 Kimberley Reed Thompson, Detroit  
P37062 Joan P. Vestrand, Auburn Hills  
P24154 Keith D. Zick, Port Huron

**State Bar Liaison**

P53603 Danon D. Goodrum-Garland, Lansing  
Patricia Peyton, Lansing  
Diane K. VanAken, Lansing

**State Bar Liaison Assistant**

Mary Sue Lester, Lansing  
Keith Wilkinson, Lansing

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**Committee Meeting Schedule:**

Please attach any additional information needed regarding Committee meetings as an addendum.

*\*Please keep meeting descriptions brief.*

Meeting Type	Date	Location
Meeting Type: Hearings		
Description: Hearings are scheduled as mutually convenient between the Presiding Committee Member, State Bar Counsel, and Applicant/Applicant's Counsel.		
Meeting Type: Business Meetings		
Description: Business meetings are conducted on an as-needed basis.		
Meeting Type:		
Description:		
Meeting Type:		
Description:		
Meeting Type:		
Description:		
Meeting Type:		
Description:		

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**Resources provided by the State Bar of Michigan in support of committee work:**

Six full-time staff members of the Character and Fitness department process and investigate all applications, favorably recommend applicants whose files did not reveal information considered significantly adverse, designate and prepare files to be referred to district committees, and assist assigned State Bar Counsel and the Standing Committee in conducting de novo hearings. The Director of Professional Standards and the Professional Standards Assistant Counsel also assist the Committee with legal and ethical matters. Meeting space at the Michael Franck Building is provided for hearings conducted in Lansing, as are court reporting services for all hearings conducted throughout the state, along with all materials and meals for hearings, meetings, and training sessions. Committee members and staff also attend hearings before the Board of Law Examiners, and staff prepares and distributes the hearing materials for those hearings.

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## Committee Activities:

The primary work of the Standing Committee on Character and Fitness is to investigate and make recommendations with respect to the character and fitness of every applicant for admission to the bar by bar examination, as well as some applicants for admission without examination when designated by the Board of Law Examiners. This work is accomplished with the assistance of assigned State Bar Staff and the District Character and Fitness Committees. One business-type meeting may be held during the year to address policy issues and train new members, if deemed necessary by the Chairperson.

The Standing Committee members review recommendations submitted by the District Committees, conduct confidential applicant hearings, and make recommendations to the Board of Law Examiners. The bar exam is administered by the Board of Law Examiners twice annually, and each first time examinee must complete an Affidavit of Personal History and submit all required background information. The number of applications received has decreased over the past several years due to the decline in law school enrollment; there were 832 examinees who filed character and fitness Affidavits of Personal History for the July 2016 and February 2017 examinations. Applicants must be re-certified if the original application is over three years old and the applicant has not been successful on the bar examination, which involves submitting to another complete investigation. After the staff investigation is completed, an applicant is recommended favorably to the State Board of Law Examiners without referral to the Committee when investigation of past conduct discloses no significant adverse factual information. In all other instances, applicants are referred to a District Committee for a personal interview. Approximately 200 members of the Bar volunteer to serve on the nine District Committees. The District Committees issue a written report and recommendation on each applicant interviewed to the Standing Committee. Upon receiving a District Committee recommendation, the Standing Committee may: endorse the recommendation, take the recommendation under advisement pending additional information, remand the recommendation to the District Committee with instructions for further proceedings, or reject the recommendation and conduct a hearing de novo. All recommendations are ultimately transmitted to the Board of Law Examiners for final action.

The District Character and Fitness Committees conducted interviews for 47 applicants for the July 2016, exam cycle. To date, 2 files have been referred for District Committee interviews for the February 2017 exam cycle, and of those, 2 interviews have either been scheduled or completed. It is expected that up to 32 additional files may be referred for the February 2017 exam cycle, based on the information received to date. New member training for District Committee members was conducted on March 24, 2017 by members of the Standing Committee and State Bar Staff, and was attended by 32 new members.

From May 1, 2016 through March 31, 2017, the Standing Committee held 32 formal hearings before making recommendations to the State Board of Law Examiners. Additionally, 22 hearings are expected to be conducted during the remainder of the fiscal year. Seven hearings before the State Board of Law Examiners were also conducted during this time frame, which required the presence of a member of the Committee acting as assigned State Bar Counsel as well as a member of the Character and Fitness Department Staff.

The time commitment required to conduct formal hearings, including hearings spanning multiple days, establish policies, address individual applicant requests, and monitor the applicant processing system is significant. The Committee would be unable to function without the dedication, professionalism, and hard work of members of the District Committees and the Advisor Members of the Standing Committee. It is a tribute to the legal profession that among its members are so many people who give substantially of their time to ensure that persons admitted as lawyers in Michigan are worthy of public trust.

**Future Goals and Activities:**

State Bar staff, in coordination with the Board of Law Examiners, are building a bar exam applicant portal and database that will update the current systems being used by the Character & Fitness Department and the Board. A primary goal of the portal and database is to expedite and enhance communications between both entities and to/from the applicants. Additionally, the new systems will keep the applicants up to date on the progress of their applications, and greatly reduce the use of paper, making the application process greener than ever.

A request for an increase in the investigation fee is currently pending before the Michigan Supreme Court; fees were last raised in 2001. The increase was requested to reduce the amount of member dues currently being allocated to the Character and Fitness process.

In addition to conducting hearings, the Committee continues to work on Law Student Outreach, and analyze current questions on the Affidavit of Personal History.

**Other Information:**

In addition to conducting hearings, the Committee also designates Subcommittees to study and make recommendations regarding issues relevant to Bar Admissions when necessary. Members of the Outreach Subcommittee, an ongoing Subcommittee studying ways to further educate the law student community about the upcoming character and fitness process, give presentations when requested to do so by law school faculty.

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Approved by	Approved	Name
Chair	3/30/2017	Robert B. Ebersole
Co-chair		
Staff Liaison	3/27/2017	Diane K. Van Aken
Other		

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