

STATE BAR OF MICHIGAN

ADMISSION



MICHIGAN REQUIREMENTS

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MICHIGAN REQUIREMENTS

AUTHORITY

Under the Michigan Constitution, the Michigan Supreme Court has exclusive authority over the regulation of lawyers and the practice of law. This authority includes adopting rules for admission to the bar, discipline of members, and authority over the State Bar of Michigan itself.

The Supreme Court does not handle the processing of applications for admission by examination directly, and thus has designated two entities to handle that process. The State Bar of Michigan Standing Committee on Character and Fitness, directly or through district committees, investigates the background of applicants and makes a recommendation regarding whether an applicant has the requisite character and fitness to be admitted to practice. The Board of Law Examiners conducts the bar examination and receives the recommendation of the State Bar Standing Committee regarding applicant character and fitness. It is the Board of Law Examiners that ultimately makes the decision regarding whether an applicant should be admitted to practice. The Board of Law Examiners' rules, statutes and policy statements can be found at: https://www.courts.michigan.gov/4a7d40/siteassets/committees,-boards-special-initiatives/ble/ble-rules-statutes-policy-statements-september2023_final.pdf

REQUIREMENTS FOR ADMISSION

BLE RULES 1 AND 2

The requirements for admission to practice law in Michigan are prescribed by the Michigan Supreme Court in the Rules for the Board of Law Examiners.

Rule 1 states: "An applicant for admission must

- (A) be 18 years old or older;
- (B) possess good moral character; and
- (C) have completed, before entering law school, at least 60 semester hours or 90 quarter hours toward an undergraduate degree from an accredited school or while attending an accredited junior or community college."

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An “accredited” school for purposes of this Rule means a college accredited to grant collegiate degrees under the laws of the state in which the college is located, or a junior college or other school from which students are accepted as regular third-year students by any accredited college in Michigan authorized to grant collegiate degrees.

Rule 2(B) requires that bar applicants “obtain a JD degree from a reputable and qualified law school that

- (1) is incorporated in the United States, its territories, or the District of Columbia; and
- (2) requires for graduation 3 school years of study for full-time students, and 4 school years of study for part-time or night students. A school year must be at least 30 weeks.

A law school approved by the American Bar Association is reputable and qualified. Other schools may ask the Board of Law Examiners to approve the school as reputable and qualified.”

Prior to admission by examination, an applicant must pass the Multistate Professional Responsibility Examination (MPRE). Beginning with the July 2009 Michigan bar examination, applicants taking the bar examination as first-time takers must receive a scaled score of 85 on the MPRE to be certified by the Board. * If such a re-examinee or transferee fails the July 2009 examination, the passing scaled MPRE score will remain at 75. Arrangements to take the MPRE must be made directly with the Multistate Bar Examination Committee of the National Conference of Bar Examiners. The MPRE is given at various test centers around the United States (including the state of Michigan) in March, August, and November. An applicant need not have graduated from law school in order to take the MPRE, and the MPRE may be taken an unlimited number of times.

An applicant for admission must obtain a satisfactory score on the Michigan bar examination or be eligible for admission without examination.

THE BAR EXAMINATION

BLE Rule 3

The Michigan bar examination is administered by the Board of Law Examiners on the last Tuesday and Wednesday of the months of February and July. The examinations are held at various locations in East Lansing or Lansing, Michigan. Applicants seeking accommodations under the Americans with Disabilities

Act must have their request in to the Board of Law Examiners before the final application deadline. Instructions and the accommodations request form are on the Board of Law Examiners website. Questions should be directed to the Board of Law Examiners. The Board of Law Examiners has implemented a policy regarding which items may be brought into the examination room and testing area. For specific guidelines, refer to the Board's website at <https://www.courts.michigan.gov/administration/committees-boards/board-of-law-examiners/exam-security-and-conduct-policy/>

The first day of the examination consists of the MPT (Multistate Performance Test) and MEE (Multistate Essay Examination). Day one both morning and afternoon sessions last three hours. Applicants have the option of taking the exam on their own laptop. This determination must be made when their application to sit for the exam is submitted. Information regarding the MPT and MEE tests may be found on the NCBE website: MPT <https://www.ncbex.org/exams/mpt/preparing-mpt> and MEE <https://www.ncbex.org/exams/mee/preparing-mee>.

The second day of the examination is the Multistate Bar Examination, consisting of 200 multiple-choice questions prepared by the National Conference of Bar Examiners. Both morning and afternoon sessions last three hours. In some circumstances, an applicant may arrange to transfer a Multistate Bar Examination score from an examination taken in another reciprocating jurisdiction during the immediately preceding three years.

ADMISSION WITH UBE SCORE TRANSFER

BLE Rule 4a

An applicant may apply for admission to the practice of law in Michigan by filing an application to transfer a UBE score if all of the following apply: (1) The applicant earned a UBE score that meets or exceeds the minimum score required by the Board of Law Examiners; (2) The score that the individual elects to use was achieved on a uniform bar examination administered within the 3 years immediately preceding the uniform bar examination in this state for which the individual would otherwise sit; (3) The applicant has taken the MPRE prepared and administered by the NCBE and earned the scaled score required by the Board; and (4) The applicant has met all requirements of these rules, including successful completion of any Michigan Law Component.

ADMISSION WITHOUT EXAMINATION

BLE Rule 5

An applicant may be eligible for admission without examination.

A lawyer licensed to practice in another state of the United States, its territories, or the District of Columbia, who has actively practiced law as a principal business or occupation in the jurisdiction where licensed for three of the five years preceding application to Michigan, and who intends to practice law in Michigan, may be eligible for admission without examination.

A lawyer licensed to practice in another state of the United States, its territories, or the District of Columbia, who intends to practice law in an institutional setting, such as inside counsel for an organization or as an instructor in a law school, may be eligible for a “special certificate” limiting the lawyer’s practice in Michigan to representation of the employing institution or organization.

A military spouse lawyer licensed to practice in another state of the United States, its territories, or the District of Columbia, who intends to practice law in Michigan, may be eligible for a temporary admission under MCL 600.947 and 600.947a.

A lawyer admitted to practice in a foreign country, who has actively practiced law as a principal business or occupation in the jurisdiction where licensed for three of the five years preceding application to Michigan, who is a resident in the United States, may be eligible to practice as a “special legal consultant,” which enables the lawyer to give legal advice on the laws of the foreign country where he or she is admitted.

An applicant for admission without examination must comply with all other requirements for admission and must be certified as possessing the requisite good character and fitness for admission.

For additional information or forms required to apply for admission without exam, visit the Board’s website at: <https://www.courts.michigan.gov/administration/committees-boards/board-of-law-examiners/admission-to-the-bar-in-michigan/>

PURPOSE OF BACKGROUND INVESTIGATIONS

The lawyer’s license proclaims to the public that the holder has been found qualified to practice law in accordance with standards imposed by the Court, and that potential clients may, therefore, entrust their legal problems to the lawyer. The

public has no adequate independent means by which to determine the lawyer's trustworthiness and must rely upon the certification inherent in the license. The character and fitness investigation process is the method by which the Supreme Court attempts to ensure that an applicant currently meets *minimum* standards for admission to the bar. It is proper, therefore, for a state to require high standards of qualification, as long as the qualifications have a rational connection with the applicant's fitness or capacity to practice law. "Good moral character" entails honesty, respect for the rights of others and for the law, trustworthiness, reliability, and commitment to judicial process and to the efficient administration of justice.

TYPES OF CONDUCT

Although the Standing Committee on Character and Fitness bases its recommendation on an applicant's current fitness, past conduct can be an indicator of an individual's current fitness to practice. There is no single action or incident that will per se result in an applicant being denied admission to practice in Michigan. Every applicant is considered individually, based on the applicant's personal history and record. The committee will look not only to the nature and seriousness of the conduct and the applicant's participation in the incident when it occurred, but will also note:

- the applicant's age at the time of the conduct;
- the reliability of the information concerning the conduct;
- whether the conduct is isolated or part of a pattern;
- whether there were mitigating or aggravating circumstances;
- how much time has passed since the conduct and whether there have been more recent incidents that indicate the underlying problem has not been resolved;
- what the applicant has accomplished in restitution or rehabilitation of the conduct;
- the candor and attitude of the applicant when explaining the conduct, the degree to which the applicant takes responsibility for participating in the incident, and the materiality of any omissions, inconsistencies, or misrepresentations; and
- whether the applicant can demonstrate an understanding of how the conduct relates to fitness to be a lawyer.

What are the kinds of conduct that frequently give applicants problems? The following list is not exclusive, but includes the most common problems:

- A. An applicant's history of *criminal conduct* may reveal an inability or

unwillingness to uphold and advocate the law. Crime-related conduct may show a lack of respect for authority or for the rights of other persons, inability to resolve disputes within legal parameters, poor judgment, and putting personal interests before those of others without thought of the consequences.

- B. Evidence of current or chronic drug or alcohol abuse or dependence or conduct or behavior that could call into question an applicant's ability to practice law in a competent, ethical and professional manner is relevant to whether the applicant is able to handle stress-related situations commonplace in law practice and whether the applicant has the cognitive capacity to undertake fundamental lawyering skills such as problem solving, legal analysis and reasoning, legal research, organization and management of legal work, making appropriate reasoned legal judgments, and recognizing and solving ethical dilemmas. .
- C. An applicant's financial responsibility, handling of personal finances, history of bad debts, insufficient funds checks, failure to pay taxes, breach of fiduciary duties in employment, business, or personal transactions, etc., may reveal habits, traits, and judgment relevant to fitness to practice law. An applicant's motives and judgment in pursuing various forms of relief from debt may show disregard for the rights of others and disrespect for the administration of justice. If an applicant cannot responsibly handle his or her own finances, he or she cannot be held out as qualified to handle the moneys of other persons.
- D. An applicant's previous dealings with the legal system have a direct bearing on the applicant's current fitness to practice in that legal system. Litigiousness in personal matters, inability to resolve disputes in a non-confrontational manner, history of numerous traffic offenses, failure to make child support payments or honor other court orders, abusive or obstructive courtroom behavior, etc., may reflect directly on the applicant's commitment to the administration of justice and adherence to the rule of law, and the applicant's future ability to perform as an officer of the court.

If an applicant has a question about a particular type of conduct or incident, there are various legal research tools available. Annotations in *American Law Reports* are particularly helpful in targeting the impact of a particular type of conduct. For a general understanding of the law of bar admissions, use the *ABA/BNA Lawyers' Manual on Professional Conduct*, Bureau of National Affairs. A comprehensive compilation of case law is available in the *Decennial Digests* from West

Publishing. Numerous research materials are available addressing ethics rules and disciplinary sanctions. An applicant may also seek counsel from a lawyer of the applicant's choice with expertise in the lawyer regulatory field.

CHARACTER & FITNESS PROCEDURE

An applicant has the burden of proving by clear and convincing evidence that he or she has the current good moral character and general fitness to warrant admission to the Bar.

The first step in meeting this burden is to complete and submit the application materials in a timely manner, to provide all information requested, and to provide full explanations. An applicant's timeliness in responding to requests reflects on the probability the applicant will serve clients in a timely manner. An applicant's cooperation and candor in complying with investigative requests reflects upon the probability that the applicant will truthfully deal with courts and opposing parties, the applicant's attitude toward authority, and whether the applicant will follow rules, laws and standards once a licensed lawyer.

The second step in meeting the burden of proof is to timely update the investigative information as circumstances change, without waiting to be asked. Applicants have a continuous obligation to update the Affidavit of Personal History, so all answers continue to be true. Address or employment changes, status changes in ongoing litigation, new arrests, or judgments, etc. should be promptly forwarded to the State Bar in writing. An applicant should keep a copy of the information which has been provided to the Bar admission authority and review it periodically to determine whether there have been any changes that need reporting.

If the staff investigation of an applicant discloses significant adverse information, the applicant will be required to meet with a district interview panel to discuss the matter. The applicant will receive a Notice of Referral that will set forth the matters to be covered during the interview. Upon receipt of the Notice, the applicant should carefully review Rule 15, Supreme Court Rules Concerning the State Bar of Michigan regarding the applicant's rights and the role of the district committee. If there is anything in the Notice of Referral that the applicant does not understand, the applicant should, *before the interview*, seek advice from counsel or ask the district committee member designated in the Notice. The applicant should consider the district interview as an opportunity to resolve any outstanding questions relating to the application. An applicant may wish to consider consulting with counsel of the applicant's choice before attending the interview and may wish to have representation during the interview.

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The report and recommendation of the district committee is reviewed by the State Bar Standing Committee on Character and Fitness. The Standing Committee may endorse the recommendation, take the recommendation under advisement pending receipt of additional information that it deems necessary, remand the recommendation to the district committee with instructions for further proceedings, or reject the recommendation and conduct a hearing *de novo*. An applicant may request that the Standing Committee reconsider an adverse recommendation of a district interview panel.

If a hearing is to be held before the Standing Committee, the applicant will be sent a notice identifying the bar counsel appointed to present the adverse information concerning the applicant, as well as the presiding committee member. The applicant and bar counsel should communicate prior to the hearing to stipulate facts or exhibits, clarify issues to be presented, and to identify and interview witnesses intended to be called. Prior to scheduling a hearing date, the applicant and bar counsel will be asked to meet with the presiding committee member via telephone conference call to determine the time that should be allocated to hearing the matter, and to formulate the Prehearing Order that governs the scope of the proceedings. Before the meeting with the presiding member, the applicant should have determined how the applicant will present the case, what witnesses the applicant intends to call, and what exhibits the applicant intends to present. The applicant and bar counsel will generally exchange this information prior to the prehearing conference.

Standing Committee proceedings are recorded. The applicant has the right to counsel, an opportunity to subpoena witnesses, present evidence, and cross-examine witnesses. Since the applicant has the burden of showing requisite fitness, the applicant will proceed first, followed by bar counsel and questions from the members of the Standing Committee.

The Standing Committee report and recommendation is forwarded to the Board of Law Examiners. When the Standing Committee recommends against admission of the applicant, the entire record of the Standing Committee proceedings (transcript, exhibits, prehearing notice, opinion) is sent to the Board of Law Examiners. The Board of Law Examiners is not bound by the recommendation of the Standing Committee but will review any report that shows that an applicant lacks the necessary character and fitness. The applicant may request a *de novo* hearing before the Board of Law Examiners.

Character and fitness clearance is valid for three years. The three-year period begins on the date clearance is obtained. However, the applicant has a continuing duty to update all affidavit information until such time as the applicant is admitted to the State Bar of Michigan. The Standing Committee's certification may be revoked if merited by subsequent information.

ADMISSION TO PRACTICE

Provided the Board of Law Examiner's office is in receipt of the following, eligibility for admission to the Bar will be mailed to the examinee once the applicant has passed the bar examination, by way of official bar exam results, and the applicant who has successfully transferred their UBE score to Michigan.

- law school certification of date of graduation;
- the Michigan Basics Law Training course completion certificate;
- the applicant has passed the MPRE; and,
- character and fitness approval has been received and accepted by the Board of Law Examiners.

Following receipt of official bar exam results applicants must

1. first, appear and present the Board's certification to the Supreme Court or one of the circuit courts of the state, and upon motion made in open court by an active, licensed Michigan lawyer, the court will enter an order admitting the applicant to the courts of the state, and
2. the applicant must then complete an application for admission to the State Bar of Michigan, enclosing payment of the required Bar dues. By return mail, the applicant will receive a license number reserved for only the applicant's use.
3. Registration with the State Bar of Michigan and payment of Bar dues is the final step in becoming authorized to practice law before the state courts of Michigan.

APPLICATION MATERIALS

Bar application forms and instructions are available on the State Bar of Michigan website. <https://www.michbar.org/professional/barexam>

Character and fitness process questions may be sent to the State Bar of Michigan by e-mail to cfquestionsforms@michbar.org or by calling (517) 367-6510.

Contact the Board of Law Examiners, P.O. Box 30052, Lansing, MI 48909, (517) 373-4453 or BLE-Info@courts.mi.gov.

Bar examination or admission without examination questions should be addressed to the Board of Law Examiners. Application materials for admission without examination can be found on the Board's website. <https://www.courts.michigan.gov/administration/committees-boards/board-of-law-examiners/admission-to-the-bar-in-michigan/>

Special Accommodations information is available in Rule 3 Examination Subjects and Grading, of the BLE Rules, Statutes, and Policy Statements, and from the Board of Law Examiners. <https://www.courts.michigan.gov/administration/committees-boards/board-of-law-examiners/special-accommodations/>

The Request for Test Accommodations on the Michigan Bar Examination form is available on the Board's website. <https://www.courts.michigan.gov/4a7947/siteassets/committees-boards-special-initiatives/ble/ada-instructionsforrequestingtestaccommodations092322.pdf>

Multistate Professional Responsibility Exam (MPRE) information is available at the following website: <https://www.ncbex.org/exams/mpre/>.

The **Michigan Law Basics** online training is required for ALL applicants to the Michigan Bar. All UBE score transfer and bar exam applicants must complete the Michigan Law Basics online training. Applicants for admission by examination may not complete the training until the completion of law school. The training is a collaboration between the Board of Law Examiners and The Institute of Continuing Legal Education (ICLE).

Registration: <http://www.icle.org/michiganlawbasics>

FAQs: https://www.icle.org/michiganlawbasics/Michigan_Law_Basics_FAQ.pdf