

HOUSE BILL No. 5609

February 25, 1998, Introduced by Reps. Lowe, Cropsey, Middleton, Walberg, Whyman, Horton, McNutt and Voorhees and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 901, 904, 907, 908, 910, 913, 916, 919, 922, 925, 928, 931, 934, 937, 940, 943, 946, and 949 (MCL 600.901, 600.904, 600.907, 600.908, 600.910, 600.913, 600.916, 600.919, 600.922, 600.925, 600.928, 600.931, 600.934, 600.937, 600.940, 600.943, 600.946, and 600.949), section 908 as added by 1982 PA 166, section 931 as amended by 1989 PA 100, section 934 as amended by 1980 PA 271, and section 949 as amended by 1980 PA 69.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 901. (1) ~~The state bar of Michigan is a public body~~
2 ~~corporate, the membership of which consists of all persons who~~
3 ~~are now and hereafter licensed to practice law in this state. A~~
4 PERSON SHALL NOT ENGAGE IN, OFFER TO ENGAGE IN, OR HOLD HIMSELF

1 OR HERSELF OUT AS ENGAGING IN THE PRACTICE OF LAW IN THIS STATE
2 UNLESS LICENSED BY THE DEPARTMENT TO ENGAGE IN THE PRACTICE OF
3 LAW AND ADMITTED TO THE COURTS OF THIS STATE BY THE SUPREME
4 COURT.

5 (2) The LICENSED members of the state bar ~~of Michigan~~ are
6 officers of the courts of this state ~~,~~ and have the exclusive
7 right to ~~designate themselves as "attorneys and counselors," or~~
8 ~~"attorneys at law," or "lawyers."~~ No person is authorized to
9 ~~practice law in this state unless he complies with the require-~~
10 ~~ments of the supreme court with regard thereto.~~ USE THE DESIGNA-
11 TIONS OR TITLES OF "ATTORNEYS AND COUNSELORS", "ATTORNEYS AT
12 LAW", OR "LAWYERS". A PERSON SHALL NOT USE 1 OR MORE OF THE DES-
13 IGNATIONS OR TITLES DESCRIBED IN THIS SECTION UNLESS THE PERSON
14 IS A MEMBER OF THE STATE BAR.

15 (3) THIS SECTION DOES NOT PROHIBIT ANY MEMBERS OF THE STATE
16 BAR FROM FORMING AND PARTICIPATING IN A VOLUNTARY ORGANIZATION
17 COMPRISED OF PERSONS LICENSED BY THE DEPARTMENT TO ENGAGE IN THE
18 PRACTICE OF LAW IN THIS STATE AND ADMITTED BY THE SUPREME COURT
19 TO THE COURTS OF THIS STATE.

20 (4) THIS SECTION IS NOT INTENDED TO DISTURB ANY INTERPRETA-
21 TION UNDER COMMON LAW OR PURSUANT TO ANY OPINIONS OF THE STATE
22 BAR OF MICHIGAN CREATED UNDER SECTION 901 AS IT EXISTED BEFORE
23 THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSEC-
24 TION REGARDING THE MEANING OF THE TERM "PRACTICE OF LAW".

25 (5) AS USED IN THIS SECTION AND SECTIONS 904 TO 949:

26 (A) "DEPARTMENT" MEANS THE DEPARTMENT OF CONSUMER AND
27 INDUSTRY SERVICES.

1 (B) "STATE BAR" MEANS THOSE PERSONS LICENSED BY THE
2 DEPARTMENT TO ENGAGE IN THE PRACTICE OF LAW IN THIS STATE AND
3 ADMITTED TO THE COURTS OF THIS STATE BY THE SUPREME COURT.

4 Sec. 904. (1) The ~~supreme court has the power to~~
5 DEPARTMENT SHALL provide for the organization, ~~government~~
6 GOVERNANCE, and membership of the state bar ~~of Michigan,~~ and
7 ~~to adopt~~ MAY PROMULGATE rules ~~and regulations~~ concerning the
8 ~~conduct~~ FOLLOWING:

9 (A) THE CONDUCT and activities of the state bar. ~~of~~
10 Michigan and its members, the schedule of membership dues
11 therein,

12 (B) THE DELEGATION TO THE SUPREME COURT OF the
13 INVESTIGATION, discipline, suspension, and disbarment of ~~its~~
14 STATE BAR members for misconduct, and the UNAUTHORIZED PRACTICE
15 OF LAW BY PERSONS NOT LICENSED UNDER THIS ACT.

16 (C) THE investigation and examination of applicants for
17 admission to the STATE bar.

18 (2) THE DEPARTMENT SHALL DELEGATE TO THE SUPREME COURT THOSE
19 FUNCTIONS CONCERNING THE INVESTIGATION, DISCIPLINE, SUSPENSION,
20 AND DISBARMENT OF MEMBERS OF THE STATE BAR. THE SUPREME COURT
21 HAS THE AUTHORITY OVER LICENSEES REGARDING THE UNAUTHORIZED PRAC-
22 TICE OF LAW BY PERSONS NOT LICENSED UNDER THIS ACT AND THE INVES-
23 TIGATION, DISCIPLINE, SUSPENSION, AND DISBARMENT OF MEMBERS OF
24 THE STATE BAR.

25 Sec. 907. (1) The ~~state bar of Michigan has the power of~~
26 SUPREME COURT HAS THE AUTHORITY TO subpoena ~~,~~ and ~~the~~
27 ~~authority to~~ take testimony under oath ~~,~~ which may be exercised

1 ~~by its officers, boards and committees~~ for the purpose of aiding
2 in cases of INVESTIGATION, discipline, suspension, and disbarment
3 of ~~its members~~, ~~and in cases~~ OF THE STATE BAR.

4 (2) IN THE CASE of applicants for admission to the STATE
5 bar, ~~under such regulations and restrictions as~~ the DEPARTMENT
6 IN CONJUNCTION WITH THE supreme court may ~~prescribe~~ PROMULGATE
7 RULES AS CONSIDERED APPROPRIATE TO SET STANDARDS FOR ADMISSION
8 PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA
9 306, MCL 24.201 TO 24.328. ~~The persons exercising the power~~
10 ~~granted by this section have the power to administer the neces-~~
11 ~~sary oaths.~~

12 Sec. 908. (1) ~~Upon application filed by the attorney~~
13 ~~grievance commission, and after affording the witness, the attor-~~
14 ~~ney general, and the prosecuting attorney of the county where the~~
15 ~~alleged violation occurred the opportunity to be heard regarding~~
16 ~~any objections which any may have, the~~ EXCEPT AS OTHERWISE PRO-
17 VIDED IN SUBSECTION (2), THE supreme court may grant immunity to
18 a witness in a ~~lawyer~~ disciplinary proceeding INVOLVING A
19 MEMBER OF THE STATE BAR in a manner described in this section.

20 (2) An order granting immunity shall not be issued if the
21 supreme court determines, based on information supplied by the
22 attorney general or the prosecuting attorney of the county where
23 the alleged violation occurred, that an order of immunity would
24 interfere with an ongoing criminal investigation.

25 (3) The application FOR AN ORDER GRANTING IMMUNITY shall set
26 forth the proposed questions to be asked and shall be served on

1 the witness, the attorney general, and the prosecuting attorney
2 of the county where the alleged violation occurred.

3 (4) An order granting immunity shall not extend beyond
4 answers reasonably encompassed within the questions set forth in
5 the application ~~or~~ AND SHALL NOT EXTEND beyond the scope of the
6 disciplinary proceeding.

7 (5) ~~A~~ THE SUPREME COURT SHALL DELIVER TO THE WITNESS A
8 true copy of the order granting immunity ~~shall be delivered to~~
9 ~~the witness~~ before ~~he or she~~ THAT WITNESS answers a question
10 which is the subject of the grant of immunity.

11 (6) A witness granted immunity ~~as~~ IN THE MANNER provided
12 ~~by~~ FOR UNDER this section has the right to be represented by
13 counsel at all times at his or her request.

14 (7) A person required to answer the questions pursuant to an
15 order granting immunity ~~shall not be prosecuted~~ IS thereafter
16 IMMUNE FROM PROSECUTION for an offense concerning which an answer
17 may have tended to incriminate that person.

18 (8) A witness who ~~wilfully~~ WILLFULLY swears falsely under
19 oath in regard to any matter upon which he or she is being
20 examined under a grant of immunity UNDER THIS SECTION commits
21 perjury and is guilty of a felony, punishable by imprisonment for
22 not more than 15 years.

23 (9) The refusal of a witness to answer a question which is
24 the subject of a grant of immunity ~~shall constitute~~ CONSTITUTES
25 a contempt punishable by the circuit court of the county in which
26 the refusal occurred or by the supreme court.

1 (10) A copy of the transcript of the questions and answers
2 subject to the grant of immunity shall be delivered to the
3 witness as soon as practicable. The copy of the transcript shall
4 be certified as true by a person authorized to administer oaths
5 in the proceeding.

6 Sec. 910. (1) The supreme court and each circuit court has
7 jurisdiction to ~~admit~~ DO THE FOLLOWING:

8 (A) ADMIT to the STATE bar ~~of this state,~~ persons who pos-
9 sess the required qualifications ~~, to disbar~~ AND HAVE BEEN
10 APPROVED FOR LICENSURE UNDER THIS ACT BY THE DEPARTMENT.

11 (B) DISBAR or suspend members of the STATE bar FROM PRACTICE
12 BEFORE THE COURTS OF THIS STATE for misconduct ~~, and to~~
13 ~~reinstate~~ AND RECOMMEND SUSPENSION OR REVOCATION OF THE LICENSE
14 ISSUED BY THE DEPARTMENT.

15 (C) RECOMMEND THE REINSTATEMENT OF licenses to practice law
16 AND READMIT PERSONS WHO WERE SUSPENDED FROM PRACTICE BEFORE THE
17 COURTS OF THIS STATE.

18 (2) All ~~such~~ matters and proceedings AS DESCRIBED IN SUB-
19 SECTION (1) are ~~declared to be~~ CONSIDERED civil in nature ~~,~~
20 and the venue ~~thereof~~ OF THOSE MATTERS AND PROCEEDINGS is
21 subject to regulation by the supreme court. ALL PROCEEDINGS
22 BEFORE THE DEPARTMENT REGARDING MEMBERS OF THE STATE BAR ARE CON-
23 SIDERED ADMINISTRATIVE IN NATURE.

24 Sec. 913. (1) The clerk of the supreme court and of each
25 circuit court shall, when a person is admitted to the STATE bar
26 by that court, administer to the person the oath prescribed by
27 the supreme court for members of the STATE bar. ~~, and upon~~ UPON

1 payment of the sum of \$25.00, THE CIRCUIT COURT SHALL issue to
2 that person a certificate of admission, ~~and~~ keep a record of
3 the admission in the roll of attorneys and the journal of that
4 court, and transmit promptly to the clerk of the supreme court
5 and to the ~~state bar of Michigan~~ DEPARTMENT without charge A
6 certified ~~copies~~ COPY of the ~~orders~~ ORDER of admission.

7 (2) WHEN THE DEPARTMENT REINSTATES THE LICENSE OF A MEMBER
8 OF THE STATE BAR, THE DEPARTMENT SHALL SEND A COPY OF THE LICENSE
9 TO THE CLERK OF THE CIRCUIT COURT IN THE COUNTY FROM WHICH THE
10 MEMBER WAS SUSPENDED AND TO THE SUPREME COURT. When a member of
11 the STATE bar WHO is suspended, ~~or~~ disbarred, or ~~is~~ held in
12 contempt ~~, and when a person is reinstated as a member of the~~
13 ~~bar~~ READMITTED TO PRACTICE BEFORE THE COURTS, the clerk of the
14 court ~~so doing~~ READMITTING THAT MEMBER shall transmit to the
15 clerk of the supreme court and to the ~~state bar of Michigan~~
16 DEPARTMENT A CERTIFIED COPY OF THE ORDER OF READMITTANCE without
17 charge. ~~certified copies of those orders.~~

18 Sec. 916. (1) ~~It is unlawful for any person to practice~~
19 ~~law, or to engage in the law business, or in any manner whatso-~~
20 ~~ever to lead others to believe that he is authorized to practice~~
21 ~~law or to engage in the law business, or in any manner whatsoever~~
22 ~~to represent or designate himself as an attorney and counselor,~~
23 ~~attorney-at-law, or lawyer, unless the person so doing is regu-~~
24 ~~larly licensed and authorized to practice law in this state.~~
25 ~~Any~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2), A person who
26 violates ~~the provisions of this~~ section 901 BY ENGAGING IN,
27 OFFERING TO ENGAGE IN, OR HOLDING HIMSELF OR HERSELF OUT AS

1 ENGAGING IN THE PRACTICE OF LAW WITHOUT BEING A MEMBER OF THE
2 STATE BAR is guilty of contempt of the supreme court and of the
3 circuit court of the county in which the violation occurred —
4 and, upon conviction, is punishable as provided by law. ~~This~~

5 (2) THE PROHIBITION CONTAINED IN section 901 does not apply
6 to a person who is ~~duly~~ licensed and authorized to practice law
7 in another state while temporarily in this state and engaged in a
8 particular matter.

9 Sec. 919. (1) The measure of the compensation of members of
10 the STATE bar is left to the express or implied agreement of the
11 parties, subject to the regulation of the supreme court.

12 (2) Any agreement for such compensation — or for reim-
13 bursement of any expenses — incident to the prosecution or
14 defense of any claim by any party is wholly void if ~~such~~ THAT
15 professional employment was solicited by the member of the STATE
16 bar — or by any other person acting on his OR HER behalf or at
17 his OR HER request, unless the services of such member of the
18 STATE bar were first requested by ~~such~~ THAT party.

19 Sec. 922. (1) There is ~~hereby constituted~~ CREATED WITHIN
20 THE DEPARTMENT a board of law examiners consisting of 5 ~~active~~
21 LICENSED members of the STATE bar WHO ARE ACTIVELY ENGAGED IN THE
22 PRACTICE OF LAW, each of whom shall hold office for 5 years and 1
23 of whom shall be appointed by the governor on nomination by the
24 supreme court on ~~the first day of~~ July 1 ~~in~~ OF each year.
25 Vacancies on the board shall be filled in like manner for the
26 unexpired term.

1 (2) The president of the board is the member of the board
2 whose term first expires. The board shall elect a secretary
3 annually from its own membership. The ~~clerk of the supreme~~
4 ~~court ex-officio~~ DIRECTOR OF THE DEPARTMENT OR HIS OR HER DESIG-
5 NEE EX OFFICIO is the assistant secretary and treasurer of the
6 board.

7 (3) If a vacancy occurs in the office of president, the
8 board may elect a president for the unexpired term from its own
9 membership.

10 Sec. 925. (1) The board of law examiners has charge of the
11 ~~investigation and~~ examination of all persons who initially
12 apply for admission to the STATE bar. ~~of this state.~~ The board
13 may ~~adopt suitable regulations, subject to approval by the~~
14 ~~supreme court, concerning the performance of its functions and~~
15 ~~duties. Regulations adopted pursuant to this section need not be~~
16 ~~published~~ PROMULGATE RULES pursuant to ~~Act No. 88 of the Public~~
17 ~~Acts of 1943, being sections 24.71 to 24.82, inclusive, of the~~
18 ~~Compiled Laws of 1948, as amended~~ THE ADMINISTRATIVE PROCEDURES
19 ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328, TO ADMINISTER
20 THIS SECTION.

21 (2) The board OF LAW EXAMINERS has the power of subpoena ~~,~~
22 and the authority to administer oaths ~~,~~ and to take testimony
23 under oath. ~~,~~ ~~which~~ THIS AUTHORITY may be exercised by any
24 member of the board OF LAW EXAMINERS in cases of applicants for
25 admission to the STATE bar.

26 Sec. 928. (1) The board of law examiners shall meet at
27 least once in each year at such times and places as the ~~chairman~~

1 ~~shall determine~~ PRESIDENT OF THE BOARD DETERMINES for the
2 purpose of ~~investigating,~~ examining ~~,~~ ~~hearing,~~ and passing
3 upon the qualifications of applicants for admission to the STATE
4 bar ~~,~~ and to transact such other business as may come before
5 the board.

6 (2) Three members of the board ~~shall~~ constitute a quorum.
7 The action of a majority of the members present at a meeting at
8 which a quorum is present shall be the action of the board.

9 Sec. 931. (1) The fees required to be paid by each appli-
10 cant for ~~admission to the bar~~ INITIAL LICENSURE shall be paid
11 to the ~~board of law examiners,~~ DEPARTMENT and ~~shall be~~ depos-
12 ited in the general fund for the restricted purpose of expendi-
13 tures of the ~~supreme court~~ DEPARTMENT related to the adminis-
14 tration of the board of law examiners. The APPLICATION fees
15 shall not exceed the following amounts:

16 (a) Applicants for examination, \$175.00.

17 (b) Applicants for reexamination or recertification,
18 \$100.00.

19 (c) Applicants for ~~admission~~ LICENSURE without examina-
20 tion, \$400.00.

21 (d) Additional fee for late filing of application or trans-
22 fer of an application, \$100.00.

23 (2) THE DEPARTMENT SHALL CHARGE AN ANNUAL LICENSE RENEWAL
24 FEE NOT TO EXCEED \$100.00 PER YEAR. THE ANNUAL LICENSE RENEWAL
25 FEE SHALL BE PAID TO THE DEPARTMENT AND DEPOSITED IN THE GENERAL
26 FUND FOR THE RESTRICTED PURPOSE OF ADMINISTRATION OF THIS ACT.
27 THE DEPARTMENT SHALL ALLOCATE TO THE SUPREME COURT A PORTION OF

1 LICENSE FEES SUFFICIENT FOR THOSE DUTIES DELEGATED TO THE SUPREME
2 COURT.

3 (3) ~~(2)~~ Each member of the board is entitled to receive
4 compensation for his or her services as are authorized by the
5 ~~supreme court and appropriated by the legislature, and~~
6 DEPARTMENT OF MANAGEMENT AND BUDGET in addition TO the actual and
7 necessary expenses incurred in the discharge of his or her duties
8 as a member of the board. ~~The expenses of the board shall be~~
9 ~~paid upon certification by the supreme court pursuant to the pro-~~
10 ~~cedures established by the supreme court.~~

11 Sec. 934. (1) A person ~~is qualified for admission to the~~
12 ~~bar of this state~~ who proves to the satisfaction of the board of
13 law examiners that he or she ~~is~~ MEETS ALL OF THE FOLLOWING IS
14 CONSIDERED QUALIFIED FOR LICENSURE BY THE DEPARTMENT AND FOR
15 ADMISSION TO PRACTICE IN THE COURTS OF THIS STATE:

16 (A) IS a person of good moral character. ~~, is~~

17 (B) IS 18 years of age or older. ~~, is~~

18 (C) IS a resident of 1 of the states or territories or the
19 District of Columbia. ~~, has~~

20 (D) HAS the required general education, learning in the law,
21 and fitness and ability to enable him or her to practice law in
22 the courts of record of this state ~~, and that he or she intends~~
23 AS FURTHER DESCRIBED IN SECTIONS 937 AND 940.

24 (E) INTENDS in good faith to practice or teach law in this
25 state. ~~Additional requirements concerning the qualifications~~
26 ~~for admission are contained in subsequent sections of this~~
27 ~~chapter.~~

1 (2) As used in this section, "good moral character" means
2 good moral character as defined and determined under ~~Act No. 381~~
3 ~~of the Public Acts of 1974, as amended, being sections 338.41 to~~
4 ~~338.47 of the Michigan Compiled Laws~~ 1974 PA 381, MCL 338.41 TO
5 338.47.

6 (3) A person may elect to use the multi-state bar examina-
7 tion scaled score which the person achieved on a multi-state bar
8 examination administered in another state or territory when
9 applying for admission to the STATE bar, ~~of this state,~~ but
10 only if all of the following occur:

11 (a) The score which the person elects to use was achieved on
12 a multi-state examination administered within the 3 years immedi-
13 ately preceding the multi-state bar examination in this state for
14 which the person would otherwise sit.

15 (b) The person achieved a passing grade on the bar examina-
16 tion of which the multi-state examination the score of which the
17 person elects to use was a part.

18 (c) The multi-state examination, the score of which the
19 person elects to use, was administered in a state or territory
20 which accords the reciprocal right to elect to use the score
21 achieved on the multi-state examination administered in this
22 state to Michigan residents seeking admission to the bar of that
23 state or territory.

24 (d) The person earns a grade on the essay portion of the bar
25 examination which, when combined with the transferred multi-state
26 scaled score, constitutes a passing grade for that bar
27 examination.

1 (e) The person otherwise meets all requirements for
 2 ~~admission to~~ LICENSURE BY the ~~bar of this state~~ DEPARTMENT.

3 (4) The ~~state~~ board of law examiners shall disclose to a
 4 person electing under subsection (3) to transfer the multi-state
 5 bar examination scaled score achieved on an examination adminis-
 6 tered in another state or territory the score the person achieved
 7 as soon as that score is received by the board regardless of
 8 whether the person could have obtained that score in the juris-
 9 diction in which the examination was administered. This subsec-
 10 tion does not require disclosure by the board of the score
 11 achieved on a multi-state bar examination administered in another
 12 state or territory until the scores achieved on that examination
 13 administered in Michigan are released.

14 Sec. 937. ~~Every~~ BEFORE COMMENCEMENT OF HIS OR HER LEGAL
 15 EDUCATION, AN applicant for ~~admission to~~ LICENSURE BY the ~~bar~~
 16 DEPARTMENT is required to have completed successfully ~~prior to~~
 17 ~~commencement of his legal education~~ at least 2 years of study,
 18 ACCEPTABLE TO THE BOARD OF LAW EXAMINERS AND THE DEPARTMENT, con-
 19 sisting of not less than 60 "semester hours" or 90 "quarter
 20 hours" of study in courses for which credit ~~towards~~ TOWARD a
 21 collegiate degree is given ~~,~~ IN either ~~in an~~ OF THE
 22 FOLLOWING:

23 (A) AN accredited college authorized under the laws of the
 24 state in which the college is located to grant collegiate
 25 degrees. ~~,~~ ~~or in a~~

26 (B) A junior college or other school from which students who
 27 have successfully completed such 2 years of study are accepted as

1 regular third-year students by any accredited college in this
2 state that is authorized by law to grant collegiate degrees.

3 Sec. 940. (1) ~~Every~~ AN applicant for examination is
4 required to be a graduate from a reputable and qualified law
5 school ACCEPTABLE TO THE BOARD OF LAW EXAMINERS AND THE DEPART-
6 MENT AND duly incorporated under the laws of this state or
7 another state or territory, or the District of Columbia, of the
8 United States of America.

9 (2) If an applicant is called into or volunteers for the
10 armed forces of the United States of America ~~,~~ and has com-
11 pleted successfully 2-1/2 years of the course of study as a
12 full-time student ~~,~~ or 3-1/2 years of the course of study as a
13 part-time student ~~,~~ in any such law school, the board of law
14 examiners ~~,~~ in its discretion may allow ~~such~~ THAT applicant
15 to be examined for the STATE bar ~~prior to~~ BEFORE such gradua-
16 tion ~~,~~ but shall withhold certification until after his OR HER
17 graduation.

18 Sec. 943. (1) The DEPARTMENT AND THE board of law examiners
19 ~~has~~ HAVE the authority to examine ~~,~~ or to cause to be
20 examined ~~,~~ any school, college, junior college, or law school
21 for the purpose of determining whether the standards of education
22 and training required for admission to the STATE bar are being
23 maintained ~~,~~ and to exclude from the STATE bar examination any
24 person who was a student ~~therein~~ IN ANY SUCH EDUCATIONAL
25 INSTITUTION at the time ~~any such~~ THAT educational institution
26 is found to have been disqualified or of questionable
27 reputation.

1 (2) The DEPARTMENT AND THE board of law examiners may
 2 exclude from the STATE bar examination any person who was a stu-
 3 dent in ~~any such~~ AN educational institution DESCRIBED IN SUB-
 4 SECTION (1) if ~~such~~ THAT educational institution refuses to
 5 allow the examination.

6 Sec. 946. ~~Any~~ A person who is ~~duly~~ licensed to practice
 7 law in the court of last resort of any other state or territory,
 8 or the District of Columbia, of the United States of America ~~,~~
 9 and who applies for admission to the STATE bar ~~of this state~~
 10 without examination ~~,~~ is required to prove to the satisfaction
 11 of the board of law examiners ~~that~~ ALL OF THE FOLLOWING:

12 (A) ~~(1) He~~ THAT HE OR SHE is in good standing at the bar
 13 of such other state, territory, or district ~~,~~ and has the qual-
 14 ifications as to moral character, citizenship, age, general edu-
 15 cation, fitness, and ability required for admission to the STATE
 16 bar. ~~of this state; and~~

17 (B) ~~(2) He~~ THAT HE OR SHE intends in good faith either to
 18 maintain an office in this state for the practice of law, and to
 19 practice actively in this state, or to engage in the teaching of
 20 law as a full-time instructor in a reputable and qualified law
 21 school ~~duly~~ incorporated under the laws of this state. ~~and~~

22 (C) ~~(3) His~~ THAT HIS OR HER principal business or occupa-
 23 tion for at least 3 of the 5 years immediately preceding his
 24 application has been either the active practice of law in such
 25 other state, territory, or district or the teaching of law as a
 26 full-time instructor in a reputable and qualified law school duly
 27 incorporated under the laws of this or some other state or

1 territory, or the District of Columbia, of the United States of
2 America, or that period of active service, full-time as distin-
3 guished from active duty for training and reserve duty, in the
4 armed forces of the United States, during which the applicant was
5 assigned to and discharged the duties of a judge advocate, legal
6 specialist, or legal officer by any other designation, shall be
7 considered as the practice of law for the purposes of this sec-
8 tion, which assignment and the inclusive dates thereof shall be
9 certified to by the judge advocate general or comparable officer
10 of the armed forces concerned or by the principal assistant to
11 whom this certification may be delegated; or any combination of
12 periods of practice thereof. The ~~supreme court~~ DEPARTMENT AND
13 THE BOARD OF LAW EXAMINERS may, ~~in its discretion,~~ on special
14 motion and for good cause shown, increase ~~said~~ THE 5-year
15 period. Any period of active service in the armed forces of the
16 United States not meeting the requirements of duty in the armed
17 forces as ~~herein~~ stated IN THIS SUBDIVISION may be excluded
18 from the 5-year period above prescribed and the period extended
19 accordingly.

20 Sec. 949. (1) ~~It is the duty of all~~ ALL state, county,
21 and city law enforcement officers ~~to~~ SHALL aid the ~~state bar~~
22 ~~of Michigan~~ SUPREME COURT and the board of law examiners in any
23 investigation of the conduct of members of the STATE bar ~~,~~ and
24 OF the character and fitness of persons who apply for LICENSURE
25 AND admission or reinstatement AND READMISSION to the STATE bar
26 ~~,~~ and to furnish all available information about the members or
27 persons.

1 (2) The board of law examiners shall require that an
2 applicant for ~~admission to~~ LICENSURE BY the ~~state bar of~~
3 ~~Michigan~~ DEPARTMENT be fingerprinted to determine whether the
4 applicant has a record of criminal convictions in this state or
5 in other states. The information obtained as a result of the
6 fingerprinting of an applicant shall be limited to the official
7 use of the DEPARTMENT AND THE board of law examiners and ~~the~~
8 ANY committee ~~on~~ OF THE SUPREME COURT INVESTIGATING OR
9 DETERMINING character and fitness ~~of the state bar of Michigan~~
10 ~~in determining the character and fitness~~ of the applicant for
11 ~~admission to~~ LICENSURE BY the ~~state bar of Michigan~~
12 DEPARTMENT AND ADMISSION TO THE COURTS OF THIS STATE. After
13 approval of the applicant by the board of law examiners, all fin-
14 gerprint records and cards shall be returned to the applicant or
15 destroyed.

16 (3) After ~~the effective date of this amendatory act~~ APRIL
17 3, 1980, all fingerprint records and cards being held by the
18 state bar of Michigan shall be destroyed.