

SUPREME COURT OF OHIO

In re Application of Coll

150 Ohio St. 3d 183, 2017-Ohio-4023 (Ohio 2017) · No. 2016-1243 · Decided May 31, 2017

SUMMARY

The Supreme Court of Ohio disapproved Shamir Lee Coll’s pending application to register for admission to the Ohio bar because he failed to provide complete and timely information about traffic violations and other matters during the character-and-fitness process. The court permitted him to reapply for the July 2018 bar examination after submitting a new application and undergoing a complete character-and-fitness investigation.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Kennedy; French; O'Neill; Fischer; DeWine; O'Donnell; O'Connor
JURISDICTION	Ohio
DECIDED	May 31, 2017
DOCKET	2016-1243
DISPOSITION	disapproved
PROCEDURAL POSTURE	Applicant objected to the recommendation of the Ohio Board of Commissioners on Character and Fitness that his application to take the Ohio bar examination be disapproved and that he be permitted to reapply only for the July 2019 examination.
STANDARD OF REVIEW	The Supreme Court of Ohio independently determines whether the applicant has established by clear and convincing evidence that he possesses the requisite character, fitness, and moral qualifications for admission, relying on the board's findings and exercising sound discretion over the relevance and necessity of requested information.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Ohio; precedential.
PARTIES	Shamir Lee Coll v. Toledo Bar Association

TOPICS

administrative law

agency adjudication

judicial review of agency action

PRACTICE AREAS

bar admissions

professional responsibility

character and fitness

QUESTIONS PRESENTED

1. Whether Coll failed to prove by clear and convincing evidence that he presently possessed the requisite character, fitness, and moral qualifications for admission to practice law in Ohio.
2. Whether an applicant's failure to provide complete, accurate, and timely responses to requested information in the bar-admissions process may support disapproval of the application.
3. Whether the determination of the necessity and relevance of information requested during the admissions process is committed to the Supreme Court of Ohio rather than to the applicant.
4. Whether Coll should be permitted to reapply for the July 2018 bar examination rather than the July 2019 examination recommended by the board.

HOLDINGS

1. An Ohio bar applicant must fully, honestly, and completely provide requested information and cooperate with the admissions process; failure to do so may constitute grounds for disapproval of the application.
2. The determination of the necessity and relevance of information requested during the Ohio bar-admissions process is committed to the sound discretion of the Supreme Court of Ohio, not to the applicant.
3. Payment of registration, bar-examination, and character-investigation fees does not discharge an applicant's obligation to make honest and complete disclosures during the admissions process.
4. Coll failed to prove by clear and convincing evidence that he presently possessed the requisite character, fitness, and moral qualifications for admission, so his pending application was disapproved.
5. Coll may reapply for the July 2018 Ohio bar examination, provided that he files a new registration application and undergoes a complete character-and-fitness investigation, including an investigation and report by the NCBE.

KEY QUOTATIONS

“Based solely on Coll’s failure to provide complete and timely responses and updates to questions on his application to register as a candidate for admission to the bar, we find that he has failed to carry his burden of proving that he currently possesses the requisite character and fitness to practice law in the state of Ohio.” (¶ 5)

“Indeed, the determination of the necessity and relevance of the information requested during the admissions process is committed to the sound discretion of this court—not to the applicant, as Coll would have us believe.” (¶ 18)

“He may apply to take the July 2018 bar exam, provided that he submits a new application to register as a candidate for admission to the practice of law.” (¶ 31)

FACTUAL BACKGROUND

Coll applied to register as a candidate for admission to the Ohio bar and to take the February 2016 bar examination. Although he acknowledged having moving traffic violations, he initially reported them as occurring in "Many Cities, Many Counties, OH" and supplied only limited identifying information rather than the detailed information required on Form 5T. After two requests for supplementation, he identified four violations but omitted charges, dispositions, and other required details, and evidence indicated that he had failed to disclose additional traffic citations. He also delayed disclosure of two pending misdemeanor fishing charges and maintained that the court or its agents, rather than he, had the obligation to investigate the details of his past conduct.

PROCEDURAL HISTORY

The Toledo Bar Association admissions committee initially recommended approval of Coll's character and fitness. The Board of Commissioners on Character and Fitness then exercised its sua sponte authority to investigate further, held a hearing, and recommended disapproval based principally on Coll's incomplete disclosure of moving traffic violations and delayed disclosure of misdemeanor charges. The Supreme Court of Ohio overruled or rendered moot the objections, disapproved the pending application, and permitted reapplication for the July 2018 bar examination subject to a new application and complete character-and-fitness investigation.

DISPOSITION

disapproved

CASES CITED

- In re Application of Watson, 31 Ohio St. 3d 220, 509 N.E.2d 1240 (1987)
- Shimko v. Lobe, 103 Ohio St. 3d 59, 2004-Ohio-4202, 813 N.E.2d 669, ¶ 54
- In re Application of Zatik, 126 Ohio St. 3d 397, 2010-Ohio-3828, 934 N.E.2d 335, ¶ 8
- In re Application of Steinhelfer, 142 Ohio St. 3d 120, 2015-Ohio-978, 28 N.E.3d 107
- In re Application of Baudendistel, 141 Ohio St. 3d 101, 2014-Ohio-5200, 21 N.E.3d 1063
- In re Application of Grimsley, 141 Ohio St. 3d 94, 2014-Ohio-5033, 21 N.E.3d 1057
- In re Application of Blackwell, 116 Ohio St. 3d 530, 2007-Ohio-6041, 880 N.E.2d 886, ¶ 32
- In re Application of Bonetti, 117 Ohio St. 3d 113, 2008-Ohio-503, 881 N.E.2d 1249, ¶ 9
- In re Application of Corrigan, 47 Ohio St. 3d 32, 546 N.E.2d 1315 (1989)
- In re Application of Davis, 38 Ohio St. 2d 273, 313 N.E.2d 363 (1974)
- In re Application of Harris, 101 Ohio St. 3d 268, 2004-Ohio-721, 804 N.E.2d 429
- In re Dabney, 107 Ohio St. 3d 40, 2005-Ohio-5834, 836 N.E.2d 573
- In re Application of Williams, 95 Ohio St. 3d 107, 766 N.E.2d 143 (2002)
- In re Application of Ireland-Phillips, 71 Ohio St. 3d 609, 646 N.E.2d 453 (1995)
- In re Application of Bagne, 102 Ohio St. 3d 182, 2004-Ohio-2070, 808 N.E.2d 372