



Barbara A. MacKenzie
45340 W. Ten Mile
Novi, MI 48375
Jeannette A. Paskin
155 W. Congress, Suite 600
Detroit, MI 48226
Joseph D. Reid
200 Washington Square North
Lansing, MI 48933
Clifford W. Taylor
P.O. Box 30022
Lansing, MI 48909
Robert P. Young, Jr.
AAA Michigan
1 Auto Club Drive
Dearborn, MI 48126

State Board of Law Examiners
200 Washington Square North, P.O. Box 30104
Lansing, Michigan 48909
(517) 334-6992

Administrative Office
Dennis Donohue
Assistant Secretary
Sonia L. Reid
Administrative Assistant

December 1, 1993

TO: Members of the Board of Law Examiners
FROM: Dennis Donohue, Assistant Secretary
RE: [REDACTED] Character and Fitness Hearing--
December 15, 1993--2:00 p.m.

After sharing my concerns set forth in my October 29, 1993 memo with the Character and Fitness staff and Lynn Pope, who wrote the opinion, I think I now understand the State Bar's position in this matter: Despite the record support for [REDACTED] insurance claim--they simply did not believe his testimony--and for that reason they recommended that you deny him character and fitness clearance.

I think this poses a real problem which you should ponder. The problem as I see it, is if the Character and Fitness Committee or the Board of Law Examiners can deny somebody character and fitness clearance simply because they do not believe an applicant's testimony without any other corroborating evidence (and indeed in this case there was much evidence corroborating the applicant's version of things), I think we are perilously close in granting or denying somebody character and fitness clearance on "gut feelings", "instinct" or any other appellation you care to devise. In other words, I think any decisionmaker involved in assessing one's character and fitness should be required to base a decision on objective facts and criteria rather than uneasy feelings that an applicant is not telling the truth without any evidence to support the conclusion that an applicant is lying.

As I indicated in my original memo, I think this case resembles that of [REDACTED]. I think in both cases panels of the Standing Committee simply disliked the applicant and despite objective evidence to the contrary, concluded--without any objective facts to support the conclusion--that the applicant was lying. That troubles me.

DD:slr