

The Supreme Court of Ohio

BEFORE THE BOARD OF COMMISSIONERS

ON CHARACTER AND FITNESS OF

THE SUPREME COURT OF OHIO

12-0429

In re: Application of
Eric Wilson

Case No. 498

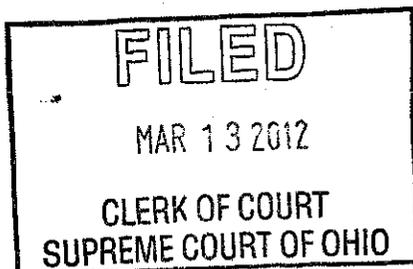
FINDINGS OF FACT AND
RECOMMENDATION OF THE BOARD OF
COMMISSIONERS ON CHARACTER AND
FITNESS OF THE SUPREME COURT OF
OHIO

This matter is before the board pursuant to the appeal filed by the applicant, Eric Wilson, 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 9, 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, with the amended recommendation that the applicant be permitted to apply for the February 2016 bar examination.

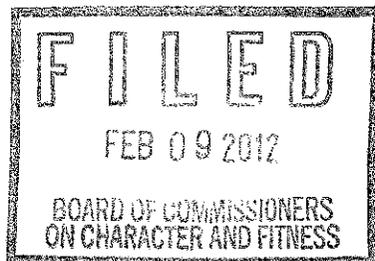
Therefore, the Board of Commissioners on Character and Fitness recommends that the applicant be disapproved; that he be permitted to apply for the February 2016 bar examination by filing a new Application to Register as a Candidate for Admission to the Practice of Law and an Application to Take the Bar Examination; and that upon reapplication, he 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 he possesses the requisite character, fitness, and moral qualifications for admission to the practice of law in Ohio.



T. Hicks

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

BEFORE THE BOARD OF COMMISSIONS
ON CHARACTER AND FITNESS OF
THE SUPREME COURT OF OHIO



IN RE:)
)
APPLICATION OF) CASE NO. 498
ERIC WILSON)

REPORT AND RECOMMENDATION OF THE PANEL

Introduction

This matter is before the Board pursuant to the appeal of the Applicant, Eric Wilson, from a recommendation that he be disapproved for the admission to the practice of law. The Panel, comprising of the Mary Asbury, John E. Gamble, and John C. Fairweather (Chairperson), conducted a hearing on November 30, 2011 at the Supreme Court of Ohio. Mr. Wilson was not represented by counsel. The Dayton Bar Association was represented by Gretchen M. Treherne.

Statement of the Case

Eric Wilson, at the age of 47, graduated from the University of Dayton School of Law in May 2009. He made application to register as a candidate for admission to the practice of law in Ohio in January, 2009. On April 1, 2009, he filed his application to take the Ohio Bar Exam (for the July Bar) and filed his Supplemental Character Questionnaire on that date as well. He was initially interviewed by the Dayton Bar Association on June 25 and June 30 of 2009. Mr. Wilson was not approved to take the bar examination in July 2009. Instead, the Dayton Bar Association, by letter dated July 2, 2009, requested Mr. Wilson to provide additional information going to the two areas that most concerned the Dayton Bar Association: (i) that Mr. Wilson had not disclosed in his 1992 application to the Detroit College of Law the fact that he previously had been dismissed from the Golden Gate University School of Law after attending classes for one year

due to academic ineligibility (such dismissal occurring in 1988), and (ii) the fact that Mr. Wilson had incurred considerable debt relating to college loans and had failed to make any attempt to repay those loans.

Notwithstanding the fact that Mr. Wilson received the letter from the Dayton Bar Association on July 9, 2009, he failed to respond to the itemized requests and the file was returned to Ohio Supreme Court.

Mr. Wilson filed another Supplemental Character Questionnaire on December 10, 2010, as a part of his attempt to take the February 2011 Bar Exam. The Dayton Bar Association interviewed Mr. Wilson again on January 19, 2011. At that point in time, Mr. Wilson did not provide the information that previously had been requested in 2009. The interview did not go well. Mr. Wilson was not cooperative and attempted to place the burden of proof upon the committee to justify its reasons for requesting additional information from him in conducting the second interview. Mr. Wilson was disapproved by the Dayton Bar Association which concluded that "based upon all of the foregoing factors, the committee is concerned that Mr. Wilson's ability to conduct himself with a high degree of honesty, integrity, and trustworthiness in all professional relationships and with respect to all legal obligations, additionally the committee cannot conclude that Mr. Wilson has the ability to use honesty and good judgment in financial dealings on behalf of himself, clients and others."

As noted above, the Applicant appealed the disapproval on February 22, 2011. This Panel initially scheduled a hearing for Mr. Wilson on July 1, 2011 but the Applicant cancelled the hearing at the last minute (indicating that his counsel was not available). Ultimately, the hearing was held in November of 2011.

Discussion on the Merits

In considering Mr. Wilson's appeal, the Panel was troubled by four issues: *first*, the Applicant's failure to make a truthful disclosure on his application to the Detroit College of Law in 1992; *second*, the Applicant's failure to make any attempt to pay past due student loans; *third*, Mr. Wilson's failure to hold a full time job during the period of August 2003 through December 2010¹; and *fourth*, Mr. Wilson's complete lack of preparedness for the hearing before the Panel and his failure to cooperate with the Dayton Bar Association.

Misstatements in the Detroit College of Law Application. In September 1992, Mr. Wilson applied to the Detroit College of Law. Question No. 13 of the application asked whether he had ever attended any professional school, including law school. Mr. Wilson failed to indicate that he had attended the Golden Gate University School of Law in San Francisco from August 1987 through June of 1988 and that, due to his poor academic performance, Mr. Wilson had been expelled from that school of law. At page 6 of his Registration Application, filed in January 2009, Mr. Wilson disclosed the misrepresentation on his application to the Detroit College of Law but explained that he "did not mention previous attendance at Golden Gate [because the] [a]pplication mentioned that any matriculation five years or older would not be counted so in my rush to submit application, I did not mention it." The Panel found this explanation to be untruthful as well. A review of the application to the Detroit College of Law indicates that no such instruction relating to the "matriculation of five years or older" is contained in the law school application. Question No. 13 places no time limitation on the requirement to disclose the requested information.

¹ His application and supplemental filings indicate that during the bulk of this time, he was a candidate for a variety of political offices (but was never elected). He also was a substitute teacher from time to time and worked as a "temp" at an employment agency. Mr. Wilson testified at his hearing that he took on full time employment in October 2011.

Question No. 17 on the Detroit College of Law application is similarly answered inaccurately. That question goes to whether the Applicant had been dismissed or placed on probation or otherwise disciplined by any such academic institution, including law schools. Mr. Wilson answered "No" to that question as well. While Mr. Wilson continually emphasized that his indiscretion regarding the Detroit College of Law application was far in his past (some 19 years ago), the Panel was disturbed by his lack of candor and accuracy when completing his Registration Application of 2009. When confronted with the fact that the law school application did not put a time limitation on its questions, Mr. Wilson sidestepped the issue by indicating that those instructions were not contained in the law school application itself (as had been indicated in his answer to the Registration Application), but instead were in a "brochure" accompanying the law school's application. He further indicated that he had rushed through the law school application -- thereby diminishing his attention to accuracy. The Panel was not convinced and drew Mr. Wilson's attention to a "personal statement" attached to his application to the Detroit College of Law. In that personal statement, Mr. Wilson contends that "[i]f I had had the foresight to see the importance that a legal education could have, I might have applied for admission earlier. However, I feel that any elapsed time that I may have lost has been more than offset by the added maturity that I have gained since college." When confronted with the fact that his personal statement would lead the Detroit College of Law to believe that he had not previously applied to law school, Mr. Wilson agreed with that conclusion, but tried to dismiss it by claiming that he was in a hurry at the time to submit the application. Mr. Wilson's testimony as to how the mischaracterization on the law school application came to pass was simply not credible.

Moreover, during the interview process with the Dayton Bar Association, Mr. Wilson was instructed verbally and in writing to obtain copies of the applications that he had submitted to attend law school at The Ohio State University, University of Dayton, University of Toledo, University of Akron, Hastings College of Law, Whittier College of Law, Georgetown University, and San Diego State University. (The obvious reason for the request by the Bar Association was that the committee wanted to determine whether similar misstatements had been made by Mr. Wilson in his applications to other law schools.) Mr. Wilson reported that he had contacted the law schools and had been informed that the applications were no longer available. The Dayton Bar Association then instructed Mr. Wilson to obtain letters from the law schools indicating that fact. Notwithstanding that he had informed the Bar Association that he had received such letters, Mr. Wilson never produced them. Similarly, Mr. Wilson did not produce the letters at his November hearing.

Student Loan Debt. Mr. Wilson's failure to pay various school loans caused a good deal of concern on the part of the Panel as well. Two sets of student loans are at issue. During the 1980s, Mr. Wilson accumulated roughly \$32,300 worth of student loan debt relating to his attendance at the University of Cincinnati (from the years of 1980 – 1987) and his attendance at Golden Gate Law School (1987 – 1988). No payments were ever made on the loans. Indeed, Mr. Wilson admitted that when he learned in the 1990s that those student loans were not reflected on his credit report, he paid no attention to them or made any effort to pay them.²

Mr. Wilson testified that he also had incurred student loans totaling \$120,000 in relation to his law school education at the University of Dayton. He maintained that that debt is spread among four separate loans – two of which are in default. When asked whether he was making

² Based on his testimony, one could conclude that Mr. Wilson believed he was obligated to repay the school loans only so long as they were reported on his credit report.

any effort to repay the two law school loans that are in default, Mr. Wilson replied "No. I simply do not have the money." Mr. Wilson estimated that the two loans that are in default total \$60,000.

Lack of Employment. Mr. Wilson's employment history is equally disturbing. As reported in his January 2009 Registration Application, and in his supplemental findings, Mr. Wilson was without full time employment from August 2003 through September 2011.

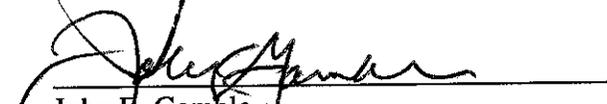
Lack of Preparedness or Cooperation. Finally, the Panel was disturbed by Mr. Wilson's lack of preparedness for the hearing, his failure of cooperation with the Dayton Bar Association, and his complete lack of candor during his testimony. There is no doubt that Mr. Wilson failed to meet his burden of demonstrating by clear and convincing evidence that he has the current character, fitness, and moral qualifications to be admitted to the practice of law.³

Recommendation

The Panel recommends that Mr. Wilson's application be disapproved. Further, the Panel recommends that in order to be considered in the future, Mr. Wilson must file a new Registration Application and be re-evaluated by the local bar association.



John C. Fairweather (Chairperson)



John E. Gamble



Mary Asbury

[827004]

³ Mr. Wilson would fail to meet his burden even if it was by a preponderance of the evidence.