

## Character & Fitness – Standing Committee

### Jurisdiction

Support the work of the State Bar of Michigan conducted under the direction and authority of the Board of Law Examiners and Michigan Supreme Court by:

- Investigating 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. This workproduct is provided to the Board of Law Examiners for its consideration. The workproduct is not provided to, or subject to approval by, the Board of Commissioners or Representative Assembly.
- Making recommendations on changes to rules concerning admissions related to character and fitness, and SBM interaction with Michigan law schools concerning character and fitness
- Meeting on a biennial basis with the Board of Law Examiners
- Determining how the committee’s work might interact with and support the work of the Professional Ethics, Judicial Ethics, Lawyers and Judges Assistance, and Client Protection Fund committees, including through conferring and coordinating regularly with them on trends, data, insights, and **metrics**
- Suggesting metrics for measuring the effectiveness of the work carried out by the Character and Fitness committee

**Committee Chair:** Robert Ebersole

**Staff Liaisons:** Danon Goodrum-Garland, Patricia Peyton, and Diane VanAken

**Meetings:** In-person: 42; Electronic or phone: 52

### Committee Activities

1. 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.

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2. 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 160 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. The District Committees conducted interviews for 36 applicants between April 1, 2018 and March 31, 2019. To date, 4 files have been referred for DC interviews for the February 2019 exam cycle. It is expected that up to 41 additional files may be referred prior to August 1, 2019, based on the information received to date.

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3. New member training for District Committee members was conducted on March 27, 2019, by members of the Standing Committee and SBM staff, and was attended by 19 new members. New DC Chair training was also conducted on March 27, 2019, and attended by 3 new chairpersons.

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4. From April 1, 2018 - March 31, 2019, the Standing Committee conducted 42 formal hearings before making recommendations to the BLE. Additionally, 21 applicant matters are currently on the hearing docket, and scheduled or expected to be conducted during the remainder of the fiscal year. Five 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. Additionally, 3 applicant matters are currently on the BLE hearing docket, and scheduled to be conducted during the remainder of the fiscal year.

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5. New member training for Standing Committee members was conducted on November 7, 2018, by members of the SC and SBM staff, and was attended by 5 new members.

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### **Future Committee 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 implemented with the February 2018 exam that enabled completed applications and payments to be submitted directly to the State Bar's website, fully transitioning away from using the National Conference of Bar Examiners' server that previously hosted the application. 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. Phase 3 will involve further enhancements to the portal to improve efficiencies in the hearings process via the electronic communication process and data sharing.

### **Additional Comments**

A request for an increase in the investigation fee was granted by the Michigan Supreme Court, effective January 1, 2019, increasing the fee from \$225 to \$375 for applications filed timely, and increasing the fee for applications filed after the deadline from \$325 to \$550. 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, from time-to-time the Committee also designates subcommittees to study and make recommendations regarding issues relevant to Bar Admissions when necessary. A subcommittee is currently studying questions related to fitness by reviewing questions asked by other jurisdictions as well as other available information on this topic. Members of the Committee and Staff periodically speak to law school classes and participate in Professionalism in Action programs, as a way to further educate the law student community about the upcoming character and fitness process.

### **Special Committee Characteristics**

This committee may have more than 15 members. The work of this committee is conducted pursuant to the authority, and under the oversight of, the Board of Law Examiners. The committee's and district committees' workproduct is not provided to, or subject to review by, the Board of Commissioners or any other entity of the State Bar of Michigan.