

SENATE BILL No. 742

February 4, 2016, Introduced by Senator CASPERSON and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 931, 937, 940, and 946 (MCL 600.931, 600.937,
600.940, and 600.946), section 931 as amended by 2000 PA 86, and by
adding section 945.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 931. (1) **THE SUPREME COURT BY ADMINISTRATIVE ORDER OR**
2 **RULE MAY ESTABLISH REASONABLE FEES TO BE PAID BY AN APPLICANT FOR**
3 **ADMISSION TO THE BAR.** The fees ~~required to be paid by each~~
4 ~~applicant for admission to the bar~~ shall be paid **BY THE APPLICANT**
5 to the board of law examiners, and ~~shall be deposited~~ **THE BOARD**
6 **SHALL DEPOSIT THOSE FEES** in the general fund for the restricted
7 purpose of expenditures of the supreme court related to the
8 administration of the board of law examiners.

~~———— (2) Subject to subsection (3), the fees described in this section are as follows:~~

~~———— (a) The fee for applying for examination is \$175.00 for an examination occurring before January 1, 2001, or \$300.00 for an examination occurring after January 1, 2001.~~

~~———— (b) The fee for applying for reexamination or recertification is \$100.00 for a reexamination or recertification occurring before January 1, 2001, or \$200.00 for a reexamination or recertification occurring after January 1, 2001.~~

~~———— (c) The fee for admission without examination is \$400.00 for an admission without examination before January 1, 2001, or \$600.00 for an admission without examination after January 1, 2001.~~

~~———— (d) The additional fee for late filing of application or transfer of an application is \$100.00.~~

~~———— (3) The supreme court, by administrative order or rule, may increase the amounts prescribed in subsection (2) (a), (b), or (c) within the following limits:~~

~~———— (a) The fee for applying for an examination occurring after January 1, 2002 may be increased to not more than \$400.00.~~

~~———— (b) The fee for applying for a reexamination or recertification occurring after January 1, 2002 may be increased to not more than \$300.00.~~

~~———— (c) The fee for admission without examination after January 1, 2002 may be increased to not more than \$800.00.~~

(2) ~~(4)~~ Each ~~A~~ member of the board **OF LAW EXAMINERS** is entitled to receive compensation for his or her services, ~~as are~~ **IN AN AMOUNT** authorized by the supreme court and appropriated by the

1 legislature. ~~and in addition the~~ **A MEMBER OF THE BOARD IS ALSO**
 2 **ENTITLED TO REIMBURSEMENT FOR HIS OR HER** actual and necessary
 3 expenses incurred in the discharge of his or her duties as a member
 4 of the board, ~~The expenses of the board shall be paid upon~~
 5 ~~certification~~ **PAID WHEN THE AMOUNT OF THOSE EXPENSES ARE CERTIFIED**
 6 by the supreme court pursuant to the procedures established by the
 7 supreme court.

8 Sec. 937. ~~Every~~ **EXCEPT AS PROVIDED IN SECTION 945, AN**
 9 applicant for admission to the bar is required to have ~~completed~~
 10 ~~successfully prior to commencement of his~~ **SUCCESSFULLY COMPLETED,**
 11 **BEFORE BEGINNING HIS OR HER** legal education, at least 2 years of
 12 study, consisting of not less than 60 "semester hours" or 90
 13 "quarter hours" of study in courses for which credit towards a
 14 collegiate degree is given, either in an accredited college
 15 authorized under the laws of the state in which the college is
 16 located to grant collegiate degrees, or in a junior college or
 17 other school from which students who have successfully completed
 18 ~~such~~ **THOSE** 2 years of study are accepted as regular third-year
 19 students by any accredited college in this state that is authorized
 20 by law to grant collegiate degrees.

21 Sec. 940. (1) ~~Every~~ **EXCEPT AS PROVIDED IN SECTION 945, AN**
 22 applicant for examination is required to be a graduate from a
 23 reputable and qualified law school ~~duly incorporated under the laws~~
 24 ~~of~~ **LOCATED IN** this state, ~~or~~ another state or territory **OF THE**
 25 **UNITED STATES**, or the District of Columbia. ~~of the United States~~
 26 ~~of America.~~

27 (2) If an applicant is called into or volunteers for the armed

1 forces of the United States, ~~of America,~~ and has completed
2 successfully 2-1/2 years of the course of study as a full-time
3 student, or 3-1/2 years of the course of study as a part-time
4 student, in ~~any such~~ A law school **DESCRIBED IN SUBSECTION (1)**, the
5 board of law examiners ~~, in its discretion may allow such~~ **THE**
6 applicant to be examined for the bar ~~prior to such~~ **BEFORE HIS OR**
7 **HER** graduation, but shall withhold certification until after his **OR**
8 **HER** graduation.

9 **SEC. 945. AN INDIVIDUAL WHO IS DULY LICENSED TO PRACTICE LAW**
10 **IN THE COURT OF LAST RESORT OF ANY OTHER STATE OR TERRITORY OF THE**
11 **UNITED STATES OR THE DISTRICT OF COLUMBIA MAY APPLY FOR EXAMINATION**
12 **IN THIS STATE WITHOUT MEETING THE EDUCATION REQUIREMENTS DESCRIBED**
13 **IN SECTION 937 OR 940 IF HE OR SHE PROVES ALL OF THE FOLLOWING TO**
14 **THE SATISFACTION OF THE BOARD OF LAW EXAMINERS:**

15 (A) HE OR SHE HAS NOT BEEN SUSPENDED OR DISCHARGED FROM THE
16 BAR OF ANOTHER STATE OR TERRITORY OF THE UNITED STATES OR THE
17 DISTRICT OF COLUMBIA OR FROM THE BAR OF ANY FEDERAL COURT OF THE
18 UNITED STATES.

19 (B) HE OR SHE IS A PERSON OF GOOD MORAL CHARACTER. AS USED IN
20 THIS SUBDIVISION, "GOOD MORAL CHARACTER" MEANS GOOD MORAL CHARACTER
21 AS DEFINED AND DETERMINED UNDER 1974 PA 381, MCL 338.41 TO 338.47.

22 (C) HE OR SHE IS 18 YEARS OF AGE OR OLDER.

23 (D) HE OR SHE HAS SUFFICIENT GENERAL EDUCATION AND LEARNING IN
24 THE LAW TO ENABLE HIM OR HER TO PRACTICE LAW IN THE COURTS OF
25 RECORD OF THIS STATE. IN DETERMINING WHETHER IT IS SATISFIED THAT
26 AN INDIVIDUAL HAS PROVED THAT HE OR SHE MEETS THIS SUBDIVISION, THE
27 BOARD OF LAW EXAMINERS SHALL APPLY A REBUTTABLE PRESUMPTION THAT AN

1 INDIVIDUAL WHO HAS SUCCESSFULLY PASSED THE BAR EXAMINATION IN
 2 ANOTHER STATE OR TERRITORY OF THE UNITED STATES OR THE DISTRICT OF
 3 COLUMBIA HAS SUFFICIENT GENERAL EDUCATION AND LEARNING IN THE LAW
 4 TO ENABLE HIM OR HER TO PRACTICE LAW IN THE COURTS OF RECORD OF
 5 THIS STATE.

6 (E) HE OR SHE HAS THE CURRENT FITNESS AND ABILITY TO ENABLE
 7 HIM OR HER TO PRACTICE LAW IN THE COURTS OF RECORD OF THIS STATE.

8 Sec. 946. (1) ~~Any person~~ **AN INDIVIDUAL** who is duly licensed to
 9 practice law in the court of last resort of any other state or
 10 territory **OF THE UNITED STATES** or the District of Columbia, ~~of the~~
 11 ~~United States of America,~~ and who applies for admission to the bar
 12 of this state without examination, is required to prove **ALL OF THE**
 13 **FOLLOWING** to the satisfaction of the board of law examiners: ~~that:~~

14 (A) ~~(1)~~ He **OR SHE** is **A MEMBER** in good standing ~~at~~ **OF** the bar
 15 of ~~such~~ **THAT** other state, territory, or district, ~~and~~ has the
 16 qualifications as to moral character, citizenship, age, general
 17 education, fitness, and ability required for admission to the bar
 18 of this state. ~~and~~

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

24 (C) ~~(3)~~ ~~His~~ **SUBJECT TO SUBSECTIONS (2) AND (3), HIS OR HER**
 25 principal business or occupation for at least ~~3~~ **36 MONTHS** of the 5
 26 years immediately preceding his **OR HER** application ~~has been either~~
 27 ~~the~~ **WAS ANY OF THE FOLLOWING:**

1 (i) ~~THE~~ active practice of law in ~~such~~ **THAT** other state,
2 territory, or district. ~~or the~~

3 (ii) ~~THE~~ teaching of law as a full-time instructor in a
4 reputable and qualified law school ~~duly incorporated under the laws~~
5 ~~of~~ **LOCATED IN** this ~~or some other~~ **STATE, ANOTHER** state or **A**
6 territory **OF THE UNITED STATES**, or the District of Columbia. ~~, of~~
7 ~~the United States of America, or that period of active~~

8 (iii) **ACTIVE** service, full-time as distinguished from active
9 duty for training and reserve duty, in the armed forces of the
10 United States, during which the applicant was assigned to and
11 discharged the duties of a judge advocate, legal specialist, or
12 legal officer by any other designation, ~~shall be considered as the~~
13 ~~practice of law for the purposes of this section, which~~ **IF THAT**
14 assignment and the inclusive dates ~~thereof shall be~~ **OF THAT**
15 **ASSIGNMENT ARE** certified to by the judge advocate general or
16 comparable officer of the armed forces concerned or by the
17 principal assistant to whom this certification ~~may be~~ **AUTHORITY IS**
18 delegated. ~~, or any~~

19 (iv) **ANY** combination of **TIME** periods ~~of practice thereof.~~
20 **ENGAGED IN MORE THAN 1 OF THE PRINCIPAL BUSINESSES OR OCCUPATIONS**
21 **DESCRIBED IN SUBPARAGRAPH (i), (ii), OR (iii).**

22 (2) The supreme court may, in its discretion, on special
23 motion and for good cause shown, increase ~~said~~ **THE** 5-year period
24 **DESCRIBED IN SUBSECTION (1) (C).**

25 (3) Any period of active service in the armed forces of the
26 United States ~~not meeting~~ **THAT DOES NOT MEET** the requirements of
27 duty in the armed forces ~~as herein stated~~ **DESCRIBED IN SUBSECTION**

- 1 (1) (C) (iii) may be excluded from the 5-year period ~~above prescribed~~
- 2 DESCRIBED IN SUBSECTION (1) (C) and the period extended accordingly.