

**STATE BAR OF MICHIGAN
2008 - 2009 ANNUAL REPORT
STANDING COMMITTEE**

Article VI §6, Bylaws of the State Bar of Michigan

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.

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
Fulton B. Eaglin
Linda M. Galbraith
Randall J. Gillary
Gregory M. Janks
Wendy A. Jansen
Mary A. Kalmink
Cynthia A. Lane
Randall S. Levine
Barbara A. Menear
James L. Shonkwiler
Garry L. Walton

Advisor/Associate Members:

Connell Alsup
Susan G. Bailo
Carol F. Breitmeyer
Cynthia C. Bullington

David G. Chardavoyne
Phillip D. Churchill, Jr.
Scott E. Dwyer
James A. Fajen
William H. Fallon
Thomas M. J. Hathaway
Frances C. Holmes
Daphne M. Johnson
Jeanine M. Jones
Veronica V. McNally
Heidi L. Salter-Ferris
Kathleen S. Schultz
Diana Trivax-Levy
Gary A. Wallin

2008-09 Meeting Schedule (date and location): No formal business meetings were held during this time period. 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, if determined necessary by the Chairperson. 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 30 applicants for the July 2008, exam, and to date have scheduled or conducted interviews for 12 applicants for the February 2009 exam. It is expected that 24 additional files will be referred for the February 2009 exam, based on the information received to date. New member training for district committee members was conducted on September 18, 2008 and March 16, 2009.

From May 1, 2008 through April 30, 2009, the Standing Committee held eighteen formal hearings before making recommendations to the State Board of Law Examiners. Additionally, twelve hearings are expected to be held during the remainder of the fiscal year. Five hearings before the Board of Law Examiners were also conducted during this time frame, which required the presence 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 two subcommittees were appointed to study issues and make recommendations to the full committee regarding revising the letter sent to law schools requesting character and fitness certification of the applicants, and evaluation of the current questions on the Affidavit of Personal History relative to criminal conduct and general fitness. Members of the Outreach Subcommittee, which is an ongoing Subcommittee studying ways to further educate the law student community about the upcoming character and fitness process, appeared at the request of several law schools to give presentations.

A proposal from the Subcommittee on Conditional Admission in support of recommending conditional licensure to the Board of Law Examiners was evaluated by the full Committee, and the proposal did not pass.

The Committee, through staff, implemented an interactive bar application process. February 2009 was the first examination which utilized the new 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

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.

Future Goals and Activities:

The Committee continues to work on Law Student Outreach, analysis of current questions on the Affidavit of Personal History, and redrafting law school character and fitness certification letters.