

ORIGINAL

The Supreme Court of Ohio

BEFORE THE BOARD OF COMMISSIONERS

ON CHARACTER AND FITNESS OF

THE SUPREME COURT OF OHIO

In re: Application of
Ebonie Michelle Martin

Case No. 513 12-0426

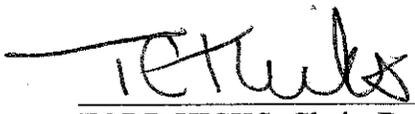
FINDINGS OF FACT AND
RECOMMENDATION OF THE BOARD OF
COMMISSIONERS ON CHARACTER AND
FITNESS OF THE SUPREME COURT OF
OHIO

This matter is before the board pursuant to the appeal filed by the applicant, Ebonie Michelle Martin, in accordance with Gov. Bar R. I, Sec. 12(B).

A duly appointed panel of three Commissioners on Character and Fitness was impaneled for the purpose of hearing testimony and receiving evidence in this matter. The panel filed its report with the board on February 6, 2012.

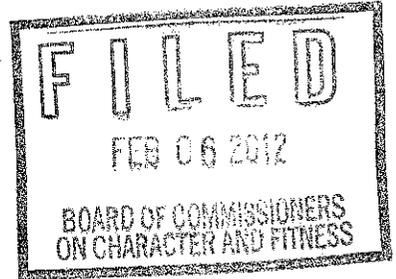
Pursuant to Gov. Bar R. I, Sec. 12(D), the board considered this matter on February 10, 2012. The board adopts the panel report as attached, including its findings of fact and recommendation of disapproval.

Therefore, the Board of Commissioners on Character and Fitness recommends that the applicant be disapproved; that she be permitted to apply for the July 2014 bar examination by filing a new Application to Register as a Candidate for Admission to the Practice of Law and an Application to Take the Bar Examination; and that upon reapplication, she undergo a complete character and fitness investigation, including an investigation and report by the National Conference of Bar Examiners and review and interview by the appropriate local bar association admissions committee, in order to determine whether she possesses the requisite character, fitness, and moral qualifications for admission to the practice of law in Ohio.



TODD HICKS, Chair, Board of Commissioners
on Character and Fitness for the Supreme Court
of Ohio

FILED
MAR 13 2012
CLERK OF COURT
SUPREME COURT OF OHIO



**BEFORE THE BOARD OF COMMISSIONERS
ON CHARACTER AND FITNESS OF
THE SUPREME COURT OF OHIO**

IN RE:)
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CASE NO. 513

**REPORT AND RECOMMENDATION
OF THE PANEL**

This matter came before the Board of Commissioners on Character and Fitness pursuant to a recommendation of disapproval by the Admissions Committee of the Columbus Bar Association and in accordance with Supreme Court Rules for the Government of the Bar Rule I. The hearing was held on January 6, 2012, by a Panel including Judge Nancy D. Hammond from the 12th Appellate District, Adolfo A. Tornichio from the 2nd Appellate District, and Gregory L. Arnold, Chair, from the 6th Appellate District. The Applicant appeared with counsel Gary J. Leppla. The Columbus Bar Association was represented by William L. Loveland.

STATEMENT OF THE CASE

Ebonie Michelle Martin grew up in Dayton, Ohio and graduated from Colonel White High School. She was involved in music, athletics, theater, student government and other activities. Thereafter, she attended and graduated from Morehead State University in 2006 with a degree in Paralegal Studies. While there, she was vice-president of the National Pan-Hellenic Council, a

tutor-counselor with the National Youth Services program and Future Leaders of America, the president of Delta Sigma Theta sorority, a Resident Assistant, and a member of the Morehead Black Gospel Ensemble.

Her admission to law school was delayed by the birth of a child. While delayed, she was able to secure a position as an intern and then an employee at the law firm of Wright and Vannoy in Dayton beginning in March, 2006.

On August 25, 2008, Martin was accepted to and began her legal education at Capital University Law School. While a full time student in her first semester of law school at Capital University, Martin performed poorly and was placed on academic probation. Martin failed her real property class during her first semester, claiming the reason was because she didn't have her student exam number at the top of each page. Apparently, Capital requires that a student exam number be used in lieu of the student's name. She stated that she wrote it on the palm of her hand and that her palm became sweaty and the ink smeared. Martin indicated the proctor told her to use her social security number. Martin indicated this was why she failed the exam and the course. Finding the explanation unusual, the interviewers for the Columbus Bar Association contacted the professor. The professor commented that she failed the test because she did poorly on it. She did say that she may have deducted some points for not using an exam number. She was unable to adequately raise her grade point average in the second semester and was dismissed from school.

While the explanation for her failed real property exam and the inconsistencies between her explanation and that of the law professor was one of three reasons for concern by the Columbus Bar Association and formed part of the reason for the recommendation of disapproval, the Panel does not feel this is a significant issue concerning her present character, fitness or moral qualifications.

Secondly, the Applicant's finances were and are an issue. During the time of Martin's two interviews with the Columbus Bar Association, the Applicant did not have a very good handle on her finances. While she was at Morehead State University, her tuition was only \$3,000.00 per year, and when she graduated her tuition debt was less than \$8,000.00. While at Capital, for all four years, she received a Dean's Scholarship for \$14,000.00, other scholarships and was on public assistance. She stated that her student loans while at Capital amounted to approximately \$20,000.00 - \$22,000.00 a year. When she graduated, her total student loan balance was \$150,000.00. The balance above tuition was used for living expenses.

Since law school, the Applicant has received counseling to create a budget, and now, with a review of her application to sit for the bar exam, has started to address her debt. Her student debt is in deferment. She is working as a paralegal, earning a regular income of approximately \$900.00 every two weeks which has contributed to some stability. The Panel asked for and received a budget and payment schedule from the Applicant which confirms her testimony that she has begun to address her debt. Based on the evidence presented, the Panel is cautious, but believes the Applicant has begun a financial plan to address her debt issues.

The biggest issue causing concern for the Panel immediately following the hearing was a traffic stop in 2008. While in law school in 2008, the Applicant was charged with providing false information to a police officer, driving with an expired driver's license, and failure to restrain a child in a car seat. The Applicant was driving through Centerville, Ohio, in her best friend's red Chevrolet Blazer automobile which the Applicant said she had purchased from her friend, Lokia Gray, but for which the title had not been transferred. The only passenger in the car was Lokia Gray's daughter. The Applicant stated, and the police officer confirmed, that she was pulled over because the windows in the automobile were darkly tinted. She testified she had previously taken

the car to someone who works on windows and checked to see if they were too dark. The window vendor had indicated the windows were fine. She was not charged with this offense. The policeman asked her about the child in the car, and she told him that it was her daughter or Goddaughter. The testimony is not clear. She said the child came over to the window to talk to the police officer and he saw that she was not restrained in a car seat. Her explanation of the facts was different than what she had put on her application to take the Bar Exam where she indicated she told the officer the child was her daughter.

When she was pulled over she did not have a valid driver's license as it had been expired for over seven months. The policeman asked for her social security number and she gave the officer, according to his testimony, her mother's social security number, name, and date of birth. The Applicant denies giving the mother's name and date of birth. She did not deny she gave her mother's social security number, but claimed it was due to the stress of the situation and that she was used to giving her mother's social security number because she regularly dealt with her mother's health issues and used it for that purpose.

She was taken to jail for about four hours and her friend was contacted because she had her friend's daughter. She stated that her friend and mother bailed her out. Both the Applicant and the police officer testified extensively before the Panel. After all of the testimony concerning this matter, which included the officer's typed report prepared at the time of the traffic stop, the Panel believes the officer's version of events. The Panel further believes the Applicant's actions were an attempt to avoid being discovered having an expired driver's license.

This whole scenario created another issue for the Panel. The Applicant testified that despite the purchase of the Chevy Blazer from her best friend, Lokia Gray, she did not make efforts to transfer the title from her friend, Lokia Gray, to herself until she had used the vehicle and was

ready to sell it.

The Applicant was clear that the purchase price of the automobile was \$1,500.00 and the sale price at the end of her use of it was \$400.00. The Panel inquired of the Applicant what dollar amount she placed as consideration on the vehicle at the time of title transfers on both ends of the transaction, and she testified that at neither time did she list the full purchase price. Based on the concerns this raised, at the conclusion of the Panel hearing, the Panel requested the Applicant provide documentation for both the purchase and sale of the vehicle to determine exactly what the representations were concerning the purchase and sale price for the vehicle. To the disappointed surprise of the Panel, when the documentation was received, the transaction was completely different than the testimony provided by the Applicant at the hearing.

In fact, based on the documentation provided, the vehicle was purchased by the Applicant for \$3,500.00, the money for which was provided by the Applicant's mother (\$2,000.00 and the Applicant's friend, Lokia Gray (\$1,500.00). When the Applicant couldn't pay the \$1,500.00 to Lokia Gray, she transferred the vehicle to her friend where title remained until the vehicle was sold for junk. While sales tax was paid when the Applicant originally purchased the vehicle from the dealer, no consideration was listed when Applicant transferred the vehicle to her friend. While this may have been an honest mistake because she claims to have transferred it to Lokia Gray until she could pay the \$1,500.00, the Panel is greatly troubled by the Applicant's testimony before the Panel of an entirely different series of transactions concerning the vehicle. This scenario may not be troubling if standing alone. However, when connected with the testimony concerning the false information given to the police officer, the Panel is concerned about the ability of the Applicant to testify truthfully when placed in a stressful situation. In her words when providing the title information:

"We told the panel that I purchased the car from Lokia for \$1,500.00. I was nervous and confused and had completely forgotten why the \$1,500.00 figure stuck out so much. But what I think happened is: when I went to purchase the car, I was \$1,500.00 short, Lokia loaned me the rest of the money and the plan was to put the car in her name until I paid it off and for doing me the favor she could use it as a second car if necessary. However, we never got around to transferring the car."

The quote of the Applicant, "I was nervous and confused and had completely forgotten why the \$1,500.00 figure stuck out so much..." is very similar to the Applicant's excuse for misrepresenting the correct facts and information to the police officer during the traffic stop referenced above.

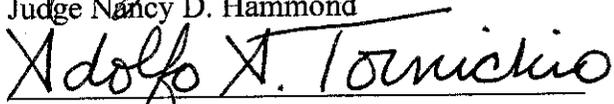
CONCLUSION AND RECOMMENDATION

Based upon the issues concerning the traffic stop and the Applicant's false statements to a law enforcement officer and the false statements concerning the purchase and sale of the vehicle and the changes when required to provide title documentation, the Panel is concerned with the Applicant's ability for truthfulness. The Panel does not believe that the Applicant possesses the present character, fitness and moral qualifications to take the Ohio Bar Examination.

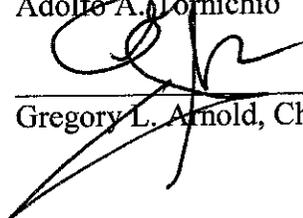
Based upon the totality of these circumstances, the Panel recommends that the Applicant be disapproved and that she be given the opportunity to reapply to take the July, 2014 Ohio Bar Examination.



Judge Nancy D. Hammond



Adolfo A. Tornichio



Gregory L. Arnold, Chairperson