

**SUBSTITUTE FOR
HOUSE BILL NO. 4312**

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 937. ~~Every~~**EXCEPT AS PROVIDED IN SECTION 945, AN**
2 applicant for admission to the bar is required to have ~~completed~~
3 ~~successfully prior to commencement of his~~**SUCCESSFULLY COMPLETED,**
4 **BEFORE BEGINNING HIS OR HER** legal education, at least 2 years of
5 study, consisting of not less than 60 "semester hours" or 90
6 "quarter hours" of study in courses for which credit towards a
7 collegiate degree is given, either in an accredited college
8 authorized under the laws of the state in which the college is

1 located to grant collegiate degrees, or in a junior college or
 2 other school from which students who have successfully completed
 3 ~~such~~ **THOSE** 2 years of study are accepted as regular third-year
 4 students by any accredited college in this state that is authorized
 5 by law to grant collegiate degrees.

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

12 (2) If an applicant is called into or volunteers for the ~~armed~~
 13 ~~forces~~ **ARMED FORCES** of the United States, ~~of America,~~ and has
 14 completed successfully ~~2-1/2~~ **2-1/2** years of the course of study as
 15 a full-time student, or ~~3-1/2~~ **3-1/2** years of the course of study as
 16 a part-time student, in ~~any such~~ **A** law school **DESCRIBED IN**
 17 **SUBSECTION (1)**, the board of law examiners ~~, in its discretion may~~
 18 allow ~~such~~ **THE** applicant to be examined for the bar ~~prior to such~~
 19 **BEFORE HIS OR HER** graduation, but shall withhold certification
 20 until after his **OR HER** graduation.

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

27 **(A) HE OR SHE HAS NOT BEEN SUSPENDED OR DISCHARGED FROM THE**

1 BAR OF ANOTHER STATE OR TERRITORY OF THE UNITED STATES OR THE
 2 DISTRICT OF COLUMBIA OR FROM THE BAR OF ANY FEDERAL COURT OF THE
 3 UNITED STATES.

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

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

8 (D) HE OR SHE HAS SUFFICIENT GENERAL EDUCATION AND LEARNING IN
 9 THE LAW TO ENABLE HIM OR HER TO PRACTICE LAW IN THE COURTS OF
 10 RECORD OF THIS STATE. IN DETERMINING WHETHER IT IS SATISFIED THAT
 11 AN INDIVIDUAL HAS PROVED THAT HE OR SHE MEETS THIS SUBDIVISION, THE
 12 BOARD OF LAW EXAMINERS SHALL APPLY A REBUTTABLE PRESUMPTION THAT AN
 13 INDIVIDUAL WHO HAS SUCCESSFULLY PASSED THE BAR EXAMINATION IN
 14 ANOTHER STATE OR TERRITORY OF THE UNITED STATES OR THE DISTRICT OF
 15 COLUMBIA HAS SUFFICIENT GENERAL EDUCATION AND LEARNING IN THE LAW
 16 TO ENABLE HIM OR HER TO PRACTICE LAW IN THE COURTS OF RECORD OF
 17 THIS STATE.

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

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

26 (A) ~~(1)~~ **HE OR SHE** is **A MEMBER** in good standing ~~at~~ **OF** the bar
 27 of ~~such~~ **THAT** other state, territory, or district ~~,~~ and has the

1 qualifications as to moral character, citizenship, age, general
 2 education, fitness, and ability required for admission to the bar
 3 of this state. ~~and~~

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

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

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

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

20 (iii) ACTIVE service, full-time as distinguished from active
 21 duty for training and reserve duty, in the ~~armed forces-ARMED~~
 22 ~~FORCES~~ of the United States, during which the applicant was
 23 assigned to and discharged the duties of a judge advocate, legal
 24 specialist, or legal officer by any other designation, ~~shall be~~
 25 ~~considered as the practice of law for the purposes of this section,~~
 26 ~~which IF THAT assignment and the inclusive dates thereof shall be~~
 27 ~~OF THAT ASSIGNMENT ARE~~ certified to by the judge advocate general

1 or comparable officer of the armed forces concerned or by the
2 principal assistant to whom this certification ~~may be~~ **AUTHORITY IS**
3 delegated. ~~or any~~

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

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

10 **(3)** Any period of active service in the ~~armed forces~~ **ARMED**
11 **FORCES** of the United States ~~not meeting~~ **THAT DOES NOT MEET** the
12 requirements of duty in the armed forces ~~as herein stated~~ **DESCRIBED**
13 **IN SUBSECTION (1) (C) (iii)** may be excluded from the 5-year period
14 ~~above prescribed~~ **DESCRIBED IN SUBSECTION (1) (C)** and the period
15 extended accordingly.

16 Enacting section 1. This amendatory act takes effect 90 days
17 after the date it is enacted into law.