

**STATE BAR OF MICHIGAN  
2010 - 2011 ANNUAL REPORT**

**Standing Committee on Character and Fitness**

**Jurisdiction:** Investigate the character and fitness of candidates for admission to the State Bar, pursuant to Rule 15, Section 1, of the Supreme Court Rules Concerning the State Bar of Michigan.

**Officers and Membership:**

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Vice-Chairpersons:

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Members:

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Advisor Members:

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Kathleen S. Schultz, P29278  
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**2010-11 Meeting Schedule (date and location):** A formal business meeting was conducted on May 7, 2010. Hearings are scheduled as mutually convenient between the Presiding Committee Member, State Bar Counsel, and Applicant/Applicant's Counsel.

### **COMMITTEE RESPONSIBILITIES**

The primary work of the Standing Committee on Character and Fitness is to conduct confidential applicant hearings. One to two business-type meetings are held during the year to address policy issues and train new members, 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 the staff investigation is completed, an applicant is recommended favorably to the State Board of Law Examiners 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 District Committee for a personal interview. Approximately 150 members of the Bar volunteer to serve on the nine District Committees. The District Committees issue a written report and recommendation on each applicant interviewed to the Standing Committee. Upon receiving a 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 28 applicants for the July 2010, exam cycle. To date, 21 files have been referred for District Committee interviews for the February 2011 exam cycle, and of those, 11 interviews have either been scheduled or completed. It is expected that up to 28 additional files may be referred for the February 2011 exam, based on the information received to date. New member training for District Committee members was conducted on March 10, 2011 by members of the Standing Committee and State Bar Staff.

From May 1, 2010 through April 30, 2011, the Standing Committee held 34 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. One hearing before the State Board of Law Examiners was also conducted during this time frame, which required the presence of a member of the Committee acting as assigned State Bar Counsel. Two additional hearings are currently pending.

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.

### **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 an expanded Subcommittee continued its work revising the letter sent to law schools requesting character and fitness certification of the applicants and any information which could impact the applicants' current character and fitness. The Subcommittee met with law school representatives to obtain information on how student files are maintained, and what information is available to the Committee. The Subcommittee is currently working on a revised draft request letter and procedure, to be provided to the full Committee later this year. Another Subcommittee was designated to review the Standing Committee Rules of Procedure, and Rule 15, Section 1, Supreme Court Rules Concerning the State Bar of Michigan, and make recommendations for changes, if necessary. Members of the Outreach Subcommittee, 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.

**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. The Director of Professional Standards and the Professional Standards Investigative Counsel also assist the Committee with legal and ethical matters. Meeting space at the Michael Franck Building is also provided, as are court reporting services for all hearings, and all materials and meals for hearings, meetings, and training sessions. Committee 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 analysis of the rules that govern this process, in addition to conducting hearings.