

**STATE BAR OF MICHIGAN
2009 - 2010 ANNUAL REPORT
STANDING 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
Carol F. Breitmeyer
David G. Chardavoyne
Fulton B. Eaglin
Linda M. Galbraith
Randall J. Gillary
Gregory M. Janks
Mary A. Kalmink
Cynthia A. Lane
Barbara A. Menear
James L. Shonkwiler
Garry L. Walton

Advisor Members:

Connell Alsup
Karie H. Boylan
Cynthia C. Bullington
Phillip D. Churchill, Jr.
Scott E. Dwyer
James A. Fajen
William H. Fallon
Darling A. Garcia
Thomas M. J. Hathaway

Frances C. Holmes
Daphne M. Johnson
Jeanine M. Jones
Veronica V. McNally
Maria C. Miller
Brian P. Morley
Heidi L. Salter-Ferris
Kathleen S. Schultz
Lynn H. Shecter
Joan P. Vestrand
Gary A. Wallin

2009-10 Meeting Schedule (date and location): A formal business meeting is scheduled for May 7, 2010. 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 65 applicants for the July 2009, exam. To date, twenty-three files have been referred for district committee interview for the February 2010 exam and of those, twelve interviews have either been scheduled or completed. It is expected that twenty additional files will be referred for the February 2010 exam, based on the information received to date. New member training for district committee members was conducted on March 11, 2010.

From May 1, 2009 through April 30, 2010, the Standing Committee held 29 formal hearings before making recommendations to the State Board of Law Examiners. Additionally, eleven hearings are expected to be held during the remainder of the fiscal year. Seven hearings before the Board of Law Examiners were also conducted during this time frame, which required the presence of 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 a subcommittee completed its work and has made a recommendation to the full committee regarding revising the letter sent to law schools requesting character and fitness certification of the applicants. That recommendation will be acted upon at the May 7 meeting. Several additional topics will be discussed, including re-establishing a subcommittee to evaluate the current questions on the Affidavit of Personal History relative to criminal conduct and general fitness, and revising the district committee guidelines. 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.

The Committee, through staff, implemented an interactive bar application process which was implemented with the February 2009 examination, and staff continues to develop reports and letters which better utilize the information that is now directly imported into the database.

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. 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 various rules that govern this process, in addition to conducting hearings.

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.