

more discretion exercised in the character and fitness process than any other fact-finding process. The character and fitness process, as specified by statute and court rule, is replete with procedural and constitutional safeguards. See the detailed statement of procedures found in the Counter-Statement of Facts above.

Plaintiff has not presented any affidavits to support the proposition that he has not or even will not receive all of the procedural and constitutional safeguards afforded by the character and fitness process. In fact, just the opposite is true. Plaintiff utilized the mandated procedures that are available to an individual seeking to obtain character and fitness certification and then voluntarily withdrew his application, as allowed by the court rules.

C. THERE IS NO EVIDENCE THAT ANY APPLICANT TO THE STATE BAR OF MICHIGAN HAS BEEN DENIED ADMISSION FOR EXERCISING HER OR HIS FIRST AMENDMENT RIGHTS.

Although plaintiff references the final opinion of the Board of Law Examiners in the Dennis Dubuc matter (Plaintiffs' Exhibit 6), that opinion gives only the final chapter of Mr. Dubuc's character and fitness novel. The first page of the opinion discloses that the State Bar of Michigan presented 48 exhibits during the hearing and Mr. Dubuc presented 10 exhibits. The transcript of the Standing Committee hearing was also presented to the Board of Law Examiners. That hearing consumed three full days of testimony.

The Dubuc matter shows conclusively that there were many reasons for the ultimate denial of Mr. Dubuc's applicant for membership to the State Bar of Michigan and the exercise of free speech was not one of them. At this point, however, the