

Character & Fitness Committee

Annual Report: Fiscal Year 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
FY 2020	3.1	Processed 190 February 2019 and 558 July 2020 bar applications during FY 19-20 with the assistance of State Bar Staff. An applicant is recommended favorably to the Board of Law Examiners (BLE) without referral to the District Committee (DC) when investigation of past conduct discloses no significant adverse factual information. In all other instances, applicants are referred to a DC for personal interview. 170 members of the Bar volunteer to serve on the nine DCs. The DCs issue a written report and recommendation on each applicant referred for interview to the Standing Committee (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 of staff and/or the Committees are ultimately transmitted to the BLE for final action.
	3.1	District Committees, under the supervision of the Standing Committee, conducted interviews for 47 applicants during this time period. Eighteen additional matters were referred, with

		interviews or recommendations pending, and 26 matters are expected to be referred upon completion of the investigation. New member training was scheduled to be conducted on March 25, 2020, but canceled due to the COVID-19 pandemic. Training materials were provided to each new member in lieu of in-person training.
	3.1	Standing Committee members participated in 62 conference calls related to hearings (pre and post hearing discussions or deliberations.)
	3.1	Standing Committee members and staff participated in 14 formal in-person hearings prior to pivoting to Zoom hearings in June. Thirteen hearings scheduled between late March and the end of May were adjourned for safety reasons due to the COVID-19 pandemic. Zoom hearings commenced in June at the direction of the BLE; all applicants on the hearing docket were asked if they wanted to proceed remotely, or wait until hearings can be safely conducted in-person. Twenty hearings were conducted via Zoom. To date eight applicants have requested to wait until in-person hearings can be held. Fourteen applicants are currently in the prehearing process and will be scheduled for hearings in the next FY. New member training was conducted on October 23, 2019, by members of the Committee and staff; 5 new members in attendance.
	3.1	Four hearings were conducted before the BLE (3 in-person prior to March 2020 and 1 via Zoom in August), which required the presence of a member of the committee acting as assigned State Bar Counsel, as well as a member of the SBM C&F Staff. Three additional applicant matters are currently in the prehearing process.
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 (application period opened on August 15, 2020).
	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 years. Phase 2 is in progress and involves the development of an Applicant/SBM C&F Team/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 e-mailing 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.
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.