



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 195 (as introduced 2-28-17)
Sponsor: Senator Tom Casperson
Committee: Judiciary

Date Completed: 3-10-17

CONTENT

The bill would amend the Revised Judicature Act to do the following regarding admission to the State Bar of Michigan:

- **Allow a person who was licensed to practice law in another U.S. state or territory or the District of Columbia to apply for examination for admission without meeting certain educational requirements.**
- **Create a rebuttable presumption that a person licensed to practice out of State had sufficient legal education to practice law in Michigan if he or she had passed the out-of-State bar exam.**

The Act specifies minimum educational requirements that an applicant for admission to the State Bar must have completed successfully before beginning his or her legal education. The Act also requires each applicant for examination for admission to the State Bar to be a graduate from a reputable and qualified law school in Michigan, another U.S. state or territory, or the District of Columbia. Under the bill, those requirements would apply except as provided in Section 945, which the bill would add to the Act.

Under Section 945, an individual who was duly licensed to practice law in the court of last resort of any other state or U.S. territory or the District of Columbia could apply for examination in Michigan without meeting the education requirements described above if he or she proved all of the following to the satisfaction of the Board of Law Examiners:

- He or she had not been suspended or discharged from the bar of another state or territory or the District of Columbia or from the bar of any U.S. Federal court.
- He or she was a person of good moral character, as defined in Public Act 381 of 1974.
- He or she was at least 18 years of age.
- He or she had the current fitness and ability to enable him or her to practice law in Michigan courts.
- He or she had sufficient general education and learning in the law to enable him or her to practice law in Michigan courts.

In determining whether the last condition was met, the Board of Law Examiners would have to apply a rebuttable presumption that a person who had successfully passed the bar exam in another state or territory or the District of Columbia had sufficient general education and learning in the law to enable him or her to practice law in Michigan courts.

(Under Public Act 381 of 1974, the phrase "good moral character", when used as a requirement for an occupational or professional license, means the propensity on the part of the person to serve the public in the licensed area in a fair, honest, and open manner.)

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Ryan Bergan