

Character & Fitness Committee

Fiscal Year 2019-2020

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 work product is provided to the Board of Law Examiners for its consideration. The work product 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

Note: 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' work product is not provided to, or subject to review by, the Board of Commissioners or any other entity of the State Bar of Michigan.

Time Frame	Strategic Plan Goal/Strategy	Description of Activity
5/19-9/19	3.1	Processed 558 July 2019 bar applications with the assistance of State Bar Staff. 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. 171 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.
	3.1	District Committees, under the supervision of the Standing Committee, conducted interviews for 16 applicants during this time period.
	3.1	Standing Committee members participated in 20 conference calls related to hearings.

	3.1	Standing Committee members and staff participated in 16 formal evidentiary hearings
	3.1	One hearing was conducted before the BLE, which required the presence of a member of the committee acting as assigned State Bar Counsel, as well as a member of SBM C&F Staff.
10/19-5/20	3.1	Processed 190 February 2020 bar applications with the assistance of State Bar Staff. 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. 171 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.
	3.1	District Committees, under the supervision of the Standing Committee, conducted interviews for 27 applicants during this time period. Seven additional applicant matters have been referred and are awaiting interviews, with an additional 48 more expected to be referred before August 1. District Committee new member training was scheduled to be conducted on March 25, 2020 but canceled due to the COVID-19 pandemic. Training materials provided to each new member in lieu of in-person training.
	3.1	Standing Committee members participated in 39 conference calls related to hearings.
	3.1	Standing Committee members and staff participated in 10 formal evidentiary hearings, with 26 applicant matters currently on the hearing docket and are scheduled or expected to be conducted during the remainder of the fiscal year. 15 hearings were adjourned due to the COVID-19 pandemic; most have been rescheduled for Zoom or in-person hearings. New member training conducted on October 23, 2019, by members of the Committee and staff; 5 new members in attendance.
	3.1	Three hearings were conducted before the BLE, which required the presence of a member of the committee acting as assigned State Bar Counsel, as well as a member of SBM C&F Staff. Four additional applicant matters are currently on the BLE hearing docket and scheduled to be conducted during the remainder of the fiscal year.
	3.1	At the direction of the Board of Law Examiners, changing the Affidavit of Personal History to comport with Supreme Court changes to fitness questions, to commence with the application for February 2021 exam.
Current Projects	3.1	At the direction of the Board of Law Examiners, changing the Affidavit of Personal History to comport with Supreme Court changes to fitness questions, to commence with the application for February 2021 exam.
	4.2	The State Bar and Board of Law Examiners staff continue to be involved in automation to the admissions process for the last 5

		<p>years. 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 and allow State Bar Staff to enhance efficiencies when sending computer generated letters to third parties.</p>
Future Goals	n/a	n/a

Recommended Committee Changes: None.

Additional Comments: The work of the Standing Committee, and the district committees under its supervision is mandated by the Supreme Court pursuant to Rule 15, Section 1, Supreme Court Rules Concerning the State Bar of Michigan. The Committee is charged with investigating and making recommendations with respect to the character and fitness of every applicant for admission to the bar by bar examination and, upon request of the BLE, the character and fitness of any other applicant for admission.