

STATE BAR OF MICHIGAN
2006-2007 ANNUAL REPORT
STANDING/SPECIAL COMMITTEE

Committee Name: Standing Committee on Character and Fitness

Jurisdictional Statement: Pursuant to Rule 15, Supreme Court Rules concerning the State Bar of Michigan, the Standing Committee on Character & Fitness is charged with investigating and determining whether applicants for admission in the state have the requisite character and fitness and to forward that information to the State Board of Law Examiners which has the authority to admit or deny admission. Pursuant to Rule 15, Section 1(3), the State Bar assigns staff to assist standing committee and district committees in the discharge of their duties.

Officers and Membership:

Chair: Robert B. Ebersole

Vice-Chairpersons: Jeffrey O. Birkhold
Boyd E. Chapin, Jr.
Barbara R. Levine
John M. Toth

Regular Members: Lawrence J. Acker
Charles W. Borgsdorf
Linda M. Galbraith
Randall J. Gillary
Wendy A. Jansen
John E. Johnson, Jr.
Mary A. Kalmink
Cynthia A. Lane
Randall S. Levine
Barbara A. Menear
Terry McKenney Person
L. Roland Roegge
Garry L. Walton

Associate Members: Connell Alsup
Susan G. Bailo
Carol F. Breitmeyer
Cynthia C. Bullington
David G. Chardavoyne
Scott E. Dwyer
Fulton B. Eaglin
James A. Fajen
Frances C. Holmes
Gregory M. Janks
Daphne M. Johnson
Veronica V. McNally

Sara B. Ryan
Kathleen S. Schultz
James L. Shonkwiler
David L. Skidmore
Diana Trivax-Levy
Gary A. Wallin

2006-07 Meeting Schedule (date and location): June 2, 2006, and October 26, 2006 at the Michael Franck Building; other meetings scheduled as needed, as determined by the Chairperson. Hearings are scheduled as mutually convenient between the Presiding Committee Member, State Bar Counsel, and Applicant/Applicant's Counsel.

COMMITTEE ACTIVITIES:

Committee Responsibilities

The work of the Standing Committee on Character and Fitness is conducted primarily by conducting applicant hearings, with one to two business-type meetings conducted during the year to address policy issues and conduct training. Approximately 1400 applicants take the bar examination annually and each first time applicant must complete an Affidavit of Personal History and submit all required background information. After completion of the staff investigation, an applicant is recommended favorably by State Bar staff without referral to the Committee when investigation of all past conduct discloses no significant adverse factual information. In all other instances, applicants are referred to a district committee for a personal interview and the issuance of a written report and recommendation to the Standing Committee. Approximately 150 members volunteer to serve on the nine district committees. Upon receiving the 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*.

The District Character and Fitness Committees conducted interviews for 46 applicants for the July 2006, exam, and to date have conducted interviews for 15 applicants for the February 2007, exam. It is expected that ten additional files will be referred for the February 2007 exam, based on the information received to date.

From May 1, 2006 through April 30, 2007, the Standing Committee held 30 formal hearings before making recommendations to the State Board of Law Examiners. Additionally, 15 hearings are expected to be held during the remainder of the fiscal year. Three Board of Law Examiner hearings were also attended by Associate Members of the Committee acting as assigned State Bar Counsel.

Other Activities:

In addition to conducting hearings, the Committee also designates Subcommittees to study and make recommendations regarding issues relevant to Bar Admissions. During the past year, four Subcommittees were established, or continued their work from the previous year. Those Subcommittees were: Investigation Timing, which explored whether or not to recommend law student registration; Conditional Admission, which continues to study whether or not to recommend a proposal to the Board of Law Examiners that would allow

applicants in very limited circumstances to be admitted and monitored via a mandatory contract during their first several years of licensure as is done in 18 other states; Rules Revision, which studied and recommended various changes to the Rules of Procedure that were adopted by the Committee at the October 2006 business meeting; and Outreach, which is an ongoing Subcommittee studying ways to further educate the law student community about the upcoming character and fitness process.

The Committee, through staff, implemented an on-line bar application process, which was used for the first time for the February 2007 exam.

The time commitment required to conduct formal hearings, establish policies, address individual applicant requests, and monitor the applicant processing system is enormous. The Committee would be unable to function without the dedication, professionalism, and hard work of members of the District Committees and the 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.

Respectfully submitted,

Robert B. Ebersole, Chairperson
1001 Centennial Way
Suite 400
Lansing, MI 48917

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. Meeting space at the Michael Franck Building is also provided, as are court reporting services for hearings, as well as materials and meals for hearings, meetings, and training sessions. Associate members and staff also attend hearings before the Board of Law Examiners, and staff prepares and distributes the hearing materials for those hearings.

Future Goals and Activities:

The Committee continues to study Conditional Admission and work on Law Student Outreach. Other upcoming projects may include an interactive application process, and analysis of current questions on the Affidavit of Personal History.

Article VI, § 6

No later than May 1 of each year, the chair of each committee and subentity 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 subentity.

Please submit your report via e-mail to smcmann@mail.michbar.org