

State Bar of Michigan | 2017-2018 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: 2018

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, Grand Ledge
P31668 Barbara A. Menear, Flint
P29278 Kathleen S. Schultz, Eastpointe
P33608 John M. Toth, Southfield

Advisor

P10610 Gordon A. Becker, Brutus
P48853 Michael J. Bedford, Paw Paw
P46908 Lori Grigg Bluhm, Troy
P55313 John C. Boufford, Troy
P72808 Brian Patrick Dowgiallo, Southfield
P68367 Thomas Lane English, Williamston
P65126 Ben K. Frimpong, Detroit
P64426 Darling A. Garcia, Lansing
P68759 Patrick B. Green, Detroit
P57695 John L. Gustincic, Merrill
P55731 Suzanne K. Hollyer, Pontiac
P41257 William E. Hosler, Birmingham
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
P55138 Kimberly J. Ruppel, Troy
P33222 Thomas L. Saxe, Grand Rapids
P44485 Wanda M. Stokes, Lansing
P59411 Keith P. Theisen, Traverse City
P33955 Kimberley Reed Thompson, Detroit
P37062 Joan P. Vestrand, Auburn Hills

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

Committee Meeting Schedule:

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

**Please keep meeting descriptions brief.*

Meeting Type	Date	Location
Hearing		
Description: Hearings are scheduled as mutually convenient between the Presiding Committee Member, State Bar Counsel, and Applicant/Applicant's Counsel. Hearings are conducted in Lansing, Detroit, Southfield and Grand Rapids		
Business Meetings		
Description: Business meetings are conducted on an as-needed basis.		
Description:		
Description:		
Description:		
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 and Strategic Goal Accomplishments:

Please list each accomplishment/activity, and indicate which strategic plan area it supports by checking the corresponding boxes.

<p>The primary work of the Standing Committee on Character and Fitness (SC) 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 (BLE). This work is accomplished with the assistance of assigned State Bar Staff and the District Character and Fitness Committees (DC). One business-type meeting may be held during the year to address policy issues and train new members, if deemed necessary by the Chairperson.</p>	<p> <input type="checkbox"/>G1 <input type="checkbox"/>G2 <input type="checkbox"/>G3 <input type="checkbox"/>G4 <input type="checkbox"/>S1 <input type="checkbox"/>S1 <input checked="" type="checkbox"/>S1 <input type="checkbox"/>S1 <input type="checkbox"/>S2 <input type="checkbox"/>S2 <input type="checkbox"/>S2 <input type="checkbox"/>S2 <input type="checkbox"/>S3 <input type="checkbox"/>S3 <input type="checkbox"/>S3 <input type="checkbox"/>S3 <input type="checkbox"/>S4 <input type="checkbox"/>S4 <input type="checkbox"/>S4 <input type="checkbox"/>S4 <input type="checkbox"/>S5 <input type="checkbox"/>S5 <input type="checkbox"/>S6 <input type="checkbox"/>S6 </p> <p style="text-align: center;">Reset Section</p>
<p>The SC members review recommendations submitted by the DCs, conduct confidential applicant hearings, and make recommendations to the BLE. The bar exam is administered by the BLE twice annually, and each first time examinee must complete an Affidavit of Personal History and submit all required background information. There were 814 examinees who filed Affidavits of Personal History for the July 2017 and February 2018 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.</p>	<p> <input type="checkbox"/>G1 <input type="checkbox"/>G2 <input type="checkbox"/>G3 <input type="checkbox"/>G4 <input type="checkbox"/>S1 <input type="checkbox"/>S1 <input checked="" type="checkbox"/>S1 <input type="checkbox"/>S1 <input type="checkbox"/>S2 <input type="checkbox"/>S2 <input type="checkbox"/>S2 <input type="checkbox"/>S2 <input type="checkbox"/>S3 <input type="checkbox"/>S3 <input type="checkbox"/>S3 <input type="checkbox"/>S3 <input type="checkbox"/>S4 <input type="checkbox"/>S4 <input type="checkbox"/>S4 <input type="checkbox"/>S4 <input type="checkbox"/>S5 <input type="checkbox"/>S5 <input type="checkbox"/>S6 <input type="checkbox"/>S6 </p> <p style="text-align: center;">Reset Section</p>
<p>An applicant is recommended favorably to the BLE 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 DC for personal interview. Approximately 200 members of the Bar volunteer to serve on the nine DCs. The DCs issue a written report and recommendation on each applicant interviewed to the SC. Upon receiving a DC recommendation, the SC may: endorse the recommendation, take the recommendation under advisement pending additional information, remand the recommendation with instructions for further proceedings, or reject the recommendation and conduct a hearing de novo. All recommendations are ultimately transmitted to the BLE for final action.</p>	<p> <input type="checkbox"/>G1 <input type="checkbox"/>G2 <input type="checkbox"/>G3 <input type="checkbox"/>G4 <input type="checkbox"/>S1 <input type="checkbox"/>S1 <input checked="" type="checkbox"/>S1 <input type="checkbox"/>S1 <input type="checkbox"/>S2 <input type="checkbox"/>S2 <input type="checkbox"/>S2 <input type="checkbox"/>S2 <input type="checkbox"/>S3 <input type="checkbox"/>S3 <input type="checkbox"/>S3 <input type="checkbox"/>S3 <input type="checkbox"/>S4 <input type="checkbox"/>S4 <input type="checkbox"/>S4 <input type="checkbox"/>S4 <input type="checkbox"/>S5 <input type="checkbox"/>S5 <input type="checkbox"/>S6 <input type="checkbox"/>S6 </p> <p style="text-align: center;">Reset Section</p>
<p>The District Committees conducted interviews for 49 applicants between April 1, 2017 and March 31, 2018. To date, 2 files have been referred for DC interviews for the February 2018 exam cycle. It is expected that up to 27 additional files may be referred prior to August 1, 2018, based on the information received to date. New member training for DC members was conducted on March 21, 2018, by members of the SC and SBM staff, and was attended by 39 new members.</p>	<p> <input type="checkbox"/>G1 <input type="checkbox"/>G2 <input type="checkbox"/>G3 <input type="checkbox"/>G4 <input type="checkbox"/>S1 <input type="checkbox"/>S1 <input checked="" type="checkbox"/>S1 <input type="checkbox"/>S1 <input type="checkbox"/>S2 <input type="checkbox"/>S2 <input type="checkbox"/>S2 <input type="checkbox"/>S2 <input type="checkbox"/>S3 <input type="checkbox"/>S3 <input type="checkbox"/>S3 <input type="checkbox"/>S3 <input type="checkbox"/>S4 <input type="checkbox"/>S4 <input type="checkbox"/>S4 <input type="checkbox"/>S4 <input type="checkbox"/>S5 <input type="checkbox"/>S5 <input type="checkbox"/>S6 <input type="checkbox"/>S6 </p> <p style="text-align: center;">Reset Section</p>
<p>From April 1, 2017 - March 31, 2018, the Standing Committee conducted 28 formal hearings before making recommendations to the BLE. Additionally, 25 applicant matters are currently on the hearing docket, and scheduled or expected to be conducted during the remainder of the fiscal year. Six hearings before the BLE 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. New member training for Standing Committee members was conducted on October 20, 2017, by members of the SC and SBM staff, and was attended by 6 new members.</p>	<p> <input type="checkbox"/>G1 <input type="checkbox"/>G2 <input type="checkbox"/>G3 <input type="checkbox"/>G4 <input type="checkbox"/>S1 <input type="checkbox"/>S1 <input checked="" type="checkbox"/>S1 <input type="checkbox"/>S1 <input type="checkbox"/>S2 <input type="checkbox"/>S2 <input type="checkbox"/>S2 <input type="checkbox"/>S2 <input type="checkbox"/>S3 <input type="checkbox"/>S3 <input type="checkbox"/>S3 <input type="checkbox"/>S3 <input type="checkbox"/>S4 <input type="checkbox"/>S4 <input type="checkbox"/>S4 <input type="checkbox"/>S4 <input type="checkbox"/>S5 <input type="checkbox"/>S5 <input type="checkbox"/>S6 <input type="checkbox"/>S6 </p> <p style="text-align: center;">Reset Section</p>

REPORT Future Goals and Activities:

State Bar and Board of Law Examiners staff have been involved in automation to the Admissions process for the last several years, using a three phase plan. Phase 1 was finished effective with the February 2016 exam that enabled completed applications and payments to be submitted to the State Bar's eCommerce site.

Phase 2 is in progress and involves the development of an Applicant/SBM C&F Department/BLE Staff communication portal and database. These enhancements will further improve efficiencies in communication regarding an application. The portal will be accessible to applicants at their convenience and will allow them to check on the status of their application, including to confirm documents received and outstanding, and update their contact information without emailing or letter. Through the portal system, BLE Staff will be able to see the status of applicants in the C&F process (such as recommended for approval, closed for non-cooperation, referred to district committee, etc) to improve communication efficiencies. The portal will also allow applicants and third parties to upload documents, which will reduce processing lag time due to pending documents. The portal will allow State Bar Staff to enhance efficiencies when sending computer generated letters to third parties, among other things. Developmental efforts to complete phase 2 were delayed due to the need to transition the Affidavit of Personal History to the State Bar's server from the National Conference of Bar Examiners' server (NCBE), requiring programming development within a very narrow period of time.

Phase 3 will involve further enhancements to the portal to improve efficiencies in the hearings process via the electronic communication process and data sharing.

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.

Other Information:

In addition to any other important information, please indicate the titles of any workgroups or subcommittees, and attach their annual report as an addendum.

In addition to conducting hearings, from time-to-time 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.

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 the 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.

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Approved by	Approved	Name
Chair	3/27/2018	Robert B. Ebersole
Co-chair		
Staff Liaison	3/27/2018	Diane K Van Aken
Other		

[Email Form](#)