APPENDIX A

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION
No. 18-1131
UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

January 14, 2019

In Re: FRANK J. LAWRENCE, JR.,

Petitioner-Appellant.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN

OPINION

BEFORE: COLE, Chief Judge; SUHRHEINRICH and MOORE, Circuit Judges.

COLE, Chief Judge. Petitioner-Appellant Frank J. Lawrence, Jr. seeks review of the district court's decision denying him admission to the bar of the Western District of Michigan. Because the district court did not abuse its discretion, we affirm.

I.

Lawrence graduated from an accredited Michigan law school and passed the Michigan bar exam in 2001. *See Lawrence v. Chabot*, 182 F. App'x

442, 445 (6th Cir. 2006). As part of Lawrence's application for a license to practice law in Michigan, he truthfully noted that he had a pending misdemeanor charge for interfering with a police officer in violation of a Bloomfield Township ordinance. *Id*. The facts giving rise to the misdemeanor charge are as follows:

> Lawrence's conviction was for circumstances that took place on August 19, 2000. Lawrence's brother, Christian Lawrence, called 911 to report that his father, Frank Lawrence, Sr., had struck him with a board. . . . The police arrived at the house and looked in the doorway to see that Christian was in the home holding his eye. Christian stepped outside where paramedics tended to him. Police next ordered Lawrence's father to exit the home, at which point he was arrested. . . . An officer called to Lawrence to tell him to step outside the home[.] . . . Lawrence refused to exit, stating, "Fuck you," in addition to citing some case law, and demanding that the officers obtain a warrant before entering. The officer informed Lawrence of the need to check for additional suspects, victims, or evidence, but Lawrence refused to allow entry into the home, and blocked the door by standing in front of it. The officer then pulled Lawrence out onto the porch . . . [and] Lawrence was . . . placed under arrest.

Lawrence v. 48th Dist. Court, 560 F.3d 475, 477 (6th Cir. 2009). As a result of the then-unresolved charge, Lawrence's application for a Michigan law license was put on hold pending the conclusion of the criminal matter. In April of 2002, a jury convicted Lawrence of violating the Bloomfield Township ordinance. *48th Dist. Court*, 560 F.3d at 478. In June of the same year, he was sentenced to twelve months of non-reporting probation and 500 hours of community service. *Id.*

Once the criminal charge was resolved, the state bar began processing Lawrence's application. Because of "various concerns regarding [Lawrence's] litigation history and financial difficulties," the State Bar of Michigan's Character and Fitness Committee referred his application to a district committee to conduct an interview. *Chabot*, 182 F. App'x at 446. Lawrence filed a motion to adjourn the interview, arguing that violations of township ordinances should not be considered criminal cases. His motion was denied, and Lawrence thereafter withdrew his bar application. Id. He then filed a complaint in federal district court naming a variety of defendants, including the Michigan Board of Law Examiners (the "Board"), the State Bar of Michigan (the "State Bar"), and various officials of the Board and the State Bar. *See generally id*. Lawrence sought declarations that certain state bar rules were unconstitutional and alleged that the Board and the State Bar violated his First and Fourteenth Amendment rights in processing his 2001 application. The district court dismissed Lawrence's claims and this court affirmed. *Id.* at 445.

In 2003, Lawrence began operating a website called "StateBarWatch." *Lawrence v. Welch*, 531 F.3d 364, 366 (6th Cir. 2008). On the website, Lawrence criticized the State Bar and the Board. Id. For example, Lawrence accused the State Bar's executive director of plagiarism, alleged that various individuals made false or contradictory statements to courts, and stated that one member of the Board had previously been arrested and convicted for drunk driving. *Lawrence v. Berry, et al.*, Case No. 5:06-cv-134, Compl., R. 1, PageID 36-37 (Sept. 8, 2006 W.D. Mich.). Lawrence also posted on the website that he picketed the law office of a Board member—who was involved in one of Lawrence's adverse character and fitness determinations—with a sign that said, "I do not recommend [the Board attorney]." *Id.* at PageID 37. He updated the website at various times, including to make an assertion that "widespread dishonesty and corruption" existed within the State Bar. *Lawrence v. Raubinger, et al.*, Case No. 1:10-cv-467, Am. Compl., R. 19, PageID 202 (Jan. 18, 2018 W.D. Mich.).

Lawrence reapplied for admission to the Michigan bar in 2004. *See Welch*, 531 F.3d at 366. As part of the application process, he was interviewed by three members of a State Bar District Character and Fitness Committee: David H. Baum, Randy A. Musbach, and Sonal Hope Mithani. Id. During the interview, Lawrence stated "that he had little respect for the Michigan state court system, and he expressed the view that the federal courts are the 'guardians of the constitution' and that the Michigan state court system fails adequately to protect individuals'

constitutional rights." *Id.* After the interview, the committee issued a report and recommendation to the State Bar stating: "The Committee does not believe that [Lawrence] has shown by clear and convincing evidence that he currently possesses the requisite good character and fitness to be recommended to the practice of law in this state." *Id.* at 366-67. The committee expressed concern about licensing "someone who, even before he has handled his first case as a member of the bar, has effectively written off such a huge component of the justice system." *Id.* at 367.

After the committee issued the report and recommendation, Lawrence engaged in a series of actions:

> Lawrence made several communications to the employers of the members of the District Committee. He telephoned the University of Michigan Law School, where Baum was the Assistant Dean of Student Affairs. Lawrence told Baum's assistant that he wanted to address the student bar association to let them know how poorly he thought he had been treated. Lawrence also sent a letter to a board member of the legal services organization for which Mithani was a director. In the letter, Lawrence stated how poorly he had been treated and how Mithani had manipulated Lawrence's stated views about the state court system. *Id.* at 367.

The report and recommendation was sent directly to the Board, and the Board voted to accept it. Id. Lawrence thereafter requested a hearing, which was held in April 2006. Id. At the hearing, Lawrence was questioned about his communications with Baum's and Mithani's employers, and he denied that they were inappropriate. Id. In June 2006, the Board issued an opinion denying Lawrence's application for admission. Id. Soon after, Lawrence sent a letter to a member of the Michigan Civil Rights Commission, discussing what he believed to be the hypocrisy of one of the Board members involved in denying his admission. The letter stated in part:

> I have noticed that this type of hypocrisy is commonplace among many black civil rights activists. They believe that they have the right to speak out, but for everyone else, there exists a double standard. I truly believe that if I were black, I never would have been treated this way.

Berry, Letter, R. 1-3, PageID 25.

A few months later, in September 2006, Lawrence filed a lawsuit in federal district court, naming Baum, Musbach, and Mithani as defendants, along with the executive director of the State Bar and the president of the Board. *See generally Welch*, 531 F.3d 364. He argued, among other things, that the denial of his bar application violated his First and Fourteenth Amendment rights and sought declaratory

and injunctive relief requiring defendants to issue him a license to practice law. The district court dismissed Lawrence's claims and this court affirmed. *Id*. at 366-67.

Lawrence filed another lawsuit in federal district court against various members of the Board in 2009, alleging that he had filed a third application for admission to the Michigan bar, which was pending, and describing his complaint as a "protective action" challenging the potential denial of his third application and any future fourth application. See *Lawrence v. Parker, et al*., No. 17-1319, Order, p. 1-2 (6th Cir. Dec. 22, 2017). The same year, the Board held a hearing regarding his third application, and before the hearing took place, Lawrence mailed hundreds of questionnaires to the Board members' former clients and acquaintances, seeking any information that would "call into question the [Board] members' ability to serve the public." *Raubinger*, Am. Compl., R. 19, PageID 201. Subsequently, Lawrence's third petition was denied, and he filed a fourth. Parker, No. 17-1319, Order, p. 2. In regard to his most recent application, the State Bar and the Board certified Lawrence's good moral character to practice law, but refused to certify his educational fitness because his bar exam score became stale after three years. *Id*. Lawrence sought to amend his 2009 case to address the constitutionality of Michigan's rule regarding stale scores, and the case is currently pending before the Western District of Michigan. *See generally Parker*, Case No. 1:09-cv-95 (W.D. Mich. Feb. 6, 2009).

Also in 2009, Lawrence filed his first application for admission to practice law in the United States District Court for the Western District of Michigan. *See In re: Frank J. Lawrence, Jr.*, No. 09-1636, Order, p. 1 (6th Cir. Dec. 2, 2009). The Western District of Michigan denied his petition in accordance with local rules because Lawrence had not first been admitted to practice law in any state. Lawrence appealed his denial and this court affirmed. *Id*. at 2. Lawrence has since been admitted to practice law in the District of Columbia. Lawrence alleges that he has also been granted admission to the United States Courts of Appeals for the Sixth, Seventh, Tenth, Eleventh, and District of Columbia Circuits, as well as the United States District Courts for the Eastern District of Michigan and the Northern District of Illinois, and the United States Tax Court.

On October 5, 2017, Lawrence filed his second application for admission to practice law in the Western District of Michigan—the subject of this appeal. Because of Lawrence's criminal conviction, his application was forwarded to the Chief Judge of the Western District of Michigan. According to Lawrence, a State Bar investigator told him that the Chief Judge's law clerk left a message for the investigator that day, seeking information contained within the State Bar's confidential files. Lawrence alleges that he then called the clerk, who told him that the Chief Judge instructed her to gather information about Lawrence.

The Chief Judge appointed a three-judge panel to review Lawrence's application. The panel held a hearing on December 13, 2017, at which Lawrence appeared with counsel. Before the hearing, Lawrence sent a letter requesting: (1) that the Chief Judge's clerk be required to attend the hearing and provide testimony regarding her alleged instruction to obtain confidential information from the State Bar; and (2) a document "akin to a bill of particulars" providing the precise reasons why Lawrence's application was not administratively approved by the Chief Judge. The panel did not respond to Lawrence's letter.

At the hearing, the panel denied Lawrence's request for the clerk to testify. On February 2, 2018, the three-judge panel issued a memorandum opinion and order denying Lawrence's petition for admission. Lawrence alleges that Michigan licensing officials thereafter revoked his character clearance for the state bar, citing the panel's decision. Lawrence timely appealed the panel's order.

II.

We review a denial of an application for admission to practice before a district court for abuse of discretion. *Application of Mosher*, 25 F.3d 397, 400 (6th Cir. 1994). A finding of abuse of discretion requires "a definite and firm conviction that the trial court committed a clear error of judgment." *Davis by Davis v. Jellico Cmty. Hosp. Inc.*, 912 F.2d 129, 133 (6th Cir. 1990) (citations omitted). A court "abuses its discretion if it bases its ruling on an erroneous view of the law or a clearly erroneous assessment of the

evidence." *Merritt v. Int'l Ass'n of Machinists & Aerospace Workers*, 613 F.3d 609, 619 (6th Cir. 2010).

At the outset, we reject Lawrence's argument that it was reversible error for the district court to deny his request to have the Chief Judge's clerk testify at his hearing. Such testimony is of no bearing on Lawrence's character, the subject of the hearing. We thus decline to remand for further fact-finding on this issue, and similarly decline to refer the Chief Judge to the Circuit Executive's Office.

We now turn to the heart of the appeal, the district court's decision denying Lawrence admission to its bar. A district court has both statutory and inherent authority to control the membership of its bar. In terms of statutory authority, "Congress has provided in 28 U.S.C. § 2071 that the district courts may prescribe rules for the conduct of their business. It is clear from 28 U.S.C. § 1654 that the authority provided in § 2071 includes the authority of a district court to regulate the membership of its bar." *In re Desilets*, 291 F.3d 925, 929 (6th Cir. 2002) (*quoting Frazier v. Heebe*, 482 U.S. 641, 652 (1987) (Rehnquist, J., dissenting)); see also Fed. R. Civ. P. 83 ("After giving public notice and an opportunity for comment, a district court, acting by a majority of its district judges, may adopt and amend rules governing its practice."); *Greer's Refuse Serv., Inc. v. Browning-Ferris Indus. of Delaware*, 843 F.2d 443, 446 (11th Cir. 1988) ("[F]ederal district courts have clear statutory authority to promulgate rules governing the admission . . . of the attorneys who practice before them."); *Brown v. McGarr*, 774 F.2d 777, 782 (7th Cir. 1985)

("[E]very federal court which has construed 28 U.S.C. §§ 1654, 2071 and Fed. R. Civ. P. 83 has held that they permit a federal district court to regulate the admission of attorneys who practice before it.") (citations omitted).

The Western District of Michigan has acted under its statutory authority and prescribed such rules. Relevant here, Local Rule 83.1(c) provides that if an applicant has been convicted of a crime, "the Chief Judge shall make an independent determination as to whether the applicant is qualified to be entrusted with professional matters and to aid in the administration of justice as an attorney and officer of the [c]ourt." W.D. Mich. Local Civ. R. 83.1(c)(ii) (Feb. 1, 2018). The rules further provide that the Chief Judge "may grant or deny the application for admission" or "[a]lternatively . . . refer the application to a three-judge panel[.]" W.D. Mich. Local Civ. R. 83.1(d)(iv).[1]

In addition to statutory authority, it has long been settled that district courts have "inherent authority to deny an attorney's application for admission to practice before the district court." *Application of Mosher*, 25 F.3d at 399-400. As early as 1824, the Supreme Court held that federal courts have the power to control admission to their bar: "The power is one which ought to be exercised with great caution, but which is, we think, incidental to all Courts, and is necessary for the preservation of

[1] The local rules were substantially revised effective January 1, 2019. Attorney admission to practice is now found at Local Gen. R. 2.1.

decorum, and for the respectability of the profession." *Ex parte Burr*, 22 U.S. 529, 531 (1824); *see also Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1991) ("[T]he Court has held that a federal court has the power to control admission to its bar and to discipline attorneys who appear before it."). "Accordingly, the exercise of the authority to admit, deny, or suspend an attorney is left to the discretion of the district court." *Stilley v. Bell*, 155 F. App'x 217, 219 (6th Cir. 2005) (citations omitted).

But merely because a court has authority to regulate its bar does not mean that its authority is without limitation. While a court can require qualifications such as good moral character before admitting an applicant to the bar—as virtually all states, and the Supreme Court, do—any qualification "must have a rational connection with the applicant's fitness or capacity to practice law." *Schware v. Bd. of Bar Exam. of State of N.M.*, 353 U.S. 232, 239 (1957); *see also Law Students Civil Rights Research Council, Inc. v. Wadmond*, 401 U.S. 154, 160 (1971). Obviously an applicant cannot be excluded merely because of his political affiliation, religion, race, or gender. *See Schware*, 353 U.S. at 239. We think it is obvious too, that a nearly 17-year-old misdemeanor conviction cannot be the sole basis of denial. *See In re Dreier*, 258 F.2d 68, 69 (3d Cir. 1958) ("[W]e think the court erred in giving controlling weight to the appellant's previous convictions and little or no weight to the evidence of his subsequent rehabilitation and present good moral character.").

Instead, the court must balance the "competing interests at stake in a decision to admit an attorney to practice before a district court." *Stilley*, 155 F. App'x at 219-20. "On the one hand, there are the interests of the applicant attorney in being able to practice his profession and the interests of clients in being represented by counsel of their choosing." *Application of Mosher*, 25 F.3d at 400. And on the other hand:

> [T]he public interest requires the court to consider whether the applicant attorney will promote the administration of justice. "[I]t is extremely desirable that the respectability of the bar should be maintained, and that its harmony with the bench should be preserved." [*Burr*, 22 U.S. at 530.] Thus, a district court should consider whether the applicant attorney possesses the professional and ethical competence expected of an officer of the court.

Id.

We cannot say that the district court abused its discretion in balancing these interests here. The three-judge district court panel first discussed Lawrence's previous criminal conviction, and correctly noted that it was a number of years ago, but found that his conduct following the conviction, including his behavior before the panel, was inconsistent with what is expected of an officer of the court. The panel had the opportunity to observe Lawrence's demeanor during the hearing and found that he was not credible in

discussing his criminal conviction. Specifically, the panel found that he too "easily offer[ed] exculpatory information, while struggling to recall basic facts concerning his offense conduct." (Order, R. 6, PageID 136-37.)

And the district court did not rely solely on Lawrence's criminal conviction in reaching its decision. The panel considered Lawrence's conduct since the conviction and in doing so did not make a clear error of judgment. Lawrence has a history of personally attacking decisionmakers whose decisions he does not like. After the District Character and Fitness Committee issued a report recommending that he be denied admission, Lawrence called the University of Michigan—one of the committee members' employers—complaining that he was treated unfairly and asking to speak to students about the committee member's conduct. He also wrote a letter to a legal services organization—the employer of another committee member—complaining about the committee member treating him unfairly. And when the Board issued an opinion denying him admission, Lawrence sent a letter to a member of the Michigan Civil Rights Commission to complain about one of the Board members' alleged hypocrisy. When he became upset with the way the Board handled his petition, he picketed the law office of the president with a sign that could discourage clients from retaining the Board member's services.

And even before an adverse decision was reached on his third application for admission into the Michigan bar, Lawrence mailed hundreds of

questionnaires to former clients and acquaintances of the Board members on the committee responsible for making a decision regarding his character and fitness, attempting to dredge up negative information about them. The district court acted within its discretion in relying on these instances to conclude that Lawrence "has a long history of engaging in inappropriate and unprofessional conduct" that calls into question his ability to be "entrusted with professional matters and to aid in the administration of justice as an attorney and officer of the [c]ourt." (Order, R. 6, PageID 142) (*quoting* W.D. Mich. Local Civ. R. 83.1(c)(ii).)

The record is clear that the admission decision is not based on the content of Lawrence's complaints about the Board or State Bar officials, nor on his decision to speak out against them. Instead, the panel was concerned with the manner in which Lawrence addressed his grievances. (*Id.* at PageID 141 ("The relevant issue here is not whether he . . . enjoys a First Amendment right to freedom of speech - of course he does. . . . The [c]ourt is concerned, however, with the manner in which he addressed his grievances with [the Board and State Bar] officials.").) The district court's concerns about how Lawrence addresses his grievances are rationally related to his fitness to practice law—if he seeks judicial misconduct proceedings every time a judge makes a decision adverse to his interests, or pickets the law offices of opposing counsel who upset him, or posts disparaging comments about lawyers with whom he disagrees, his professional competency would be called into question. Indeed, Lawrence admitted during his hearing that

some of these past instances of misconduct demonstrate less than good judgment. We are thus satisfied that the district court did not abuse its discretion in denying Lawrence admission.

Lawrence raises three primary arguments in an attempt to persuade us to reverse the panel's decision. First, he contends that it was error for the panel to rely on past conduct that he did not have a chance to address at the hearing. In support of this argument, he quotes the panel's decision discussing two matters: (1) the letter in which Lawrence stated if he were black he would not have been treated this way, and (2) certain of his website posts. But Lawrence did have a chance to address the letter—in fact, he raised it at the hearing. It was not error for the panel to look at publicly available information to delve further into this incident when Lawrence brought it to their attention at the hearing. As for the website posts, the record supports the panel's decision denying Lawrence admission even if we do not consider the posts to which he objects. The instances exhibiting poor judgment discussed above were all mentioned at the hearing and thus Lawrence had a chance to address them. (See Hr'g Tr., R. 4, PageID 74-76 (picketing Board member's law office); id. at PageID 78 (contacting University of Michigan); id. at PageID 81 (writing letter to legal services organization); *id.* at PageID 81, 83 (writing letter to Civil Rights Commission); id. at 87-88 (mailing questionnaires to former clients and acquaintances of Board members).) We therefore reject Lawrence's request to remand this matter for further proceedings.

Turning to Lawrence's second argument, he objects to the panel's reliance on arguably stale conduct in reaching its adverse decision. Lawrence points out that the majority of the conduct discussed in the panel's decision occurred years ago and contends that since then he has been a "model citizen," as evidenced by his admission into the bars of various courts. As an initial note, merely because "other courts have admitted [Lawrence] to practice in their jurisdictions" does "not compel the conclusion that the Western District of Michigan abused its discretion in not allowing [Lawrence] to practice there." *Stilley*, 155 F. App'x at 224. "[O]ne court's decision to admit an applicant does not diminish another court's discretion to refuse to do so." Id. As to the fact that the panel considered conduct that is many years old, Lawrence points to no authority finding that doing so amounts to a clear error of judgment. And in any event, the district court made clear that it also considered Lawrence's conduct at the hearing in coming to its ultimate conclusion, noting that Lawrence was more interested in blaming others than accepting responsibility for his actions and finding that his statements that he has changed are not credible. Even if we would reach a different conclusion reviewing Lawrence's petition de novo—as it appears we did, given that he is admitted in our court—we cannot say the district court abused its discretion.

As for Lawrence's final argument, he contends that the district court's decision was impermissibly based on the exercise of his First Amendment rights. It is, of course, axiomatic that Lawrence has a First

Amendment right to criticize public officials. *See, e.g., Rosenblatt v. Baer*, 383 U.S. 75, 85 (1966) ("Criticism of government is at the very center of the constitutionally protected area of free discussion."). But it is equally true that "the First Amendment does not prohibit laws justified by a valid governmental interest when those laws do not reflect an intent to control the content of speech but rather incidentally limit unfettered exercise of the right." *Chabot*, 182 F. App'x at 453 (*citing Konigsberg v. State Bar of Cal.*, 366 U.S. 36, 50 (1961)). And as the Supreme Court stated in reference to character qualifications for a state bar, "it is difficult, indeed, to imagine a view of the constitutional protections of speech . . . which would automatically . . . exclude all reference to prior speech . . . on such issues as character, purpose, credibility, or intent." *Konigsberg*, 366 U.S. at 51; *see also Wadmond*, 401 U.S. at 167 (upholding New York's character and fitness screening against First Amendment challenges).

Here, the district court made clear that Lawrence's denial was not based on his speech at all, but rather on the manner in which he addressed his grievances with the Board and the State Bar officials. Unlike the petitioner in *Konigsberg*, upon which Lawrence relies for support, Lawrence did not merely criticize the government in newspaper editorials. 353 U.S. 252, 268-69 (1957) (noting that the editorials were "not unusually extreme" and were "fairly interpreted only [to] say that certain officials were performing their duties in a manner that, in the opinion of the writer, was injurious to the public"). It

is not the fact that Lawrence criticized bar officials that is concerning. He certainly has a First Amendment right to do so. Nor is it the content of Lawrence's speech that matters. Of crucial importance is the way in which Lawrence chose to criticize the officials—calling their employers, sending letters to their former clients and friends, and picketing their places of employment. Surely the district court is constitutionally entitled to look at such conduct in deciding whether Lawrence should be admitted "to a profession dedicated to the peaceful and reasoned settlement of disputes between men, and between a man and his government." *Wadmond*, 401 U.S. at 166.

In sum, the district court did not abuse its discretion in denying Lawrence admission to its bar, based on its local rule allowing the panel to decide whether an applicant is "qualified to be entrusted with professional matters and to aid in the administration of justice as an attorney and officer of the [c]ourt." W.D. Mich. Local Civ. R. 83.1(c)(ii). We are mindful of the Supreme Court's admonition in *Konigsberg* that such a "vague qualification, which is easily adapted to fit personal views and predilections, can be a dangerous instrument for arbitrary and discriminatory denial of the right to practice law." 353 U.S. at 263. But we are satisfied here that the denial was not arbitrary or discriminatory. Because we cannot say that the district court's decision "was irregular, or was flagrantly improper," *D.H. Overmyer Co. v. Robson*, 750 F.2d 31, 33 (6th Cir. 1984) (*quoting Burr*, 22 U.S. at 531), we affirm.

III.

For the foregoing reasons, we affirm the denial of Lawrence's petition for admission to the Western District of Michigan.

APPENDIX B

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Case No. 1:17-mc-0098
Administrative Order No. 18-AD-013

IN THE MATTER OF THE PETITION
FOR ADMISSION OF FRANK J. LAWRENCE

MEMORANDUM OPINION AND ORDER
DENYING PETITION FOR ADMISSION

This matter is before the Court on Frank J. Lawrence, Jr.'s,[2] Petition for Admission to practice in the Western District of Michigan. (ECF No. 1-2, PageID.3-5).[3] Chief District Judge Robert J. Jonker assigned this matter to the undersigned three-judge panel to review the petition and determine Mr. Lawrence's suitability for admission to the practicing bar of this Court. (Admin. Order 17-AD-115, ECF No. 1; Admin. Order 17-AD-116, ECF No. 1-1).

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[1] Mr. Lawrence's Petition for Admission does not indicate that he is a junior. This Memorandum Opinion and Order will hereinafter simply refer to him as Frank Lawrence and to his father as Frank Lawrence, Sr., except as needed to avoid confusion.

[2] Unless otherwise noted, all parenthetical record cites are to the docket in this matter: 1:17-mc-0098.

On December 13, 2017, the Court conducted a hearing on the record in Grand Rapids, Michigan, at which Mr. Lawrence appeared, along with his counsel, Dennis Dubuc. (Minutes, ECF No. 2). For the reasons articulated below, Mr. Lawrence's Petition for Admission will be denied at this time.

Motion for Reconsideration

At the outset, the Court will address Mr. Lawrence's Motion for Reconsideration, "seeking reconsideration of this Court's December 13, 2017, decision to prevent him from eliciting testimony from Operations Specialist Ashley Mankin." (Mtn. Recon. at 1, ECF No. 3, PageID.22-30). Ms. Mankin is a Court employee who works in the Clerk's Office. She has had no input into the Court's decision in this matter. Mr. Lawrence's interest in calling Ms. Mankin as a witness is based on his dissatisfaction with the manner in which Chief Judge Jonker handled his Petition for Admission.

Mr. Lawrence filed his Petition for Admission electronically on October 5, 2017. In response to the question of whether he had ever been convicted of a felony or misdemeanor, Mr. Lawrence stated the following:

> Yes, On August 19, 2000, I was ticketed for violating a Bloomfield Township ordinance that prohibits "interfering' with a police officer. This occurred after I told him that he needed to secure a warrant before he conducted a warrantless search. He claimed

> that I "interfered" with his investigation. I was found guilty and ordered to pay a monetary fine.

(Petition for Admission at ¶ 6, ECF No. 1-2, PageID.4).

The next day, Chief Judge Jonker sent him a letter advising that, due to the reported conviction, he was considering "whether to handle the admission application [himself], or refer it to a hearing panel under [the District's] Local rules." (Chief Judge Jonker Letter, Oct. 6, 2017, ECF No. 1-3, PageID.10). The Chief Judge asked Mr. Lawrence to provide copies of documents relating to his conviction, and to advise whether "[he had] ever been denied admission to the bar of any jurisdiction." (Id.). The letter referenced the fact that published news reports suggested that Mr. Lawrence had been denied admission to the Michigan Bar on "character and fitness review." (Id.). But, the Chief Judge noted that "published reports are not always accurate." (Id.).

Mr. Lawrence responded to the Chief Judge's letter, through counsel, Dennis Dubuc, on October 12, 2017. (Dubuc Letter, Oct. 12, 2017, ECF No. 1-4). Mr. Lawrence provided some documents relating to his conviction, but the letter indicated that, based on advice of counsel, he would "not to do any further research into the matter." (Id., PageID.12-13). Instead, his counsel asked the Chief Judge to "render a final decision based on the information provided." (Id.). Mr. Dubuc provided a cursory review of his client's efforts to be admitted to various bars – acknowledging

unsuccessful applications to the Florida Bar in 2005 and the Michigan Bar in 2006 and 2010, and noting a recent admission in the District of Columbia Court of Appeals. (Id.).[4] Mr. Dubuc advised that the State Bar of Michigan had certified Mr. Lawrence's good moral character in December 2016. (Id.).

Through Mr. Dubuc, Mr. Lawrence erroneously asserted that the Chief Judge had received information from Mr. Lawrence's State Bar of Michigan confidential file. (Dubuc Letter, Oct. 12, 2017, ECF No. 1-4, PageID.12). Mr. Dubuc asked the Chief Judge to "enter a final Order immediately so that [he] may submit this troubling matter to the Sixth Circuit panel that will decide Lawrence v. Parker, et[] al." (Id., PageID.13). Mr. Dubuc did not explain what he meant by "troubling matter," nor did he object to the Chief Judge's stated consideration of assigning the matter to a three-judge panel.

On October 16, 2017, the Chief Judge responded to Mr. Dubuc's letter, advising him that, based on the information and materials Mr. Dubuc had provided, he had decided to refer Mr. Lawrence's application for admission to a panel of judges. (Chief Judge Jonker Letter, Oct. 16, 2017, ECF No. 1-5, PageID.18). The Chief Judge noted that, contrary to the letter's

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[3] The only evidence Mr. Lawrence provides concerning his admission to the D.C. Bar is a generic notice of admission, which does not contain his name or any information identifying him as the intended recipient of the notice. (See Notice, Attached to Petition for Admission, ECF No. 1-2, PageID.8). The Court is assuming, for now, that he is a member in good standing of the D.C. Bar.

assertion, he had not received any information from the State Bar of Michigan. (Id.).

On December 4, 2017, Mr. Lawrence's counsel faxed a letter to District Judge Janet Neff, the chair of the three-judge panel. (Dubuc Letter, Dec. 4, 2017, ECF No. 1-6). The letter included two requests: (1) that the Court require Operations Specialist Ashley Mankin to attend the hearing in this matter and to provide sworn testimony; and (2) that the Court provide a "bill of particulars," containing "the precise reasons why, in Mr. Lawrence's case, his application was not administratively approved by the Chief Judge." (*Id.*, PageID.20-21).[5] The letter also provided additional information concerning Mr. Lawrence's admission to practice in other courts. (Id., PageID.21). Again, Mr. Lawrence did not raise any objection to the assignment of this matter to the three-judge panel.

Mr. Dubuc's spurious suggestions that the Chief Judge had engaged in "irregularities" in the handling of Mr. Lawrence's application, and in the initial assignment of District Judge Paul Maloney to the three-judge panel, are unfounded.[6] The Chief Judge had already advised Mr. Dubuc that he had obtained no information from the State Bar. There is nothing in the local rules that limits what information the Chief Judge may consider, or from what source; nor do the rules require that the Chief Judge explain to an applicant why he elects to exercise his discretion in

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[4] Mr. Duboc's letter violates Local Rule 7.1(a), which explicitly prohibits letter briefs in support of motions.

[5] On October 19, 2017, Chief Judge Jonker assigned Judge Neff to replace Judge Maloney, as a result of Judge Maloney's decision to recuse himself. (See Admin. Order 17-AD-116).

appointing a three-judge panel. Moreover, any reason would be wholly irrelevant at this juncture, as a decision of the majority of the undersigned three-judge panel is final and binding. See W.D. MICH. LCIVR 83.1(d)(iv).

At the beginning of the December 13, 2017, hearing, the Court addressed Mr. Lawrence's request to have Ms. Mankin testify. The Court explained why any testimony Ms. Mankin would have to offer would be irrelevant to Mr. Lawrence's application. (Hr'g Tr. at 3, ECF No. 4, PageID.57). The Court also addressed Mr. Dubuc's erroneous interpretation of Local Rules 83.1(c) and (d). (Hr'g Tr. at 4-6, PageID.58-60). When he addressed the Court personally, Mr. Lawrence raised again the issue of the interpretation of Local Rules 83.1(c) and (d). (Hr'g Tr. at 6-7, PageID.60-61). The Court advised Mr. Lawrence that, if he wished to pursue his objection to the Court's interpretation of the relevant local rules, he could file a motion to disband the three-judge panel. (Hr'g Tr. at 7, PageID.61). Mr. Lawrence declined to make the motion, electing instead to proceed with the hearing: "I would like to proceed by the panel asking me questions and providing testimony on my character and fitness." (Id. at 8, PageID.62).

Accordingly, he has waived any objection to the jurisdiction and constitution of the undersigned three-judge panel. Nonetheless, and giving Mr. Lawrence the benefit of the doubt, the Court will address – again – the application of Local Rules 83.1(c) and (d), and Mr. Lawrence's erroneous interpretation of them.

Local Rule 83.1(c) addresses the eligibility for admission to practice in the Western District of Michigan. It provides: "A person who is duly admitted to practice in a court of record of a state, and who is in active status and in good standing, may apply for admission to the bar of this Court, except as provided in (ii) below." W.D. MICH. LCIVR 83.1(c)(i) (emphasis supplied). Subpart (ii) provides, in relevant part, that, if an applicant has been convicted of a crime, "the Chief Judge shall make an independent determination as to whether the applicant is qualified to be entrusted with professional matters and to aid in the administration of justice as an attorney and officer of the Court." In other words, the Chief Judge has the authority to determine whether an individual previously convicted of a crime is even eligible for admission to practice in the District. If that determination is made in the negative, the only recourse for the applicant is to "file a petition for a hearing before a three judge panel as described in LCIVR 83.1(m)(iii)." W.D. MICH. LCIVR 83.1(c)(ii).

Local Rule 83.1(d), on the other hand, addresses the procedure for persons to be considered for admission. That rule identifies the information that must be included in an application for admission. See W.D. MICH. LCIVR 83.1(d)(i)(A)-(C). That information includes, of course, whether the applicant has ever been convicted of a crime. See W.D. MICH. LCIVR 83.1(d)(i)(C). The procedural rule gives discretion to the Chief Judge to grant or deny an application for admission, or in the alternative, "the Chief Judge may refer the application to a three judge

panel constituted pursuant to subsection (m)(iii)(A)." W.D. MICH. LCIVR 83.1(d)(iv). The reference to subsection (m)(iii)(A) simply makes clear that the three-judge panel will consist of "at least one active or senior district judge," and that the other members of the panel may include "senior judges, bankruptcy judges, and magistrate judges." W.D. MICH. LCIVR 83.1(m)(iii)(A). Chief Judge Jonker properly exercised his discretion in submitting Mr. Lawrence's application for admission to the undersigned judicial panel, and his appointment of the undersigned judicial officers is fully consistent with Local Rule 83.1(m)(iii)(A).

Mr. Lawrence's argument that a three-judge panel lacks jurisdiction over his application because the Chief Judge was first required to make a determination regarding his eligibility is contrary to any rational interpretation of the Local Rules.[7] Moreover, it is nonsensical. Under Mr. Lawrence's view, this matter should be sent back to the Chief Judge to make a determination of whether he is eligible for admission. That determination will either be in the affirmative, which allows Mr. Lawrence's

[6] Mr. Lawrence's position regarding Local Rule 83.1(c) is internally inconsistent. On the one hand, he argues that the Chief Judge was required to rule on his eligibility for admission under Rule 83.1(c)(ii) (See Mtn. Recon. at 3-5, ECF No. 3, PageID.24-26), which applies in this case only if Mr. Lawrence has been "convicted of a crime." But, on the other hand, he contends that his 2002 conviction for violating the Bloomfield Township ordinance is not a "true" criminal conviction (See Dubuc Letter, Dec. 4, 2017, ECF No. 1-6, PageID.20-21), which presumably would obviate the need for an eligibility determination under Rule 83.1(c).

application to go forward under Local Rule 83.1(d) (with a decision by either the Chief Judge or a three-judge panel); or the determination will be in the negative, triggering Mr. Lawrence's right to petition for a three-judge panel review.

Mr. Lawrence has been allowed to submit an application. Pursuant to Local Rule 83.1(d)(iv), the matter is now before a three judge panel to make an independent determination whether, given his prior conviction, "[he] is qualified to be entrusted with professional matters and to aid in the administration of justice as an attorney and officer of the Court," W.D. MICH. LCIVR 83.1(c)(ii), and whether he is otherwise suitable for admission to the practicing bar of this Court. Accordingly, unless he was prepared to accept a potential negative decision by the Chief Judge – a highly unlikely scenario – he is right where he would be no matter which way the Chief Judge would have decided the issue of eligibility under Rule 83.1(c).[8]

Mr. Lawrence's efforts to have this matter returned to Chief Judge Jonker are all the more perplexing, given his stated intention, should he get his way on this issue, to "immediately move for Judge Jonker's disqualification," and to "ask that a different judge make the 'independent determination'." (Mtn. Recon. at 5, ECF No. 3, PageID.26). Putting aside the

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[7] Mr. Lawrence's contention that he is entitled to "the particulars upon which the Chief Judge denied his application" (Mtn. Recon. at 3 n.2, ECF No. 3, PageID.24) is unsupported by any provision in the Local Rules. Moreover, it is irrelevant, as the Chief Judge has not decided anything, but rather, referred Mr. Lawrence's application to the undersigned panel for an independent and final decision.

fact that his contention as to the disqualification of the Chief Judge is wholly unfounded, Mr. Lawrence is essentially seeking to have some judge other than the Chief Judge decide this matter. But, he has already gotten his wish, and more – three judges other than the Chief Judge are making an independent determination as to his application for admission.

In conclusion, Mr. Lawrence's contention that the undersigned panel lacks jurisdiction is frivolous, particularly given his failure to raise an objection to the three-judge panel at or before the December 13, 2017, hearing, as well as his counsel's acknowledgement that the Chief Judge had the discretion to refer this matter to a three-judge panel. (See Hr'g Tr. at 6, ECF No. 4, PageID.60 (Mr. Dubuc agreed with Judge Neff that the Chief Judge's "independent determination" may be based on the decision of the panel)). Inasmuch as there is no basis to find that the Chief Judge deviated from the District's Local Rules, and given that Ms. Mankin has no information relevant to his application for admission, Mr. Lawrence's motion for reconsideration (ECF No. 4) will be denied.

Legal Standards

Mr. Lawrence appears to be operating on the misconception that simply having his "good moral character to practice law" certified by some other jurisdiction is sufficient to confer upon him the right to be admitted to practice before this Court. (See Mtn. Recon. at 8, ECF No. 3, PageID.29). It does not. See In re Desilets, 291 F.3d 925, 929 (6th Cir. 2002) ("federal

courts have the right to control the membership of the federal bar"). " 'Congress has provided in 28 U.S.C. § 2071 that the district courts may prescribe rules for the conduct of their business. It is clear from 28 U.S.C. § 1654 that the authority provided in § 2071 includes the authority of a district court to regulate the membership of its bar.' " 291 F.3d at 929 (quoting Frazier v. Heebe, 482 U.S. 641, 652 (1987) (Rehnquist, dissenting)).

"A federal district court has the 'inherent authority' to deny an attorney's application for admission to practice before that court." *Stilley v. Bell*, 155 F. App'x 217, 219 (6th Cir. 2005) (*citing In re Application of Mosher*, 25 F.3d 397, 399-400 (6th Cir. 1994)); *accord In re Desilets*, 291 F.3d at 929. This Court may "deny an attorney's application for admission to its bar when it is not satisfied that he possesses good private and professional character." *In re G.L.S.*, 745 F.2d 856, 859 (4th Cir. 1984). "[T]he exercise of the authority to admit, deny, or suspend an attorney is left to the discretion of the district court." *Stilley v. Bell*, 155 F. App'x at 219 (*citing In re Snyder*, 472 U.S. 634, 643 n.6 (1985)).

This Court must – and will – make an independent determination of "whether [Mr. Lawrence] possesses the professionalism and ethical competence expected of an officer of the court." *In re Mosher*, 25 F.3d at 400 (*citing In re G.L.S.*, 745 F.2d at 859). A review of the record, including his conduct before this Court, casts serious doubts on Mr. Lawrence's professional and ethical competence, as well as his private and professional character.

Background to Petition for Admission

Mr. Lawrence's present Petition for Admission to this Court comes some sixteen years after he graduated from law school and passed the Michigan bar exam.[9] He has yet to obtain a license to practice law in Michigan. While the Michigan State Bar recently certified his character and fitness, the Board of Law Examiners advised Mr. Lawrence that he must retake the bar exam due to its policy of invalidating bar examination scores after three years. Mr. Lawrence is currently in litigation challenging the constitutionality of that policy. Lawrence v. Pelton, Case No. 1:17-cv- 289 (W.D. Mich.).

The Sixth Circuit Court of Appeals has described as "contentious" Mr. Lawrence's relationship with the State Bar of Michigan and the Michigan Board of Law Examiners. *Lawrence v. Welch*, 531 F.3d 364, 366 (6th Cir. 2008). Sadly, that is an understatement.

While Mr. Lawrence's conviction was incurred a number of years ago, his conduct following that conviction, including that before this Court, is inconsistent with that expected of an officer of the Court. A detailed explication of the history of his

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[8] This is Mr. Lawrence's second petition for admission to practice in the Western District of Michigan. His first was denied on May 1, 2009, based on the fact that he had not been admitted to practice law in any state. Mr. Lawrence unsuccessfully appealed that decision. *See In re Frank J. Lawrence, Jr.*, No. 09-1636, Slip Op. at 1 (6th Cir. Dec. 2, 2009) (unpublished) (copy filed in this matter at ECF No. 5).

conduct regarding his conviction and efforts to discredit State Bar of Michigan officials is warranted.

1. Mr. Lawrence's 2002 Conviction for Interfering with Police Officers

Mr. Lawrence's checkered history concerning his unsuccessful efforts to obtain a Michigan law license began with his 2002 conviction for interference with police officers during the discharge of their official duties. That conviction arose from an August 19, 2000, incident in which Bloomfield Township police officers were called to Frank Lawrence, Sr.'s, residence concerning a domestic assault he committed against his son and Frank Lawrence, Jr.'s, brother: Christian Lawrence.

Christian Lawrence – at the time a young child – called 911, reporting that his father had struck him in the eye with a board.[10] Christian also reported that there were two other people in the house: his father, and Frank Lawrence, Jr. Upon arrival, the responding officers observed Christian through a screen door. His eye was swollen and bleeding from a large cut. The officers asked him to come out of the house, whereupon they questioned him about his injuries. Christian advised the officers that his father had hit him. The officers then asked Frank Lawrence, Sr., to come out, and they placed him under arrest.

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[9] Unless otherwise indicated, the factual statement contained herein is a compilation of those set out in the Sixth Circuit's opinions in *Lawrence v. 48th Dist. Court*, 560 F.3d 475, 477-78 (6th Cir. 2009), and *Lawrence v. Bloomfield Twp.*, 313 F. App'x 743, 745-46 (6th Cir. 2008).

Additional officers arrived on the scene. The Bloomfield Township Police Department requires officers responding to a domestic-violence call "to secure the crime scene to ensure that no other victims are present and to seize any weapons." *Lawrence v. Bloomfield Twp.*, 313 F. App'x 743, 745 (6th Cir. 2008) (citing testimony of Bloomfield Township police chief). Accordingly, the officers asked Frank Lawrence, Jr., to step out of the house. He responded: "F[ ] you." The officers again asked him to step out, and he responded: "F[ ] you. Arrest me." One of the officers then explained to Mr. Lawrence "that they were 'investigating a criminal act that took place on the property,' that they needed to come into the house and that they did not 'have to get a search warrant.' " *Id.* Mr. Lawrence began "screaming and yelling," repeatedly shouting: "You're not coming in my house. You need a search warrant." *Id.*[11]

Mr. Lawrence refused to comply with repeated requests to step out of the house. Instead, he "stood with his legs spread in the doorway and us[ed] his body to block the entrance." Id. (internal quotation marks omitted). Eventually, "the officers reached into the house, pulled [Mr.] Lawrence out, took him to the ground and told him to sit down on a bench." Id. The officers then conducted a protective sweep of the house and recovered the board Frank Lawrence, Sr., used to hit his son, Christian. Christian was treated by paramedics at the scene and taken to the hospital.

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[10] Mr. Lawrence was a third-year law student at the time of this incident. (*See* Dec. 13, 2017, Hr'g Tr. at 10, ECF No. 4, PageID.64; Compl. ¶ 28, Lawrence v. Chabot, Case No. 4:03-cv-0020, ECF No. 1, PageID.11).

The officers placed Mr. Lawrence, Jr., under arrest for obstructing a police officer, and he was taken in handcuffs to the Bloomfield Township Police Department. He was later released on bond.

On September 8, 2000, Mr. Lawrence was charged by a Misdemeanor Complaint with "interfering with a police officer," an offense punishable by incarceration for up to ninety days. (See ECF No. 1-4, PageID.14). Mr. Lawrence filed various legal actions seeking to enjoin the criminal prosecution, which included a declaratory action in the Oakland County Circuit Court, a Section 1983 action in the Eastern District of Michigan (EDMI), and a petition for a writ of mandamus in the EDMI. *See Lawrence v. Bloomfield Twp.*, 313 F. App'x at 745. "None of these actions succeeded in postponing his trial." *Id.*

Mr. Lawrence also filed an unsuccessful motion to dismiss the charge in the 48th District Court. *See Lawrence v. 48th Dist. Court*, 560 F.3d 475, 477 (6th Cir. 2009). He sought leave from the Oakland County Circuit Court to appeal the denial of his motion to dismiss and to enjoin the prosecution in the district court, both of which were denied. *See id.* at 477-78. Both the Michigan Court of Appeals and the Michigan Supreme Court denied leave to appeal. See id. at 478.

Mr. Lawrence was convicted on April 8, 2002, following a one-day jury trial. During the trial, Mr. Lawrence contested the legality of the officers' actions. But he also contested the officers' collective testimony concerning his actions the night of August 19, 2000. *See Lawrence v. Bloomfield Twp.*, 313 F. App'x at 745-

46. For example, he claimed that the officers "never told him they wanted to enter the home to look for evidence, insisting he refused to leave the house because he was just wearing his underwear." *Id*. at 746. Mr. Lawrence also testified "that the officers pulled his hair, 'dragged [him] out like an animal . . . and stomped on [his] leg." Id.

The Oakland County Circuit Court upheld Mr. Lawrence's conviction. The Michigan Court of Appeals and the Michigan Supreme Court denied leave to appeal. *See People v. Lawrence*, 472 Mich. 942, 698 N.W.2d 400 (2005).

2. Mr. Lawrence's Legal Battles with the State Bar of Michigan

Mr. Lawrence graduated from the University of Detroit Law School in 2001, and he passed the Michigan bar exam that same year. He applied for a license to practice law. As part of the application process, he filled out an Affidavit of Personal History, in which he noted that he was subject to a pending misdemeanor charge for interfering with a Bloomfield Township police officer. *See Lawrence v. Chabot*, 182 F. App'x 442, 445 (6th Cir. 2006). Due to the pending criminal charge, Mr. Lawrence's bar application was held in abeyance until resolution of the criminal case. *Id*.

Early in the criminal proceedings, the Bloomfield Township attorney, who was then president of the State Bar of Michigan, offered to let Mr. Lawrence enter a "plea under advisement." Id.

Under this plea, Mr. Lawrence would not have incurred a conviction, and the charge would later have been dismissed if he complied with certain terms set by the court. Id. Mr. Lawrence rejected the plea offer. Id.

More than a year later, and immediately before the jury trial began, Mr. Lawrence's counsel asked the township's attorney to re-offer the "plea under advisement." *Lawrence v. Chabot*, 182 F. App'x at 445. This discussion took place in the presence of the district judge, Judge Edward Avadenka, but Mr. Lawrence was not present. Id. The township attorney indicated a willingness to put the same plea offer back on the table if Mr. Lawrence was willing to accept it. *Id*. Judge Avadenka advised counsel " 'that, if the parties resolved the case with a plea under advisement, he would communicate to the Character and Fitness Committee [of the state bar] that a plea under advisement constitutes a conclusion of the case,' thus permitting the committee to act upon [Mr.] Lawrence's bar application." *Id*. at 445-46 (*quoting* Joint Appendix at 1324-25). Mr. Lawrence again rejected the offer, choosing to go to trial. *Id*. at 446.

A week after his conviction, Mr. Lawrence wrote a letter to the manager of the Character and Fitness Department of the State Bar of Michigan, informing her that the pending criminal charge holding up his application had been resolved. *Lawrence v. Chabot*, 182 F. App'x at 446. In that same letter, he accused Judge Avadenka "of improperly using [Mr.] Lawrence's 'law license as a bargaining chip' by allegedly offering to speak to the Character

and Fitness Committee on [Mr.] Lawrence's behalf only if [Mr.] Lawrence 'dropped the civil case[12] against the Township.' " *Id*. (*quoting* the Joint Appendix at 1317).[13] "In light of the inflammatory allegation of judicial misconduct, . . . an investigator of the Character and Fitness Department[]telephoned Judge Avadenka to verify the assertions in [Mr.] Lawrence's letter." *Id*.

Judge Avadenka advised the investigator of the actual content of the plea negotiations, stating that, "while he 'did offer to advise the Character and Fitness Committee that the [criminal] case was concluded, Mr. Lawrence's law license was not used as a bargaining chip in any way.' " *Id*. (*quoting* the Joint Appendix at 1336).

Given a number of concerns – including "[his] litigation history and financial difficulties" – the Character and Fitness Committee referred Mr. Lawrence's bar application to a district committee to conduct an interview with him. *Lawrence v. Chabot*,

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[11] The civil case was *Lawrence v. Bloomfield Twp*., Case No. 00-74302 (E.D. Mich).

[12] Apparently, there is a transcript supporting Mr. Lawrence's version of events. *See Board of Law Examiners Opinion* at 20, *In re Frank J. Lawrence, Jr*. (William Rheaume, concurring) (a copy of this opinion is found in *Lawrence v. Berry*, Case No. 5:06-cv-134, ECF No. 1-2, PageID.22 (W.D. Mich.)). The undersigned panel does not have access to this transcript. It is troubling, however, that Mr. Lawrence chose to raise the allegations of misconduct against the district judge with the State Bar, rather than the Judicial Tenure Commission or some other appropriate forum. Ironically, in the December 13, 2017, hearing before this Court, Mr. Lawrence essentially admitted that he was using the allegations against the judge with the

182 F. App'x at 446. "[Mr.] Lawrence responded by filing a motion for adjournment of the interview, alleging for the first time that, under Michigan law, violations of township ordinances should not be considered criminal cases." *Id*. When his request for adjournment was denied, Mr. Lawrence withdrew his bar application. Id.

Instead of pursuing his bar application, Mr. Lawrence filed a Section 1983 suit in the Western District of Michigan, naming, among others, the Michigan Board of Law Examiners and its members, the State Bar of Michigan, and the justices of the Michigan Supreme Court. *See Complaint, Lawrence v. Chabot*, Case No. 4:03-cv- 0020, ECF No. 1 (W.D. Mich). Mr. Lawrence sought "prospective relief" from the operation of certain Michigan licensing rules and regulations, which he claimed were "patently unconstitutional." *Id*. at PageID.1. Mr. Lawrence also sought monetary damages against certain defendants. *Id*. at PageID.2. Shortly after filing the complaint, Mr. Lawrence filed a motion for a temporary restraining order and for a preliminary injunction, seeking to "enjoin[] the Defendants from using protected First Amendment activities as a basis for evaluating 'good moral character' and require the Defendants to establish suitable guidelines or procedures, which comply with First Amendment or general Due Process principles." *Lawrence v. Chabot*, Case No. 4:03- cv-0020, ECF No. 12, PageID.61. The district court denied the relief Mr. Lawrence sought, and the Sixth

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State Bar as a bargaining chip to get his law license. (See Hr'g Tr. at 12-13, ECF No. 4, PageID.66-67).

Circuit affirmed on all issues. *See Lawrence v. Chabot*, 182 F. App'x at 445-59.[14]

3. Mr. Lawrence's Extra-Judicial Actions Against Bar Officials

Mr. Lawrence withdrew his initial application for a Michigan law license in October 2002. *See Board of Law Examiners Opinion* at 1, *In re Frank J. Lawrence, Jr.* (a copy of this opinion is found in *Lawrence v. Berry*, Case No. 5:06-cv-134, ECF No. 1-2 (W.D. Mich.) (hereinafter "Board Op."). Thereafter, and during subsequent efforts to obtain his license, Mr. Lawrence engaged in a number activities targeting State Bar officials with the intent of "caus[ing] financial harm or embarrassment." *Id*. at 19, PageID.21.

Soon after withdrawing his bar application, Mr. Lawrence began operating a website he entitled "StateBarWatch," located at http:www.statebarwatch.org, in which he "actively criticize[d] the [State Bar of Michigan] and the [Board of Law Examiners]." Compl. ¶ 21, *Lawrence v. Berry*, Case No. 5:06-cv-134, ECF No. 1, PageID.36. By his own admission, Mr. Lawrence used his website to publically make the following accusations:

> 1. that the State Bar of Michigan's Executive Director committed "plagiarism";

[13] Midway through the litigation, Mr. Lawrence sought, unsuccessfully to have both the district judge and the magistrate judge disqualified for alleged bias. *See Lawrence v. Chabot*, 182 F. App'x 442, 448-49 (6th Cir. 2006).

> 2. that the State Bar's Assistant Regional Counsel had made false statements in an oral argument before the Sixth Circuit Court of Appeals;
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> 3. that the State Bar's Regulation Counsel made false (or at least contradictory) statements to one or more district judges in this District;
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> 4. that one of the members of the Board of Law Examiners improperly used a state-run website to "cast aspersions against the Michigan Civil Rights Initiative"; and
>
> 5. that a member of the Board of Law Examiners had been subject to "previous drunk-driving arrests and conviction."

Id., PageID.36-37. Mr. Lawrence also posted to his website the fact that he had been picketing the law office of a member of the Board of Law Examiners, using a sign that stated: "I do not recommend attorney [ ]."[15] *Id*., PageID.37.

In August 2004, Mr. Lawrence reapplied for a Michigan law license. Board Op. at 1, *Lawrence v. Berry*, Case No. 5:06-cv-134, ECF No. 1-2, PageID.3. The District G Character and Fitness Committee held a hearing on August 15, 2005, and it later issued a

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[14] The Court is omitting the attorney's name to avoid undue embarrassment.

Report and Recommendation finding that Mr. Lawrence had not "shown by clear and convincing evidence that 'he currently possess[es] the requisite good character and fitness to be recommended to the practice of law in this state.' " *Id*. at 1-2, PageID.3-4 (*quoting* District Committee's Report and Recommendation).

According to the District Committee, Mr. Lawrence made disparaging comments about Michigan's state courts: " '[Mr. Lawrence] made it clear that, at least in part because of the litigation, he has little respect – and indeed considerable distain [sic] – for the state court system.' " Compl. ¶ 24, *Lawrence v. Berry*, Case No. 5:06-cv-134, ECF No. 1, PageID.38 (quoting District Committee's Report and Recommendation). Based on these comments, the District Committee concluded: " 'We are concerned about providing a law license to someone who, even before he has handled his first case as a member of the bar, has effectively written off such a huge component of the justice system.' " *Id*

The Standing Committee on Character and Fitness endorsed the recommendation of the District Committee, and Mr. Lawrence did not request a hearing before that committee. Board Op. at 2, *Lawrence v. Berry*, Case No. 5:06-cv- 134, ECF No. 1-2, PageID.4. The Board of Law Examiners "voted to accept the unfavorable recommendation." *Id*. Mr. Lawrence thereafter requested a hearing before the Board, which was conducted on April 20, 2006. *Id*. The

Board considered five issues, which can be summarized as follows:

> 1. whether Mr. Lawrence's conduct in various litigation and administrative actions, "evidences unnecessarily combative or confrontational behavior," including his "apparent disregard for the rule of law when considering [his] conduct which led to his August 19, 2000, arrest and subsequent conviction for Interfering with a Police Officer";
>
> 2. whether Mr. Lawrence's 2001 termination from employment with the Michigan Attorney General's Office, including his appeal of that termination, and his termination from a private employer for "being unprofessional with [a] customer" had a bearing on the Board's 2006 fitness review;
>
> 3. whether Mr. Lawrence's failure to pay certain debts "evidences financial irresponsibility or bad faith toward creditors";
>
> 4. whether Mr. Lawrence's 2004 testimony before the Florida Board of Bar Examiners to the effect that he did not intend to practice law in Michigan disqualified him for admission to the Michigan Bar; and

> 5. whether Mr. Lawrence's conduct following the August 15, 2005, District Character and Fitness Committee hearing was "vexatious, combative, confrontational or otherwise inappropriate."

Id. at 2-3, PageID.4-5.

On June 14, 2006, the Board of Law Examiners issued its decision. It found the matters relating to his employment terminations (issue 2) were too remote in time to have been probative to its character and fitness determination; it was satisfied with Mr. Lawrence's stated intention to pay his past-due debts (issue 3); and it was satisfied with Mr. Lawrence's assurances that he intended to practice law in Michigan. *Id*. at 8-9, PageID.10-11. The Board also noted that it was not bound by the Florida Bar's ruling denying Mr. Lawrence's application to practice law in that state. *Id*. at 9, PageID.11.

With respect to issue 1, the Board found that Mr. Lawrence showed "a lack of judgment" in his actions that led to his August 19, 2000, arrest and later conviction for interfering with a police officer. Id. at 7, PageID.9. The Board concluded, however, that the incident, "standing alone," would not have been dispositive – "although the lack of judgment shown may have foreshadowed [his] actions . . . relative to Issue 5." *Id*.

The Board focused considerable attention on issue 5, which related to Mr. Lawrence's extra-judicial actions targeting members of the District G Character

and Fitness Committee, who recommended against his admission to practice law. One of the committee members was, at the time, an assistant dean at the University of Michigan School of Law.[16] On September 8, 2005, Mr. Lawrence called the committee member's assistant at the law school, reporting that the committee member had treated him unfairly due to his website. He also advised the assistant that he wanted to address the law students, stating "the students deserve to know what kind of man [the committee member was] and to see another side of [the committee member]." *Board Op*. at 10, *Lawrence v. Berry*, Case No. 5:06-cv 134, ECF No. 1-2, PageID.12 (*quoting* letter from committee member).

Mr. Lawrence sent a letter to the Board of Directors of Community Legal Resources, the employer of another committee member. In that letter, Mr. Lawrence represented himself as a "civil rights activist," and he alleged that the committee member had used Mr. Lawrence's "political beliefs" against him in excluding him from the practice of law. *Id*. at 10-11, PageID.12-13. In his letter, Mr. Lawrence also accused the committee member of engaging in "a cruel and unfair manipulation of [his hearing] testimony" regarding the disparaging comments he reportedly made about the Michigan state court system. *Id*. at 11, PageID.13.[17]

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[15] The Court will not name the committee members who were subject to Mr. Lawrence's attacks, as there is no need to compound the embarrassment and distress Mr. Lawrence's antics assuredly caused them.

[16] This accusation is undermined by Mr. Lawrence's own acknowledgement to the Board of Law Examiners that he

The Board of Law Examiners questioned Mr. Lawrence about these communications. He testified that he "felt an injustice had taken place," and that he was "outraged." *Id*. at 12, PageID.14. While he indicated "regret" for his actions, he maintained that they were justified. Id. at 15-18, PageID.17-20. One of his own lawyers testified that Mr. Lawrence's actions "were 'grievously wrong' and that he found them 'personally reprehensible.' " *Id*. at 18, PageID.20.

The Board found that Mr. Lawrence's actions "appear to have been calculated to cause financial harm or embarrassment to [the committee members]." *Id*. at 19, PageID.21. The Board further noted:

> Instead of working solely within the appellate process, [Mr. Lawrence] chose to attack the individuals involved in the process. . . . It is difficult to conceive how [Mr. Lawrence] would consider this acceptable behavior, especially during the time when his character was already under scrutiny. At a bare minimum, he demonstrated gross lack of judgment.

Id. at 18-19, PageID.20-21. The Board concluded that Mr. Lawrence failed to meet his burden of demonstrating his character and fitness to practice law: "The subject communications show a propensity to act in other than a 'fair' manner. He has not shown

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"believe[s] that the [Michigan] courts do not brought in federal courts, if possible." Board Op. at 11, *Lawrence v. Berry*, Case No. 5:06-cv-134, ECF No. 1-2, PageID.13

that he will exercise good judgment, that he will conduct himself professionally and with respect for the law." *Id*.

Soon after the Board of Law Examiners issued its decision, Mr. Lawrence again resorted to the same vexatious tactics that caused the Board to find that he lacked the character and fitness to practice law. One of the three Board members who participated in the decision to deny him a license to practice law served, at the time, as the Director of the Michigan Department of Civil Rights.[18] In a letter dated five days after the Board's decision, Mr. Lawrence wrote to a member of the Michigan Civil Rights Commission accusing this Board member of rendering a "disingenuous" decision. *See* Frank Lawrence Letter to Albert Calille, dated June 19, 2006, filed on the docket in *Lawrence v. Berry*, Case No. 5:06-cv-134, ECF No. 1-3 (W.D. Mich.). He also accused the Board member of using a state-run website to make public defamatory statements against persons involved in a civil rights initiative. *Id*., PageID.25. Most disturbing, is Mr. Lawrence's unsubstantiated accusation of racism: "I have noticed that this type of hypocrisy is commonplace among many black civil rights activists. They believe that they have a right to speak out, but for everyone else, there exists a double standard. I truly believe that if I were black, I never would have been treated this way." *Id*.

In January 2008, Mr. Lawrence filed his third application for a Michigan law license. See Amend.

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[17] This Board member is now a United States District Judge for the Eastern District of Michigan.

Compl. ¶ 13, *Lawrence v. Raubinger*, Case No. 1:10-cv-467, ECF No. 19, PageID.200 (W.D. Mich.). Prior to submitting this application, Mr. Lawrence used his website, statebarwatch, to claim that the Assistant Secretary to the Board of Law Examiners was occupying his position "illegally"; to accuse the Clerk of the Michigan Supreme Court of being "an amazingly lazy civil servant"; and to assert that "widespread dishonesty and corruption" existed within the State Bar of Michigan. *Id*., ¶¶ 10, 20, PageID.199, 202. In 2009, prior to a hearing scheduled before the Board of Law Examiners, Mr. Lawrence mailed "hundreds of questionnaires to the [Board] members' former clients and acquaintances, requesting that they [provide him] any information in their possession that would call into question the [Board] members' ability to serve the public." *Id*., ¶ 18, PageID.201. His bar application was denied in May 2010. (*See* Dubuc Letter to Chief Judge Jonker, Oct. 12, 2017, ECF No. 1-4, PageID.12).

Discussion

1. Mr. Lawrence's Conviction for Interfering with Police Officers

Mr. Lawrence continues to minimize his culpability concerning his conduct on August 19, 2000, which led to his conviction for interfering with police officers. In his Petition for Admission, he simply states:

> I was ticketed for violating a Bloomfield Township ordinance that prohibits "interfering" with a police officer. This occurred after I told him that he needed to secure a warrant before he conducted a warrantless search. He claimed I "interfered" with his investigation. I was found guilty and ordered to pay a monetary fine.

(Petition for Admission at ¶ 6, ECF No. 1-2, PageID.4).

The Court now knows that the facts were far more serious than Mr. Lawrence represented in his petition. Those facts include his repeated refusal to obey lawful orders of police officers who were engaged in a criminal investigation; his repeated use of abusive and profane language; his arrest; his being charged by a misdemeanor complaint; and his failure to take responsibility for his actions, contesting the officers' testimony in a jury trial.

During the December 13, 2017, hearing, Mr. Lawrence persisted in his claims that the police officers' accounts of the August 19, 2000, incident were inaccurate (see Hr'g Tr. at 11, 13-14, ECF No. 4, PageID.65, 67-68), despite his conviction by an impartial jury. He seemed more interested in casting blame on the officers involved in his arrest than in accepting responsibility for his own actions. For example, when asked to advise the Court of the facts leading to his arrest, Mr. Lawrence gratuitously asserted that "[the officers'] version of the events have changed over time." (Hr'g Tr. at 14, PageID.68). He also claimed that the officers "dragged him" out of his

house without giving him sufficient time to respond to their order (Hr'g Tr. at 17, PageID.71), and that they "roughed" him up (Hr'g Tr. at 15, PageID.69).

Mr. Lawrence also went out of his way to fault the trial judge. In response to a simple question regarding the outcome of the trial, Mr. Lawrence acknowledged his conviction, but quickly added: "The case – the judge disqualified himself because he was, well, he was caught sending inappropriate e mails to me. And he – and the State Bar made mention of that in their opinion too." (Hr'g Tr. at 11, PageID.65).

His statements to the Court concerning the facts leading to his August 19, 2000, arrest were less than credible. For example:

> And I remember the [officers'] initial concern is they wanted me to talk with them and they wanted to interview me. Later on the facts kind of changed and it seemed to develop into this notion that I blocked access to the home. But I don't remember that really being a concern of their's right at the get-go.

(Hr'g Tr. at 11, PageID.65). The facts, as recounted by the Sixth Circuit in its affirmance of the denial of Mr. Lawrence's habeas corpus petition, reveal that the officers made clear that their order to leave the house was based on a "need to check for additional suspects, victims, or evidence." *Lawrence v. 48th Dist. Court*, 560 F.3d 475, 477 (6th Cir. 2009). Nevertheless, Mr.

Lawrence continued in his refusal to allow the officers entry into the home. *Id*.

Mr. Lawrence's claim that the officers "dragged" him out of his home was used in an apparent effort to minimize his culpability. When the Court asked why he did not comply with the officers' order to step outside the house, Mr. Lawrence provided a non-responsive answer: "Because they dragged me outside." (Hr'g Tr. at 17, PageID.71). It was only when pressed on the issue of whether he had been given an opportunity to comply that he stated: "There was a very short window, yes." (*Id*.).

Once again, Mr. Lawrence's account is rebutted by the facts. At his trial, the officers testified that they twice asked Mr. Lawrence to step out of the house, each request being met with profanities and demands to be arrested. *See Lawrence v. Bloomfield Twp*., 313 F. App'x at 745; (*see also* Bloomfield Twp. Police Dep't Narrative Report, Aug. 19, 2000, Incident No. 13999, ECF No. 1-4, PageID.15-16 (recounting officer's repeated efforts to get Mr. Lawrence to come out of the house)). One of the officers then explained to Mr. Lawrence why they needed to enter the residence, to which Mr. Lawrence began " 'screaming and yelling' . . . several times, 'You're not coming in my house. You need a search warrant.' " *Lawrence v. Bloomfield Twp*., 313 F. App'x at 745. Rather than comply with the officers' request to step out of the house, Mr. Lawrence "stood with his legs spread in the doorway and 'us[ed] his body to block the entrance.' After it became clear that [Mr.] Lawrence would not cooperate, the officers reached into the house, pulled

[him] out, took him to the ground and told him to sit down on a bench." *Id*.

Mr. Lawrence's claim that he was "roughed up by the police" (Hr'g Tr. at 15, ECF No. 4, PageID.69) is, to say the least, hyperbolic. One of the arresting officers described Mr. Lawrence's arrest as follows:

> Officer Godlewski reached inside the house, grabbed Mr. Lawrence, Jr.'s shirt and pulled him outside. As Mr. Lawrence, Jr. exited the house, I held onto [his] right arm and placed my right hand on the top of his head and ordered [him] to the ground. Mr. Lawrence, Jr. did as I requested and I used my hands to assist [him] to the ground. Once on his knees, I told Mr. Lawrence, Jr. to stay in that position and not move.

(Bloomfield Twp. Police Dep't Narrative Report, Aug. 19, 2000, Incident No. 13999, ECF No. 1-4, PageID.15-16). While Mr. Lawrence was later taken to the hospital complaining of neck, back, and leg pain, he was released that night apparently without treatment. (See *id*.). Moreover, Mr. Lawrence offered no evidence of injury in his Section 1983 lawsuit against the officers. *See Lawrence v. Bloomfield Twp*., 313 F. App'x at 748. In that case, the court granted summary judgment in favor of the officers, finding that they did not use excessive force "when they removed [Mr.] Lawrence after he 'us[ed] his body to block the entrance to the door.' " *Id*.

When asked by this Court whether the conduct leading to his arrest and conviction was befitting an officer of the court, Mr. Lawrence equivocated. (*See* Hr'g Tr. at 18, ECF No. 4, PageID.72). His selective memory concerning the facts relating to his arrest and conviction – easily offering exculpatory information, while struggling to recall basic facts concerning his offense conduct – further undermines his credibility with the Court. Given that he was put on notice that his 2002 conviction for obstructing officers was the basis for the Court's initial scrutiny of his Petition for Admission (*see* Chief Judge Jonker Letter of Oct. 6, 2017, ECF No. 1-3, PageID.10), Mr. Lawrence's statement that he was unprepared to discuss the facts relating to this conviction (see Hr'g Tr. at 15, PageID.69) is perplexing.

The undersigned panel, having had the opportunity to observe Mr. Lawrence's demeanor during the December 13, 2017, hearing, along with the inconsistencies between his account and the facts of the case, find that he has not demonstrated the level of candor the Court expects from those admitted to practice in the Western District of Michigan. The Court recognizes that Mr. Lawrence's conviction is some fifteen years old. But his lack of candor and his equivocation regarding his culpability belie his assertions that he is not the same man who was convicted of interfering with the police. (Hr'g Tr. at 26, PageID.80).

2. Mr. Lawrence's Extra-Judicial Actions Against State Bar Officials

By his own admission, Mr. Lawrence has publically disparaged State Bar officials, and, in some instances, he has attempted to cause them financial harm. He began a website (statebarwatch) shortly after withdrawing his first application for bar admission, which he used to publicize derogatory information about State Bar officials, including accusations of plagiarism, making false statements in courts of law, improper use of a state-run website, and drunk driving. See Compl. ¶ 21(1), (2), (5), and (6), *Lawrence v. Berry*, Case No. 5:06-cv-134, ECF No. 1, PageID.36-37. None of these allegations was relevant to Mr. Lawrence's application to practice law; nor did any serve a legitimate purpose in his litigation against the State Bar officials.

There are only two plausible interpretations concerning the purpose of Mr. Lawrence's vexatious public attacks on these officials: to punish, through embarrassment and ridicule; and to extort a favorable decision on his next bar application.

Mr. Lawrence also admitted to picketing the law office of the then president of the Board of Law Examiners, using a sign that was plainly intended to discourage clients from retaining the Board member's legal services. (See Hr'g Tr. at 20-22, ECF No. 4, PageID.74-76); see also Compl. ¶ 21(7), *Lawrence v. Berry*, Case No. 5:06-cv- 134, ECF No. 1, PageID.37 (The sign stated: "I do not recommend attorney [ ]."). Mr. Lawrence's responses to the Court's queries

regarding his motivation for picketing the law office of this attorney was an exercise in sophistry:

> Q. And so your efforts in this regard were intended to deny him clients, to interfere with his ability to practice law.
>
> A. That's not my testimony today.
>
> Q. Well, what was the purpose of your picketing with that sign?
>
> A. The purpose was to voice my dissatisfaction with the way in which this individual processed my application. He doesn't have – the Board of Law Examiners really doesn't have an office you can picket. It's a little tiny office inside the Supreme Court building. So, you know, going to his office was the only place I could really go to where there was, I would, I would have any effect. . . .
>
> Q. What was written on your sign would be interpreted as an effort to keep clients away, not to express dissatisfaction with how the Board of Law Examiners were handling your application; would you agree?
>
> A. Well, you can interpret it that way but he didn't recommend –

> Q. How else would you interpret [it]?
>
> A. He didn't recommend me and I don't recommend him. . . .

(Hr'g Tr. at 21-22, ECF No. 4, PageID.75-76). Mr. Lawrence again equivocated when asked whether his conduct was consistent with what is expected from an officer of the court. (*See id*. at 22-23, PageID.76-77). But, when pressed by the Court, Mr. Lawrence conceded that his conduct demonstrated "less than good judgment." (*Id*. at 25-26, PageID.79-80).

Mr. Lawrence's efforts to discredit members of the Character and Fitness Committee who recommended against his admission to practice law were plainly vexatious, if not vindictive. He contacted the law school at which one member worked with the stated intention of derogating the character of that member before the student body. He wrote a letter to another committee member's employer that included unsubstantiated accusations that the member had used his "political beliefs" against him and that she had engaged in "a cruel and unfair manipulation of [his hearing] testimony." *Board Op*. at 11, *Lawrence v. Berry*, Case No. 5:06-cv-134, ECF No. 1-2, PageID.13. Notwithstanding his own attorney's assessment that Mr. Lawrence's actions "were 'grievously wrong' and that he found them 'personally reprehensible,' " Id. at 18, PageID.20, Mr. Lawrence continued to maintain that his actions were justified. *Id*. at 15-18, PageID.17-20.

The Board of Law Examiners correctly concluded that Mr. Lawrence's actions against the committee members "appear to have been calculated to cause financial harm or embarrassment to [them]." *Id*. at 19, PageID.21. The Court also agrees with the Board's stated concern that, "[i]nstead of working solely within the appellate process, [Mr. Lawrence] chose to attack the individuals involved in the process." *Id*. at 18, PageID.20).

Apparently, Mr. Lawrence was unwilling or unable to learn the lesson the Board of Law Examiners attempted to teach him. Within days of receiving the Board's 2006 decision, Mr. Lawrence sent a letter to the Michigan Civil Rights Commission, accusing one of the Board members of racism. In his hearing before this Court, Mr. Lawrence stated that he took these actions to generate "standing and ripeness" so he could file a lawsuit. (Hr'g Tr. at 27, ECF No. 4, PageID.81 *see also id*. at 28, PageID.82 ("[The actions] . . . allow[ed] me to claim that I had engaged in criticism of Michigan licensing officials and this criticism would be the basis of future character rejections.")).[19]

It appears that there has been few, if any, bar officials who, having crossed his path, have escaped

[18] Curiously, while Mr. Lawrence advised the Court during his December 13, 2017, hearing that he took a number of provocative actions against State Bar officials purposely to generate lawsuits, he claimed in a previous pleading that he took down his website, statebarwatch, "because his rights were chilled to such an extent that [he] was afraid to further engage in criticism of . . . the [Board] and the State Bar of Michigan." Amend. Compl. ¶ 22, *Lawrence v. Raubinger*, Case No. 1:10-cv-467, ECF No. 19, PageID.202 (W.D. Mich.).

Mr. Lawrence's personal attacks. It is equally clear, that Mr. Lawrence is willing to make unsubstantiated allegations of misconduct against those whose decisions he dislikes. This is contrary to the professional conduct expected of those admitted to practice in this Court.

Mr. Lawrence apparently believes that he can say and do anything he wants, as long as he wraps himself in the First Amendment. (See Hr'g Tr. at 23, ECF No. 4, PageID.77) ("I believe that before someone is denied character and fitness a determination needs to be made whether the conduct is constitutionally protected, and if it is, the matter ends."). The relevant issue here is not whether he or any other lawyer enjoys a First Amendment right to freedom of speech – of course he does. The Court is not concerned with his views about the process of obtaining a license to practice law in the State of Michigan, nor his views about any of the officials involved in that process. The Court is concerned, however, with the manner in which he addressed his grievances with those officials.

Mr. Lawrence has a tendency to attack decision makers whose decisions he does not like, both with respect to the State Bar and the Judiciary. He has continued that pattern with his recent spurious allegations against this Court's Chief Judge, who simply asked for additional information relevant to this application for admission. Mr. Lawrence also inaccurately and unfairly characterized Judge Maloney's recent handling of a case Mr. Lawrence has pending in this Court. (See Mtn. Recon. at 3-4, ECF No. 3, PageID.24-25).

In response to the Court's question as to why it should conclude that he has sufficiently good judgment to be admitted to practice in light of all his prior misconduct, Mr. Lawrence stated: "What I can tell you is I am not the same person. I have grown older and wiser and slower, and I've developed an appreciation for respect and an appreciation for resolving things amicably without turning it into a big deal." (Hr'g Tr. at 45, PageID.99). But his actions speak louder than his words. His assurances of being a changed man are simply not credible.

Mr. Lawrence has a long history of engaging in inappropriate and unprofessional conduct that reflects, at the very least, very poor judgment. He has not yet demonstrated that he fully understands the error of his ways; much less has he shown a true commitment to change them. Accordingly, the Court "is not satisfied that he possesses good private and professional character." *In re G.L.S.*, 745 F.2d 856, 859 (4th Cir. 1984). Nor is he "qualified to be entrusted with professional matters and to aid in the administration of justice as an attorney and officer of the Court." W.D. MICH. LCIVR 83.1(c)(ii).

Conclusion and Order

Inasmuch as there is no basis to find that the Chief Judge deviated from the District's Local Rules, and given that Ms. Mankin has no information relevant to his application for admission, Mr. Lawrence's motion for reconsideration (ECF No. 3) is **DENIED**.

Further, and for the reasons stated herein, his Petition for Admission to practice before the Western District of Michigan (ECF No. 1-2) is **DENIED**.

IT IS FURTHER ORDERED that Mr. Lawrence is prohibited from reapplying for admission to this Court for a period of three years.

February 2, 2018

/s/Janet T. Neff
JANET T. NEFF
United States District Judge

/s/Scott W. Dales
SCOTT W. DALES
Chief United States
Bankruptcy Judge

/s/Phillip J. Green
PHILLIP J. GREEN
United States Magistrate
Judge

APPENDIX C

No. 18-1131
UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

February 19, 2019

In Re: FRANK J. LAWRENCE, JR.,

Petitioner-Appellant.

ORDER

BEFORE: COLE, Chief Judge; SUHRHEINRICH and MOORE, Circuit Judges.

The court received a petition for rehearing en banc. The original panel has reviewed the petition for rehearing and concludes that the issues raised in the petition were fully considered upon the original submission and decision of the case. The petition then was circulated to the full court. No judge has requested a vote on the suggestion for rehearing en banc.

Therefore, the petition is denied.

ENTERED BY ORDER OF THE COURT
Deborah S. Hunt, Clerk