

# Few flunk state bar check

By Margaret Neubacher  
staff writer

Aspiring lawyers in Michigan are checked for good character and moral fitness before they are allowed to practice law in the state. The check is run, according to Southfield attorney Sheldon Larky, because the bar demands high standards of conduct from its members.

Yet since 1980, of the 4,500 potential lawyers the bar has checked, only two have been denied permission to take the bar exam because of their character or moral fitness, reported Dennis Donahue, chairman of the State Board of Law Examiners.

"I'd say 99.5 percent of the recommendations we get are favorable," Donahue said.

LARKY IS of 10 attorneys who volunteer their time to serve on the State Bar Character and Fitness Committee. Chaired by Troy attorney Robert Rosenfeld, the committee oversees behavior requirements of potential State Bar members by reviewing their applications to take the bar exam.

The board of law examiners is an arm of the Michigan Supreme Court and is independent of the State Bar Association. Its principle task is to administer the State Bar exam. Admission to the State Bar to practice law requires passing the exam.

The board bears recommendations from the State Bar Character and Fitness

Committee, but it makes the final decisions regarding the exam applicants. People denied by the board of examiners may appeal only to the state Supreme Court.

"We could easily go a year or two before we get a recommendation to deny an applicant admission. Often the committee will recommend that the person wait a year or so to take the exam instead of flatly denying them the opportunity," Donahue said.

ACCORDING TO the bar procedure, law students applying for the exam submit an affidavit disclosing information which may have a bearing on their future performance as an attorney.

"The application asks if they've ever been a defendant, involved in a lawsuit, convicted of a crime, or had financial problems," Larky said.

"The applicant must submit fingerprints and the names of several character references. All of the information is checked out by our investigators."

Jane McCollough, a former Lansing police officer, is one of two investigators hired by the bar to scrutinize the applications.

The fingerprints are run down by the Michigan State Police and the FBI. We usually get our negative information from these checks or from what the applicant has listed on their affidavit," McCollough said.

"We gather as much information as possible on applicants whose background involves matters of question-

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able behavior or criminal convictions. Then we pass the information along for review by one of the 10 local bar committees for character and moral fitness."

AN APPLICANT called before a local committee may bring character witnesses or an attorney.

If the character or moral fitness of the applicant is still in question, the application is passed to the state committee, said McCollough, who sits in on many hearings.

"The state committee meets once a month," McCollough said. They have subpoena power to bring witnesses before them and place the burden on the applicant to overcome any negative findings by the investigators."

But according to Donahue, a state statute aimed at all professional character and moral fitness committees directs that persons should be judged by their "present abilities" to discharge the responsibilities of the profession. Donahue believes this has an indirect effect on what action the state bar committee may take — and may explain, in part, why nearly all applicants are accepted.

LARKY DISAGREES. "The way we gauge present fitness is by a person's

past. Information about their past is considered now.

"A person is presumed to be not fit if they have been caught cheating on the bar exam, convicted of a heinous crime, spouse/abuse or failure to pay child support."

Donahue said approximately 1,500 persons apply to take the bar exam every year. The state committee reviews about 150 of those applications.

"There are times when we shouldn't arbitrarily reject a candidate because of his past. There may be mitigating circumstances," Rosenfeld said.

"We don't want to prevent persons who have made mistakes in the past, but later reformed, from practicing law. A criminal record doesn't mean automatic rejection, but applicants who fail to disclose a criminal record have increased the likelihood that they will be rejected," he added.

The committee will do advance character and fitness reviews for anyone who is attending or has been admitted to a law school in Michigan, Rosenfeld said.

McCOLLOUGH SAID very little of her time is spent on these kinds of advance investigations, but she feels the idea is a good one.

"I think the committee has a difficult decision turning down someone who has spent three years in law school."

Larky said he enjoys his work on the committee, despite the regular evening meetings and volunteer time involved. "I feel I am performing a valuable service for the public and the bar association."

The small number of persons denied admission to the bar does not mean the committee's standards are lax, said Larky. "In general, the profession attracts a certain kind of person. I think we are even tougher on persons admitted to the bar."

## Evening classes cover law, health

Oakland University will be offering a variety of evening courses ranging from patent law to advanced aerobics beginning the third week in January.

Information for any of the sessions can be obtained by calling the Division of Continuing Education office, 377-3120, between 8 a.m. and 8 p.m. weekdays. Those interested in aerobics should call 377-3198 during regular business hours.

Some of the courses offered are:

- Inventing — Richard Ryslewski will instruct a non-credit course at OU for investors who want to broaden their financial knowledge in the stock market, commodities and real estate.

Ryslewski will guide participants in actually developing investment plans and discuss the rates of return that can be reasonably expected from investment in each area.

Tuition is \$15 for the three two-hour sessions, scheduled from 7 to 9 p.m., Tues. Jan. 17-31.

• Patents — Earnest Gifford will conduct a course to qualify students to prepare and file state and federal

trademark applications and copyright registration.

The class will meet from 7:30 to 9:00 p.m. Tuesdays beginning Jan. 17 on campus in Rochester. Tuition is \$75.

• Aerobics — Classes are offered for those just beginning an exercise program or those ready for an advanced course. Both programs cost \$20 and are held two days a week for six weeks.

Sessions include short lectures on nutrition and diet, exercise physiology and the basics of fitness. Skinfold and blood pressure tests are also included.

For half of the one-hour session, participants will do warmup exercises, calisthenics, flexibility and strength exercises as well as the continuous cardiovascular exercise of the participants' choice. Choices are aerobics, brisk running or walking, or swimming (depending upon the time of year and availability of the pool).

The beginning exercise class will meet at 5:15 p.m. Mondays and Fridays starting Jan. 16. Advanced aerobics will be held Tuesdays and Thursdays at 7 a.m. or 5:15 p.m. starting Jan. 17.

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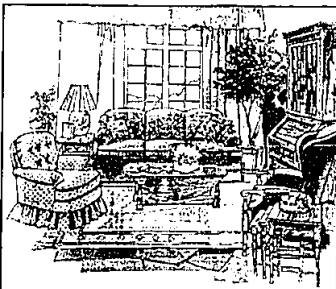
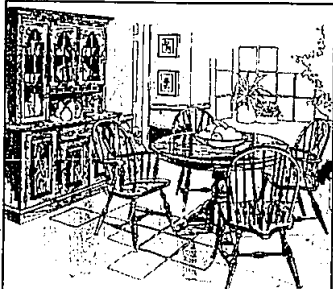
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