

HOUSE BILL NO. 5541

November 09, 2021, Introduced by Reps. Fink and Wozniak and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 931, 934, and 946 (MCL 600.931, 600.934, and 600.946), section 931 as amended by 2000 PA 86 and section 934 as amended by 2020 PA 369, and by adding section 935.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 931. (1) The fees required to be paid by each applicant
2 for admission to the bar ~~shall~~**must** be paid to the board of law
3 examiners, and ~~shall~~**must** be deposited in the general fund for the

1 restricted purpose of expenditures of the supreme court related to
2 the administration of the board of law examiners.

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

5 (a) The fee for applying for examination is ~~\$175.00 for an~~
6 ~~examination occurring before January 1, 2001, or \$300.00 for an~~
7 ~~examination occurring after January 1, 2001.~~ **\$400.00.**

8 (b) The fee for applying for reexamination or recertification
9 is ~~\$100.00 for a reexamination or recertification occurring before~~
10 ~~January 1, 2001, or \$200.00 for a reexamination or recertification~~
11 ~~occurring after January 1, 2001.~~ **\$300.00.**

12 (c) The fee for admission without examination is ~~\$400.00 for~~
13 ~~an admission without examination before January 1, 2001, or \$600.00~~
14 ~~for an admission without examination after January 1, 2001.~~ **\$800.00.**

15 (d) The additional fee for late filing of **an** application or
16 transfer of an application is \$100.00.

17 **(e) The fee for admission by uniform bar examination score**
18 **transfer is \$400.00.**

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

22 (a) The fee for applying for an examination ~~occurring after~~
23 ~~January 1, 2002~~ may be increased to not more than ~~\$400.00.~~ **\$700.00.**

24 (b) The fee for applying for a reexamination or
25 recertification ~~occurring after January 1, 2002~~ may be increased to
26 not more than ~~\$300.00.~~ **\$600.00.**

27 (c) The fee for admission without examination ~~after January 1,~~
28 ~~2002~~ may be increased to not more than ~~\$800.00.~~ **\$1,000.00.**

29 **(d) The additional fee for late filing of an application or**

1 **transfer of an application may be increased to not more than**
 2 **\$250.00.**

3 (4) 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 in addition
 6 the actual and necessary expenses incurred in the discharge of his
 7 or her duties as a member of the board. The expenses of the board
 8 ~~shall~~**must** be paid upon certification by the supreme court pursuant
 9 to the procedures established by the supreme court.

10 **(5) As used in this section:**

11 **(a) "Uniform bar examination" means the examination as defined**
 12 **and administered by the National Conference of Bar Examiners.**

13 **(b) "Uniform bar examination score transfer" means the**
 14 **transfer to this state of a uniform bar examination score achieved**
 15 **in another jurisdiction for purposes of admission to the state bar.**

16 Sec. 934. (1) An individual is qualified for admission to the
 17 bar of this state if he or she proves to the satisfaction of the
 18 board of law examiners that he or she is an individual of good
 19 moral character, is 18 years of age or older, has the required
 20 general education, learning in the law, and fitness and ability to
 21 enable him or her to practice law in the courts of record of this
 22 state, and that he or she intends in good faith to practice or
 23 teach law in this state. Additional requirements concerning the
 24 qualifications for admission are contained in subsequent sections
 25 of this chapter. For purposes of this subsection, good moral
 26 character is determined by the board of law examiners and 1974 PA
 27 381, MCL 338.41 to 338.47, does not apply to that determination.

28 (2) An individual may elect to use the ~~multi-state~~**multistate**
 29 bar examination scaled score that he or she achieved on a ~~multi-~~

1 ~~state-multistate~~ bar examination administered in another state or
2 territory when applying for admission to the bar of this state, but
3 only if all of the following are met:

4 (a) The score that the individual elects to use was achieved
5 on a ~~multi-state-multistate~~ examination administered within the 3
6 years immediately preceding the ~~multi-state-multistate~~ bar
7 examination in this state for which the individual would otherwise
8 sit.

9 (b) The individual achieved a passing grade on the bar
10 examination of which the ~~multi-state-multistate~~ examination the
11 score of which the individual elects to use was a part.

12 (c) The ~~multi-state-multistate~~ examination the score of which
13 the individual elects to use was administered in a state or
14 territory that provides a reciprocal right to elect to use the
15 score achieved on the ~~multi-state-multistate~~ examination
16 administered in this state to Michigan residents who are seeking
17 admission to the bar of that state or territory.

18 (d) The individual earns a grade on the essay portion of the
19 bar examination that when combined with the transferred ~~multi-state~~
20 **multistate** scaled score constitutes a passing grade for that bar
21 examination.

22 (e) The individual otherwise meets all requirements for
23 admission to the bar of this state.

24 (3) The state board of law examiners shall disclose to an
25 individual who elects under subsection (2) to transfer the ~~multi-~~
26 ~~state-multistate~~ bar examination scaled score achieved on an
27 examination administered in another state or territory the score
28 the individual achieved as soon as that score is received by the
29 board regardless of whether the individual could have obtained that

1 score in the jurisdiction in which the examination was
2 administered. This subsection does not require disclosure by the
3 board of the score achieved on a ~~multi-state~~**multistate** bar
4 examination administered in another state or territory until the
5 scores achieved on that examination administered in Michigan are
6 released.

7 (4) An individual who elects to use a multistate bar
8 examination scaled score as described in subsection (2) shall not
9 receive a portable uniform bar examination score.

10 (5) As used in this section:

11 (a) "Portable uniform bar examination score" means a uniform
12 bar examination score achieved in another jurisdiction for purposes
13 of admission to the bar that meets this state's multistate bar
14 examination minimum passing score as established by the board of
15 law examiners.

16 (b) "Uniform bar examination" means the examination as defined
17 and administered by the National Conference of Bar Examiners.

18 Sec. 935. (1) An individual may elect to use the uniform bar
19 examination score that the individual achieved on a uniform bar
20 examination administered in another state or territory when
21 applying for admission to the bar of this state, if all of the
22 following occur:

23 (a) The score that the individual elects to use was achieved
24 on a uniform bar examination administered within the 3 years
25 immediately preceding the uniform bar examination in this state for
26 which the individual would otherwise sit.

27 (b) The score that the individual elects to use meets the
28 passing uniform bar examination score for this state set by the
29 board of law examiners.

1 (c) The individual otherwise meets all requirements for
2 admission to the bar of this state.

3 (2) The board of law examiners, in its discretion, may
4 administer in conjunction with the uniform bar examination a
5 Michigan-law-specific component as part of the requirements for
6 admission to the bar of this state.

7 (3) In the event of a national or state emergency, the board
8 of law examiners, in its discretion, may administer an alternate
9 examination consistent with the standards for entry into the bar of
10 this state. If the alternate examination does not meet the
11 portability requirements of the uniform bar examination, the board
12 of law examiners may enter into reciprocal agreements with other
13 uniform bar examination states to provide for agreed-upon score
14 portability between those states and this state.

15 (4) The requirement that the board of law examiners accept a
16 uniform bar examination score from another state is not effective
17 until this state first administers the uniform bar examination.

18 (5) As used in this section, "uniform bar examination" means
19 the examination as defined and administered by the National
20 Conference of Bar Examiners.

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

27 (a) ~~(1)~~ He or she is a **member** in good standing ~~at~~**of** the bar
28 of ~~such~~**that** other state, territory, or district ~~and~~ has the
29 qualifications as to moral character, citizenship, age, general

1 education, fitness, and ability required for admission to the bar
2 of this state. ~~;~~ and

3 (b) ~~(2)~~ He **or she** intends in good faith ~~either to maintain an~~
4 ~~office in this state for the practice of law, and to practice~~
5 actively in this state ~~,~~ or to engage in the teaching of law as a
6 full-time instructor in a reputable and qualified law school ~~duly~~
7 ~~incorporated under the laws of~~ **located in** this state. ~~;~~ and

8 (c) ~~(3)~~ His **Subject to subsections (2) and (3), his or her**
9 principal business or occupation for at least 3 **years** of the 5
10 years immediately preceding his **or her** application ~~has been either~~
11 ~~the~~ **was any of the following:**

12 (i) **The authorized** active practice of law in ~~such~~ **that** other
13 state, territory, or district. ~~or the~~

14 (ii) **The** teaching of law as a full-time instructor in a
15 reputable and qualified law school ~~duly incorporated under the laws~~
16 ~~of~~ **located in** this ~~or some other~~ **state, another** state or territory
17 **of the United States,** or the District of Columbia. ~~,~~ ~~of the United~~
18 ~~States of America, or that period of active~~

19 (iii) **Active** service, full-time as distinguished from active
20 duty for training and reserve duty, in the ~~armed forces~~ **Armed**
21 **Forces** of the United States, during which the applicant was
22 assigned to and discharged the duties of a judge advocate, legal
23 specialist, or legal officer by any other designation, ~~shall be~~
24 ~~considered as the practice of law for the purposes of this section,~~
25 ~~which if that~~ assignment and the inclusive dates thereof ~~shall be~~
26 **of that assignment are** certified to by the judge advocate general
27 or comparable officer of the ~~armed forces~~ **Armed Forces of the**
28 **United States** concerned or by the principal assistant to whom this
29 certification ~~may be~~ **authority is** 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~~ **Armed**
10 **Forces of the United States described in subsection (1) (c)** may be
11 excluded from the 5-year period ~~above prescribed~~ **described in**
12 **subsection (1) (c)** and the period extended accordingly.