

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FRANK J. LAWRENCE, JR.

Plaintiff,

CASE NO. 4:03-cv-0020

v

HON. DAVID W. MCKEAGUE

DIANE VAN AKEN, and NICOLE
ARMBRUSTMACHER

Defendants.

Frank J. Lawrence, Jr.
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**DEFENDANT VAN AKEN'S REVISED ANSWERS TO
PLAINTIFF'S REQUEST TO ADMIT**

NOW COMES defendant Diane Van Aken, by and through her attorneys, SMITH HAUGHEY RICE & ROEGGE, and pursuant to paragraph C. of the June 15, 2004 Discovery Order issued by Magistrate Judge Scoville hereby submits revised answers to certain of plaintiff's requests to admit as follows:

REQUEST NO. 38: Do you admit or deny that although an individual may have a constitutional right to engage in a certain activity under certain circumstances, the activity may constitute a basis on which an individual is denied admission to the Bar?

RESPONSE: Any conduct which is rationally related to an applicant's ability to practice law in a fair, honest and open manner may be relevant to the character and fitness review. It is admitted that relevant conduct may include activity which is constitutionally permitted depending on the specific circumstances.

REQUEST NO. 39: Do you admit or deny that on occasion, bar applicants have been denied admission for activity that is lawful, but that reflects poorly on the applicant's suitability to practice law?

RESPONSE: Any conduct which is rationally related to an applicant's ability to practice law in a fair, honest and open manner may be relevant to the character and fitness review. It is admitted that relevant conduct may include activity which is lawful but reflects poorly on an applicant's suitability to practice law.

REQUEST NO. 40: Do you admit or deny that the Bar has had several applicants who exercised free speech in a fashion that contributed to a recommendation of denial of admission?

RESPONSE: Admit.

REQUEST NO. 59: Do you admit or deny that prior administrative practice has shown that a Bar applicant's litigiousness is interpreted as negatively reflecting on an applicant's moral character?

RESPONSE: Deny. Litigiousness in personal matters, as well as other matters, may reflect directly upon an applicant's commitment to the administration of justice and adherence to the rule of law, and the applicant's future ability to perform as an officer of the court. Under the Bar's past and current administrative practice, whether litigiousness in personal matters would be negatively interpreted depends on the specific facts relating to a particular applicant.

REQUEST NO. 60: Do you admit or deny that prior administrative practice has shown that a Bar applicant's litigiousness is interpreted as negatively reflecting on an applicant's moral