

# HOUSE BILL NO. 5309

September 21, 2021, Introduced by Reps. LaFave and Maddock and referred to the Committee on Regulatory Reform.

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~~ **not less than**

2 years of study, consisting of not less than 60 ~~"semester"~~**semester** hours ~~"or 90 "quarter"~~**quarter** hours ~~"of study in courses for~~ which credit towards a collegiate degree is given, either in an accredited college authorized under the laws of the state in which the college is located to grant collegiate degrees, or in a junior college or other school from which students who have successfully completed ~~such~~**those** 2 years of study are accepted as regular third-year students by any accredited college in this state that is authorized by law to grant collegiate degrees.

Sec. 940. (1) ~~Every~~**Except as provided in section 945, an** applicant for examination is required to be a graduate from a reputable and qualified law school ~~duly incorporated under the laws of~~**located in** this state, ~~or~~**another state or territory of the** **United States**, or the District of Columbia. ~~, of the United States of America.~~

(2) If an applicant is called into or volunteers for the ~~armed forces~~**Armed Forces** of the United States, ~~of America,~~ and has completed successfully ~~2 1/2~~**2-1/2** years of the course of study as a full-time student, or ~~3 1/2~~**3-1/2** years of the course of study as a part-time student, in ~~any such~~**a** law school **described in subsection (1)**, the board of law examiners ~~, in its discretion may~~ allow ~~such~~**the** applicant to be examined for the bar ~~prior to such~~**before his or her** graduation, but shall withhold certification until after his **or her** graduation.

Sec. 945. **An individual who is duly licensed to practice law in the court of last resort of any other state or territory of the United States or the District of Columbia may apply for examination in this state without meeting the education requirements described in section 937 or 940 if he or she proves all of the following to**

1 the satisfaction of the board of law examiners:

2 (a) He or she has not been suspended or discharged from the  
3 bar of another state or territory of the United States or the  
4 District of Columbia or from the bar of any federal court of the  
5 United States.

6 (b) He or she is a person of good moral character. As used in  
7 this subdivision, "good moral character" means good moral character  
8 as defined and determined under 1974 PA 381, MCL 338.41 to 338.47.

9 (c) He or she is 18 years of age or older.

10 (d) He or she has sufficient general education and learning in  
11 the law to enable him or her to practice law in the courts of  
12 record of this state. In determining whether the board of law  
13 examiners is satisfied that an individual has proved that he or she  
14 meets this subdivision, the board of law examiners shall apply a  
15 rebuttable presumption that an individual who has successfully  
16 passed the bar examination in another state or territory of the  
17 United States or the District of Columbia has sufficient general  
18 education and learning in the law to enable him or her to practice  
19 law in the courts of record of this state.

20 (e) He or she has the current fitness and ability to enable  
21 him or her to practice law in the courts of record of this state.

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

28 (a) ~~(1)~~ **He or she is a member** in good standing ~~at~~ **of** the bar  
29 of ~~such that~~ other state, territory, or district ~~and~~ 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~~ **not less than 36**  
 11 **months** of the 5 years immediately preceding his **or her** application  
 12 ~~has been either 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  
 28 or comparable officer of the armed forces concerned or by the  
 29 principal assistant to whom this certification ~~may be~~ **authority is**

1 delegated. ~~or any~~

2 (iv) Any combination of **time** periods ~~of practice thereof.~~  
3 engaged in more than 1 of the principal businesses or occupations  
4 described in subparagraph (i), (ii), or (iii).

5 (2) The supreme court may, in its discretion, on special  
6 motion and for good cause shown, increase ~~said the~~ 5-year period  
7 described in subsection (1) (c).

8 (3) Any period of active service in the ~~armed forces~~ **Armed**  
9 **Forces** of the United States ~~not meeting that does not meet~~ the  
10 requirements of duty in the armed forces ~~as herein stated described~~  
11 **in subsection (1) (c) (iii)** may be excluded from the 5-year period  
12 ~~above prescribed described in subsection (1) (c)~~ and the period  
13 extended accordingly.