

The Supreme Court Of Ohio

Before The Board Of Commissioners

On Character And Fitness Of

The Supreme Court Of Ohio

In re: Application of

Shamir Lee Coll

Case No. **643 16-1243**

**Applicant's Brief in Support of
Objections to Findings of Fact
and Recommendation**

Applicant, Shamir Lee Coll, files these objections and brief pursuant to Gov. Bar R. 1,
Sec. 12(F)(1)-(2):

(1) On the filing of the Board's report and record with the Clerk of the Supreme Court, the Court shall issue an order to show cause why the report should not be confirmed and why the Board's recommendation should not be adopted...

(2) Within thirty days after issuance of the show cause order, the applicant and the admissions committee may file objections to the findings or recommendation of the Board. The objections shall be accompanied by the original and eighteen copies of a brief in support of the objections.

/s Shamir Lee Coll, Applicant

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Applicant's Objections

1. *The SUPREME COURT RULES FOR THE GOVERNMENT OF THE BAR OF OHIO are subject to the First Amendment of the Federal Constitution. Therefore, the Board cannot deny Applicant's character, fitness and moral qualifications to practice law based on the Comments on Form 5t About Racism. See Gov. Bar R. 1 Section 11(D)(2)(b).*
2. *Applicant satisfied Gov. Bar R. 1 Section 11(D)(1) at the April 28th, 2016 hearing with Rebecca West-Estell's testimony.*
3. *The Board abused its discretion by failing to apply Gov. Bar R. 1 Section 11(D)(3)-(4) to Applicant's Form 5t "omissions".*
4. *Applicant satisfied Gov. Bar R. 1 Section 3(F) when he updated his Bar Application on June 7th, 2016 with regard to Applicant's fishing violations.*
5. *The Board abused its discretion by failing to comply with Gov. Bar R. 1 Section 3(D). Therefore, none of the February 2016 applicants received final approval.*
6. *The Board's Recommendation is disproportionately harsher on Applicant compared to other "failure to cooperate cases".*

Statement of Facts

It is uncontested that Applicant, Shamir Lee Coll, has satisfied all of the applicable prerequisites to sit for the Ohio Bar Examination specified in Gov. Bar R. I; except for Gov. Bar R. I Section 1(F): "...have demonstrated that the applicant possesses the requisite character, fitness, and moral qualifications for admission to the practice of law and have been approved as to character, fitness, and moral qualifications under procedures provided in this rule".

Applicant was twenty-four years old at the time he submitted application. Rule 1 Section 1(A). Applicant earned a Bachelors in Arts from Bowling Green State University in 2012, majoring in political science with a minor in history. Rule 1 Section 1(B). Subsequently, Applicant received his Juris Doctor on December 2015 from the University Of Toledo College Of Law. Rule 1 Section 1(C).

Applicant has also satisfied the applicable Gov. Bar R. I Section 2 preliminary requirements; including Section 2(B)(5), which provided the Board with a character investigation and report from the National Conference of Bar Examiners (NCBE). More specifically, the NCBE's character investigation and report was described by the Board as "benign". (Panel Report and Recommendation P. 2). Applicant has never been convicted of a felony offense or ever been arrested. The Applicant's most serious criminal offenses consist of misdemeanor disorderly conduct offenses (a 2006 juvenile offense and another citation in 2010), as well as recent Fourth degree misdemeanor fishing violations. All of Applicant's criminal convictions have been *promptly* disclosed to Board. Rule 1 Section 2(F).

Applicant's traffic citations date back from 2007-2012. All of these citations are minor misdemeanor offenses. The most recent of these citations is a minor misdemeanor traffic

violation which was resolved on September 2009. These were all disclosed to the Board using Question 22C of the Bar Application.

Applicant has also satisfied the applicable Gov. Bar R. 1 Section 3 requirements to sit for the bar exam which includes “A certificate signed by the dean or associate dean of the applicant’s law school certifying that the signatory does not have knowledge of any information that would cause signatory to doubt the applicant’s character, fitness, and moral qualifications to practice law;” Rule 1 Section 3(B)(3). Applicant has never committed nor ever been accused of committing an honor code violation, neither at BGSU nor at Toledo Law. Moreover, The Toledo Bar Association granted Applicant preliminary approval of his character, fitness and moral qualifications to practice law without regard to Applicant’s exercise of free expression on Form 5t. Rule 1 Section 3(C). In addition, Applicant has completed at least ten classroom hours at the University of Toledo College of Law training in legal ethics. Rule 1 Section 3(E)(1).

Every objective standard of competence and good character, fitness and moral qualifications to practice law in the great state of Ohio has been achieved and presented by the Applicant to the Board. Despite of the many degrees, certificates, witnesses that have attested in Applicant’s favor, the Board unreasonably denied Applicant. The Board denied Applicant despite the protections and rights afforded by the Fourteenth amendment and the First amendment of the Federal Constitution which will hereby and unequivocally be clarified using Supreme Court of the United State precedent. The Board denied Applicant because they failed to apply the mandatory balancing test detailed in Gov. Bar. R. 1 Section 11(D)(3)-(4). The Board denied Applicant without regard to Applicant’s *prompt* satisfaction of Gov. Bar. R. 1 Section 3(F) in reporting his fishing violations. The Board not only denied Applicant but they essentially denied every February 2016 applicant by failing to comply with Gov. Bar R. 1 Section 3(D).

Even if the Court finds that the Applicant lacks the requisite character, fitness and moral qualifications relevant decisions on character and fitness show that the Board's findings and recommendation do not merit discretion because it will punish Applicant disproportionately harsher than other applications denied for "failure to cooperate".

Arguments

1. *The SUPREME COURT RULES FOR THE GOVERNMENT OF THE BAR OF OHIO are subject to the First Amendment of the Federal Constitution. Therefore, the Board cannot deny Applicant's character, fitness and moral qualifications to practice law based on the Comments on Form 5t About Racism.*

Gov. Bar R. 1 Section 11(D)(2)(b)-(c) states that: The admissions committee shall determine an applicant's character, fitness, and moral qualifications in accordance with all of the following: (b) The applicable decisions of the Supreme Court of the United States; (c) The applicable decisions of the Supreme Court of Ohio.

The following are all cases from The Supreme Court Of The United States in which the Court recognizes and protects various bar applicants First, Fifth, and Fourteenth Amendment due process rights. These cases arise when applicants exercise their constitutional rights in their respective bar applications but, as a result, their application is wrongfully denied final approval based on each applicants exercise of said rights.

Schware v. Board of Bar Examiners of New Mexico, 353 U.S. 232 (1957) (The Supreme Court Of The United States unanimously reversed New Mexico's denial of Rudolph Schware's application to sit for the bar exam. The New Mexico Supreme Court supported their board's denial because Schware had been a member of the Communist Party for six to seven years during his adulthood, which indicated to the state that he was "a person of questionable

character”. at 236. Nevertheless, The Supreme Court Of The United States held that a “state cannot exclude an applicant when there is no basis for their finding that he fails to meet these standards, or when their action is invidiously discriminatory. at 239.); *Konigsberg v. California State Committee of Bar Examiners*, 353 U.S. 252, 253, 274 (1957) (In 1954, the Committee of Bar Examiners of California refused to certify petitioner to practice law on the grounds that he had failed to prove (1) that he was of good moral character, and (2) that he did not advocate the forcibly overthrow of the government. at 253. The state of California used *Konigsberg*’s refusal to answer questions about his political affiliations as inference of bad character. In a 6-3 decision the Supreme Court of the United States reversed and remanded the application back to California. The Court held that the state’s refusal to admit *Konigsberg* to the bar was a denial of due process and equal protections of the laws, in violation of the Fourteenth Amendment. at 274.); *Baird v. State Bar of Arizona*, 401 U.S. 1, 4-5 (1971) (Sara Baird was denied admittance to the Arizona bar because of her refusal to answer question 27 of the Arizona bar application. The judgment of the Arizona Supreme Court was reversed and the case remanded. The Supreme Court of the United States held that a state’s power to inquire about a person is limited by the First Amendment, which prohibits a state from excluding a person from a profession solely because of membership in a political organization or because of the person’s beliefs.).

The case of, *In re Stolar*, 401 U.S. 23, 261 (1971), is on point with Applicant’s case. Applicant, Martin Stolar, refused to answer three questions regarding membership to communist and other organizations in his Ohio bar application. Ohio Bar admissions denied Stolar based on his omissions and failure to cooperate but applicant raised First and Fifth Amendment as a defense to his omissions. The Supreme Court Of The United States held that:

“There is not one word in this entire record that reflects adversely on Mr. Stolar’s moral character or his professional competence. Although there were three questions that he did

not answer with a simple "yes" or "no," he did answer all of the Committee's questions relevant to his fitness and competence to practice law. It is difficult, if not impossible, to see how the State of Ohio could have been obstructed or frustrated to any extent in determining Mr. Stolar's fitness to practice law by his failure to answer the questions more fully. The record shows a young man who, from his boyhood up, had no adverse marks except for two speeding convictions. He answered numerous prying questions about personal affairs that could hardly have been necessary for a State interested only in whether he would make an honest lawyer faithful to his clients. The questions he did not answer related only to his beliefs and associations, both protected by the First Amendment. The State points to not one overt act on Stolar's part that even suggests a possible reason for denying his application. at 261”

In conclusion, states cannot chill applicants First Amendment rights. In order to justify the denial of an applicant, states must reveal evidence of a problem that relates to the omission. Mrs. West-Estell's testimony is strong evidence that there is no problem with Applicant. The Board's description of Applicant's Form 5t comments as “provocative” or “inflammatory” are irrelevant because the only limitations to free speech are vulgarity, speech that is meant to incite imminent violence, or speech that is insulting and directed at a particular person. *See Cohen v. California*, 403 U.S. 15, 24 (1971); *see also BRANDENBURG v. OHIO*, 395 U.S. 444, 447-448 (1969).

After the Supreme Court of the United States repeatedly confirmed that state's bar applications are subject to constitutional restraints, *Pushinsky v. West Virginia Board of Law Examiners*, 266 S.E. 2d 494 (W. Va. 1980) arose. In this case, bar applicant, Jon Pushinsky, refused to answer questions regarding his organizational ties but was implicit in his willingness to answer all other question. The board of law examiners denied his application but citing *Baird* and *Stoler*, the West Virginia Supreme Court of Appeals reversed the board's decision and approved his application. In *Pushinsky*, there was no evidence on the record of a problem relating to his omissions. *Id.* Applicant's case should be resolved the same way as *Pushinsky*.

2. *Applicant satisfied Rule 1 Section 11(D)(1) at the April 28th, 2016 hearing with Rebecca West-Estell's testimony.*

Gov. Bar R. 1 Section 11(D)(1) states that: The applicant has the burden to prove by clear and convincing evidence that the applicant possesses the requisite character, fitness, and moral qualifications for admission to the practice of law.

At the April 28th, 2016 hearing, in front of the Panel, Applicant called Rebecca West-Estell to give testimony. Mrs. West-Estell currently serves as an assistant prosecutor for the City of Toledo at Toledo Municipal Court. Rebecca is a long time member of the Ohio bar; having been admitted to practice in 2001. She is in good standing as an attorney with the Ohio bar. (Tr. at 18:8-24; 19:1-2)

Mrs. West-Estell supervised Applicant from August- December 2015. Applicant was a "Certified Legal Intern" through Toledo Law's Public Service Externship program at Toledo Municipal Court. Gov. Bar Rule 2. Mrs. West-Estell and Applicant have continued a mentor-mentee relationship even after the externship. Applicant argues that Mrs. West-Estell's testimony is the most convincing evidence in this case. Mrs. West-Estell is entirely familiar with the admissions process and through her many months of supervising Applicant she was in the best position to gauge Applicant's character, competence and trustworthiness. (Tr. at 19:8-24; 20:1-24).

At the hearing, Mrs. West-Estell was asked to testify as to Applicant's interactions with clients and she testified that: "Whenever he interacted with witnesses and victims, he knew the facts of the case, and he was able to interact with victims and witnesses with that knowledge. He was extremely professional with them. He was very compassionate with victims" (Tr. at 22:1-7) See Rule 1 Section 11(D)(3).

At the hearing, Mrs. West-Estell was asked to testify as to Applicant's interactions with opposing counsel and she testified that: "Shamir (Applicant) was very professional working with opposing counsel. He was respectful, which I can't say was the case with all interns, but he was respectful with opposing counsel." (Tr. at 24:20-24) See Id.

At the hearing, Mrs. West-Estell was asked to testify if Applicant was professional in his interactions with court officials and she testified that: "I would say that. And the benefit of being an intern in the prosecutor's office was he had the opportunity to address the court as long as he was a certified intern, and I did see Shamir...I did observe Shamir interact with the Court. He was very professional, very respectful, very competent, handled himself very well. So, yes, back to one of my brighter and more competent interns." (Tr. 28:2-16) See Id.

At the hearing, Mrs. West-Estell was asked to testify as to Applicant's conduct towards police officers at Toledo Municipal Court and she testified that: "We did have some cases that were other jurisdictions, but primarily the Ohio State Highway Patrol. And Shamir was very—again, I can't emphasize enough – very professional in working with the Highway Patrol. He was able to get information that we needed to determine how we were going to resolve that OVI, if we were going to either require a plea to the OVI or if there was some other resolution that was more appropriate." (Tr. 26:13-24; 27:1-7) See Id.

At the hearing, Mrs. West-Estell testified as to Applicant's reputation for truthfulness: "I can tell you that I've never seen him to be untruthful. I've seen him only to have the highest integrity and the highest professionalism, and that's the time that I observed him and I worked very closely with him for the time that he was in his internship." (Tr. 28:18-24; 29: 1-2) See Id.

At the hearing, Mrs. West-Estell was asked to testify as to Applicant's diligence and reliability in legal matters and she responded that:

“As I indicated, Shamir worked with me and actually co-counseled with me on two trials during his internship. One was a criminal damaging trial and one was violation of protection order trial. He was very competent in both of them. He prepared his case, he knew the facts of the case, he interviewed the witnesses – all of the witnesses involved. He knew the rules of evidence that he would need to present. He knew criminal procedure that he would need to follow. He was very prepared for each trial. One trial ended with a not guilty verdict, one trial ended with a guilty verdict. And the victim, when she received the guilty verdict, which was the violation of protective order in which I had the very sensitive victim, she came up to me afterward and she commended Shamir and the work that he has done and she said that she wanted to actually thank him personally. Unfortunately, he had to run out and get to class on time. But she wanted to thank him personally and she was very appreciative of the work that he did on that case” (Tr. 29: 3-24; 30:1-24) See Id.

Even after cross-examination by the Panel, Mrs. West-Estell reaffirmed her testimony, she stated that: “I’m just going to go back to professional, highest integrity, highest moral standard, one of the brightest interns I’ve had, so on so forth.” (Tr. 76:6-9) See Id.

3. *The Board abused its discretion by failing to apply Rule 1 Section 11(D)(3)-(4) to Applicant’s Form 5t “omissions”.*

Gov. Bar. Rule 1 Section 11(D)(3) states that:

- “...Factors to be considered carefully by the admissions committee before making a recommendation about an applicant’s character, fitness, and moral qualifications shall include, but are not limited to, all of the following:
- (a) Commission or conviction of a crime, subject to division (D)(5) of this section;
 - (b) Evidence of an existing and untreated chemical (drug or alcohol) dependency;
 - (c) Commission of an act constituting the unauthorized practice of law;
 - (d) Violation of the honor code of the applicant’s law school or any other academic misconduct;
 - (e) Evidence of mental or psychological disorder that in any way affects or, if untreated, could affect the applicant’s ability to practice law in a competent and professional manner;
 - (f) A pattern of disregard of the laws of this state, another state, or the United States;
 - (g) Failure to provide complete and accurate information concerning the applicant’s past;
 - (h) False statements, including omissions;
 - (i) Acts involving dishonesty, fraud, deceit, or misrepresentation;
 - (j) Abuse of legal process;
 - (k) Neglect of financial responsibilities;
 - (l) Neglect of professional obligations;
 - (m) Violation of an order of a court;

- (n) Denial of admission to the bar in another jurisdiction on character and fitness grounds;
- (o) Disciplinary action by a lawyer disciplinary agency or other professional disciplinary agency of any jurisdiction.

The Board lists (a), (g), and (h) as its justification for denying Applicant final approval. The Board is arguing that Applicant's past minor misdemeanor traffic convictions and his reluctance to fully report all of those convictions is evidence of bad character. However, "omissions *may* be grounds for disapproval" only when they are considered material as according to Gov. Bar R. 1 Section 11(D)(4). Gov. Bar R. 1 Section 11(D)(4) requires, demands, that "the admissions committee shall" consider the following factors which absolutely mitigate the Board's allegations against Applicant:

- (4) The admissions committee shall determine whether the present character, fitness, and moral qualifications of an applicant qualify the applicant for admission to the practice of law. In making this determination, the following factors shall be considered in assigning weight and significance to the applicant's prior conduct:
 - (a) Age of the applicant at the time of the conduct;
 - (b) Recency of the conduct;
 - (c) Reliability of the information concerning the conduct;
 - (d) Seriousness of the conduct;
 - (e) Factors underlying the conduct;
 - (f) Cumulative effect of the conduct;
 - (g) Evidence of rehabilitation;
 - (h) Positive social contributions of the applicant since the conduct;
 - (i) Candor of the applicant in the admissions process;
 - (j) Materiality of any omissions or misrepresentations."

Applicant disclosed to the Board that these violations occurred when he answered "yes" to Question 22C of the bar exam application. Panel Report and Recommendation P. 2. Because Applicant answered "yes" to question 22C of the bar application it is a misstatement to label these convictions as omitted. Applicant's driver's abstract also proves that all of these violations were older than three years at the time of the application; this factor also mitigates the materiality of any "omission" (as Applicant did respond "yes" to question 22C). *Id.*

Applicant's driver's abstract proves that all of Applicant's driving convictions occurred between the ages of seventeen through twenty-one years old; which means Applicant was relatively young at the time of his traffic citations. Applicant argues that his age is a mitigating factor afforded by Gov. Bar R. 1 Section 11(D)(4)(a) and (j). All of these violations are minor misdemeanor speeding offenses, a fact that was disclosed to Board on Form 5t and at the April 28th, 2016 hearing; Gov. Bar R. 11(D)(4)(d) will factor this fact as mitigating the materiality of the offense. Applicant's drivers abstract reveals that Applicant is currently a licensed motor vehicle operator in the state of Ohio therefore these violations have had no cumulative effect. Rule 1 Section 11(D)(4)(f). Applicant has corrected his driving accordingly, evidenced by four (4) years without any traffic violations; this is strong evidence of rehabilitation. Rule 1 Section 11(D)(4)(g). Applicant has enforced traffic laws by representing the City of Toledo as a certified legal intern; this is evidence of positive social contributions of the applicant since the conduct. Rule 1 Section 11(D)(4)(h). Applicant has repeatedly and tirelessly insisted that his record, does in fact, consist of only minor misdemeanor traffic violations though the Board (without evidence to support) continues to doubt. Panel Report and Recommendation P. 7 see also Rule 1 Section 11(D)(4)(i).

In conclusion, Applicant pleads that his driving record is immaterial to his ability to practice law according to Gov. Bar R. 1 Section 11(D)(4); materiality is measured by applying the factors detailed in the rule not Applicants own judgment. *Id.* Any omissions of any of these past traffic violations should also be considered immaterial because the violation itself would not affect Applicant's ability to be a zealous advocate for his clients. Applicant was truthful in his application, candidly admitting that he had traffic convictions in the past ten years. Therefore,

these convictions should not be described as omitted and cannot be the sole reason for disapproving Applicant. Gov. Bar R. 1 Section 11(D)(4).

4. *Applicant satisfied Rule 1 Section 3(F) when he updated his Bar Application on June 7th, 2016 with regard to Applicant's fishing violations.*

Gov. Bar. R. 1 Section 3(F) states that: The applicant is under a continuing duty to update the information contained in the examination application, including the supplemental character questionnaire, and *to report promptly* to the Office of Bar Admissions all changes or additions to information in the application that occur prior to the applicant's admission to practice.

Applicant voluntarily reported his fishing convictions to the Board on June 7th, 2016. Panel Report and Recommendation P. 11. Applicant was convicted of these on June 3rd, 2016; Applicant reported his convictions to the Board via the on-line Bar Admission Service only four (4) days after the judgment entry. Gov. Bar R. 1 Section 3(F) only requires that reporting of convictions be *prompt*. Applicant argues to the Court that four (4) days delay in reporting a change to the application is *prompt*!

Applicant was cited for these fishing violations on March 28th, 2016. Applicant reported these citations about two (2) months after they occurred. Applicant argues that a two (2) months delay still satisfies the promptness requirement set forth in Gov. Bar R. 1 Section 3(F). Promptness is undefined by Gov. Bar. R. 1. Likewise, applicable case law has yet to define what *promptness* requires from applicants. Therefore, Applicant argues that, reasonableness should guide the Court's decision.

Even if the Court reasons that Applicant's reporting is not prompt or does not satisfy the requirement of Rule 1 Section 3(F), the mandatory factors laid out in Rule 1 Section 11(D)(3)-(4)

must be applied to these fishing violations. Which, as Board pointed out on page eleven (11) of their Report and Recommendation, “the fishing charges are not serious” thus not material to Applicant’s character, fitness, and moral qualifications to practice law. Rule 1 Section 11(D)(4). It is Applicant’s position that the Board is trying to reel-in any excuse to justify denial, rather than approving applicant as is required by Gov. Bar R. 1 Section 10(B)(4). Applicant prays the Court does not take the Board’s bait or get snagged by their draconian interpretation of Gov. Bar R. 1 Section 3(F).

5. The Board abused its discretion by failing to comply with Rule 1 Section 3(D).

Therefore, none of the February 2016 applicants received final approval.

Gov. Bar. R. 1 Section 3(D) states that:

(D) Notwithstanding an applicant’s timely filing of an Application to Register as a Candidate for Admission to the Practice of Law and an Application to Take the Bar Examination, an applicant may not take the Ohio bar examination unless the Board of Commissioners on Character and Fitness has issued a final approval of the applicant’s character, fitness, and moral qualifications ***at least three weeks prior to the examination.***

The Board met Thursday February 4th, 2016 and Friday February 5th, 2016 as according to The Panel’s Report and Recommendation page three (3). The Ohio Bar Examination begun on Tuesday February 22nd, 2016. From February 4th to February 22nd is *only Eighteen days (18)*. One week is seven days (7), therefore three weeks is no less than twenty one days (21). No provision of Gov. Bar Rule 1 defines a week as anything less than seven days (7).

The Board abused its discretion by not complying with the requirement set forth in Gov. Bar. R. 1 Section 3(D). None of the applicants were afforded final approval of their character,

fitness and moral qualifications to practice law for the February 2016 Ohio Bar Examination because final approval by the Board was not afforded *at least three weeks prior to the examination. Id.*

6. The Board's Recommendation is disproportionately harsher on Applicant compared to other "failure to cooperate cases".

Gov. Bar. R. 1 Section 11(D)(2)(c) states that: The admissions committee shall determine an applicant's character, fitness, and moral qualifications in accordance with all of the following:

(c) The applicable decisions of the Supreme Court of Ohio.

In re Application of Steinhelfer, 142 Ohio St. 3d 120, 2015-Ohio-978 (Denied February 2013 but allowed to reapply February 2016). This applicant failed to mention in his local bar investigation meeting that he had not yet graduated law school because he had withdrawn from Chicago-Kent College of Law a full year before the interview. He withdrew from the law school because he failed to complete requirements in three courses. After withdrawing from law school applicant was charged with operating a vehicle under the influence of alcohol or drugs, leaving the scene of an accident, failure to control his vehicle, and hitting another vehicle. He eventually pled no contest to reckless operation a fourth degree misdemeanor. After being sued in two cases relating to credit card debt and being terminated from his employment. After being hospitalized and diagnosed with alcohol dependency and severe mental disorder. After breaching the contract terms of his medical treatment, failing to disclose his disability benefits, and failing to provide all documents requested by the panel. Finally, applicant in this case also failed disclose another name that he used in his adulthood to the Board. After all of these mistakes this applicant was denied his February 2013 application but allowed to reapply February 2016.

In contrast to Applicant, Shamir Lee Coll, who was denied his February 2016 application but recommended to reapply in June 2019. The facts in *Steinhelfer* are substantially more serious because they indicate drug and alcohol dependencies which were poorly treated and various material omissions: like the fact that he did not graduate law school when he reported that he did. Applicant, Shamir Lee Coll, has absolutely no history of alcohol or drug abuse and no history of untreated mental illnesses yet, Applicant is essentially being given a harsher punishment than *Steinhelfer*. The Board's recommendation would be inconsistent with Rule 1 Section 11(D)(2) in light of *Steinhelfer*.

In re Application of Baudendistel, 141 Ohio St. 3d 101, 2014-Ohio-5200 (Denied his July 2013 bar application but allowed to reapply July 2015). The Court cites lack of candor during the admissions process and criminal charges linked to alcohol for denying *Baudendistel's* July 2013 application. On three separate occasions *Baudendistel* was criminally charged as a result of a past alcohol dependency. The first was cited as a simple car crash but applicant admitted to the Panel that he had been intoxicated at the time of the accident. Later a charge for open container of a beer. Finally, a hit and run that occurred only a few weeks before his scheduled July 2013 bar examination which also occurred while he was intoxicated by alcohol. A licensed chemical-dependency counselor assessed that *Baundendistel* had abused alcohol in the past in a report to the Board. The Court denied his July 2013 application but allowed him to re-apply July 2015.

In contrast to Applicant, Shamir Lee Coll, who was recommended to be denied of his February 2016 bar exam application but allowed to re-apply June 2019! Applicant has never abused alcohol and has never been charged with a drug related offense. Both Applicant and *Baudendistel* are cited for their lack of candor during the admissions process however, Applicant

has been punished disproportionately harsher than *Baudendistel* for his exercise of free speech protected by the First Amendment.

In re Application of Grimsley, 141 Ohio St.3d 94, 2014-Ohio-5033 (Denied his July 2013 bar application but allowed to reapply July 2014). The Court cites failure to disclose criminal history on law school applications and application to transfer to a new law school as justifying denial of July 2013 bar exam application but allowed to re-apply July 2014; only one year later. Like Applicant, Shamir Lee Coll, *Grimsley* received preliminary approval of his character and fitness from his local bar association. Later, the Board retracted final approval of *Grimsley* only a few weeks prior to the July 2013 bar examination because they learned through an independent investigation that *Grimsley* had only reported one of his four alcohol related offenses in law school applications. The Board noted that *Grimsley* had been convicted of disorderly conduct resulting from intoxication in October 2011, underage consumption in May 2007, disorderly conduct for public urination on April 2007 and intoxication in a dorm room on October 2006. The Court noted *Grimsley's* failure to fully disclose his criminal history, his failure to accept complete responsibility for his actions, and his failure to recognize the importance of candor in the admissions process as supporting denial of July 2013 bar exam application.

The Board cites almost identical reasons for recommending that Applicant await more than three (3) years before being allowed to reapply (February 2016-July 2019); as opposed to *Grimsley* who only had to wait one (1) year before reapplying and hopefully, in his case, sitting for the bar exam. Applicant, Shamir Lee Coll, has zero alcohol or drug related convictions. The Board's recommendation holds no merit because it will punish Applicant disproportionately harsher than other applicants whom have been denied for similar motives.

Conclusion and Relief Sought

Applicant prays the Court approve his February 2016 Ohio bar examination application. Applicant seeks to be made whole by taking the bar exam in 2017. Applicant prays for any other legal or equitable remedy that the Court finds appropriate.

Respectfully Submitted,

/s Shamir Lee Coll, Applicant

Pro se

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Certificate of Service

I certify that a copy of these Objections and Brief in Support of the Objections were sent by ordinary U.S. mail to the Board of Commissioners on Character and Fitness According to Rule Gov. Bar. Rule 1 Section 12(F)(2).

I also certify that Keithly B. Sparrow, Attorney and Counselor At Law, 405 Madison Avenue Suite 1000, Toledo, OH 43604-1274 on September 28, 2016 has also been sent a copy of the objections and briefs.

/s Shamir Lee Coll, Applicant

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