

# HOUSE BILL No. 4312

March 7, 2017, Introduced by Rep. LaFave and referred to the Committee on Judiciary.

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  
 9 located to grant collegiate degrees, or in a junior college or  
 10 other school from which students who have successfully completed  
 11 ~~such~~ **THOSE** 2 years of study are accepted as regular third-year

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

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

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

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

24 (A) **HE OR SHE HAS NOT BEEN SUSPENDED OR DISCHARGED FROM THE**  
25 **BAR OF ANOTHER STATE OR TERRITORY OF THE UNITED STATES OR THE**  
26 **DISTRICT OF COLUMBIA OR FROM THE BAR OF ANY FEDERAL COURT OF THE**  
27 **UNITED STATES.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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