

**STATE BAR OF MICHIGAN  
2007-2008 ANNUAL REPORT  
STANDING COMMITTEE  
May 2008**

**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:**

Robert B. Ebersole, Chair  
Jeffrey O. Birkhold, Vice-Chair  
Boyd E. Chapin, Jr., Vice Chair  
Barbara R. Levine, Vice-Chair  
John M. Toth, Vice-Chair

**Members:**

Lawrence J. Acker	Mary A. Kalmink
Charles W. Borgsdorf	Cynthia A. Lane
Fulton B. Eaglin	Randall S. Levine
Linda M. Galbraith	Barbara A. Menear
Randall J. Gillary	James L. Shonkwiler
Wendy A. Jansen	Garry L. Walton
John E. Johnson, Jr.	

**Advisors:**

Connell Alsup	Daphne M. Johnson
Susan G. Bailo	Jeanine M. Jones
Carol F. Breitmeyer	Veronica V. McNally
Cynthia C. Bullington	Sara B. Ryan
David G. Chardavoyne	Heidi L. Salter-Ferris
Scott E. Dwyer	Kathleen S. Schultz
James A. Fajen	Diana Trivax-Levy
William H. Fallon	Gary A. Wallin
Frances C. Holmes	
Gregory M. Janks	

**Commissioner Liaison:**

Donald E. McGinnis, Jr.

**Staff Liaisons:**

Victoria Kremski  
Diane VanAken

**2007-08 Meeting Schedule:** April 18, 2008 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.

**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, and all 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.

**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 of the Bar 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 36 applicants for the July 2007, exam, and to date have scheduled or conducted interviews for 12 applicants for the February 2008, exam. It is expected that fifteen additional files will be referred for the February 2008 exam, based on the information received to date. New member training for district committee members was conducted on March 10, 2008.

From May 1, 2007 through April 30, 2008, the Standing Committee held 21 formal hearings before making recommendations to the State Board of Law Examiners. Additionally, ten hearings are expected to be held during the remainder of the fiscal year. Associate Members of the Committee acting as assigned State Bar Counsel also attended one Board of Law Examiner hearing during this time frame.

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 two subcommittees continued their work from the previous year. Conditional Admission 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; 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, is currently working on implementing an interactive bar application process.

The time commitment required to conduct formal hearings, 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 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

**Future Goals and Activities:**

The Committee continues to study Conditional Admission and work on Law Student Outreach. Other upcoming projects may include analysis of current questions on the Affidavit of Personal History, and redrafting law school character and fitness certification and reference request letters.

**Chair/Co-Chair Contact Information:**

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