

THE SUPREME COURT OF OHIO

IN RE:  APPLICATION OF ERIC WILSON	CASE No. 2012-0429
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**OBJECTION TO REPORT AND RECOMMENDATION OF THE BOARD OF  
COMMISSIONERS ON CHARACTER AND FITNESS TO THE OBJECTION AND  
BRIEF OF APPLICANT ERIC WILSON**

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## **STATEMENT OF JURISDICTION**

The Supreme Court of Ohio determines who may practice law in the State of Ohio and in that role has the authority to consider objections to reports and recommendations of the Board of Commissioners on Character and Fitness. Ohio Gov. Bar Rule I, Sec. 12(G).

## **STATEMENT OF THE CASE**

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, comprised of 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. Trehrnc.

## **STATEMENT OF APPLICANT'S OBJECTION**

Applicant Eric Wilson objects to the portion of the Report and Recommendation of the Board of Commissioners on Character and Fitness, filed March 13, 2012, recommending that he not be allowed to reapply to take the Ohio bar until February 2016. Mr. Wilson does not object to the Board's findings of facts, but rather that the facts are incomplete, and that the analysis of his character and fitness concluding that he presently lacks the necessary character, fitness, and moral qualifications to practice law. The fundamental issue of Mr. Wilson's dedication to financial responsibility can not be assessed better in four years (while struggling with the burden of law school student loans) than it can be by seeing that in the last 25 years he has never accumulated consumer debit again. The board's decision will delay Mr. Wilson's ability to leverage his law school education in order to pay for the loans necessary to pay for law school education. One can not place Mr. Wilson in dire financial straights to see if he is going

to pay off his loans in order for the board to determine if he has the character and fitness to sit for the Bar. The board's recommendation to delay Mr. Wilson's ability to take the bar exacerbates the very issues they seek to have him avoid. Mr. Wilson should not be set-up for failure by taking away his means to financial responsibility and then seeking to review him again in another four years.

A law student is in financial quicksand given the weight of student loans. Mr. Wilson will be deeper in the quicksand after an additional four year delay added to the previous three year delay. To delay him even further and expect him to improve his financial situation is tantamount to ordering that he never be allowed to practice law, and that is a disproportionate punishment for his past financial mistakes.

#### **STATEMENT OF THE FACTS**

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, 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 30 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 provide additional information going to the two areas that 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 attended the Golden Gate University School of Law.

- (ii) That Mr. Wilson had defaulted on student loans from 1980 – 1988 to which he had failed to make payments.

In July 2009, the Dayton Bar Association sent Mr. Wilson a notice that he was not approved to take the bar examination in July 2009, as his application for the July bar was denied.

On December 10, 2010, Mr. Wilson filed another application to take the February 2011 Bar Exam and filed a Supplemental Character Questionnaire.

The Dayton Bar Association set an interview with Mr. Wilson January 19, 2011, but did not present its expectation of additional documentation.

At the January 19, 2011, interview the committee requested the information that previously had been requested in 2009. The committee apparently took the fact that Mr. Wilson had not brought with him the documents requested two years prior for his 2009 application as a lack of cooperation. The committee also apparently thought that Mr. Wilson was attempting to place the burden of proof upon the committee when Mr. Wilson requested to understand the committee's thoughts as to why he had been brought back a second time and was asked about the exact same two issues that the committee had asked him about in their previous meeting.. It also seems that the committee took offense that Mr. Wilson did not inherently know to bring the documents requested two years prior, but which were not requested in the notice for the current interview. In fact, the last correspondence Mr. Wilson had from the Dayton Bar Association had been in the summer of 2009

In the end, Mr. Wilson was disapproved by the Dayton Bar Association.

Mr. Wilson appealed the disapproval on February 22, 2011. The committee initially scheduled a hearing for Mr. Wilson on July 1, 2011 (the Friday before 4<sup>th</sup> of July weekend) when his counsel, the late Mr. John Berlew found out this was the date; he informed the applicant that he could not possibly attend, so the matter was rescheduled. Ultimately, the hearing was held in November of 2011.

### **ARGUMENT**

Mr. Wilson will address, in turn, each of the concerns expressed in the board's recommendation.

Misstatements In The 1992 Detroit College Of Law Application

Student Loan Debit

Lack Of Employment

Lack Of Preparation Or Cooperation

## **Misstatements In The 1992 Detroit College Of Law Application**

Twenty years ago, in September 1992, Mr. Wilson applied to the Detroit College of Law and did not disclose his previous attendance at Golden Gate University Law School which he attended in 1987. For this transgression, law services issued a misconduct statement in 1992. Mr. Wilson completely disclosed this fact on his registration application for the Ohio bar exam. At no time in the process did Mr. Wilson try to hide, conceal or omit this event. He spoke about it at both meetings with the Dayton Bar Association and stated that he had made a mistake twenty years ago. When he met in Columbus, he had no attorney present and told the panel that he was not contesting the events that happened twenty years ago. In fact, he asked if he could stipulate to the prosecutors' statements regarding these events. It is important to note that when this misconduct happened twenty years ago, it became a permanent part of his academic record and that going forward from that point twenty years ago, it has never happened again. .

## **Student Loan Debt**

In 1987 Mr. Wilson had student loans from his academic education that became due. He was in his twenties and living in San Francisco at the time. Since he barely had enough money to pay his share of the rent, his loans went into default. Since that period of time, Mr. Wilson has accrued zero consumer debt, zero credit card debt and zero debt of any type for the following 23 years.. In fact, on his bar application, when asked to list any debt that was 30, 60, or 90 days late, going back ten years, Mr. Wilson had zero late payments. Between 1987 and 2010 Mr. Wilson had accumulated no consumer debt, credit card debt or loan delinquencies of any type. This is indicative of a person who has been very responsible with his finances during his adult life.

Mr. Wilson tried to sit for the July 2009 bar exam but was not allowed to. The following year, 2010, Mr. Wilson's loans from UD law school became due. Mr. Wilson was running for public office when his loans became due. He should of requested a deference but failed to do so. When he discovered his four law school loans had gone into default, he pulled his scarce resources together and pulled two of the four loans out of default. He has kept these two law school loans current ever since. The other two Law school loans that went into default in 2010 are the only debt that Mr. Wilson has. He has no consumer debt, credit card debt or any other loan debt of any type.

Mr. Wilson's defaulted loans have happened 23 years apart and during the intervening 23 years he has acquired no consumer, credit card or outstanding loan debt of any type.

## **Lack Of Employment**

When Mr. Wilson met in Columbus, without legal representation, a panel member mentioned she was concerned about his lack of “full time” employment from 2003-2010. Mr. Wilson's supplemental questionnaire was filled out December 10, 2010. In 2003 and 2005 Mr. Wilson was a candidate for Cincinnati City Council. This is a citywide position and since he had the entire city to cover and not a lot of financial resources to put into the race, he spent most of his time campaigning. Mr. Wilson also ran for State representative in 2006 and once again spent most of his time trying to get his political career off the ground. From 2006-2009 Mr. Wilson was a full time law student at the University of Dayton School of law. The University of Dayton forbids first year full time law students from working. In 2008 Mr. Wilson was a full time law student and also ran for Congress in the first congressional district. After law school graduation Mr. Wilson tried to take the July 2009 bar and was not allowed to. He took the summer off and starting working full time in October at VLT Charter school as Director of School Improvement. He worked here until February Of 2010 when he resigned to run full time in the democratic primary for Congress, against the incumbent. After an exhausting primary that ended in may, Mr. Wilson took the summer and part of the fall off to figure out whether he was going to stay in Ohio or relocate. That fall he signed up with Belcan Staffing and worked 10 hour days packing products for the holidays. In December he decided to take the feb 2011 bar exam so he stopped working to dedicate his efforts full time to passing the bar exam. Between 2003-20010 Mr. Wilson was involved in starting his political career or attending law school full time.

## **Lack Of Preparation Or Cooperation**

Mr. Wilson was going to be represented by the late John Burlew. However, Mr. Burlew informed him that he was very ill and could not represent him. Mr. Burlew would later pass away. Mr. Wilson attended the meeting and informed the panel he was not contesting any of the events that happened twenty five and twenty years ago. Since he was not contesting these event, he mistakenly thought it would be informal like the two meetings with the Dayton bar association. Mr. Wilson regrets the facts that he could not afford counsel and did not have one because since they followed procedure, he did not get to adequately present his case.

Mr. Wilson met with the Dayton bar association twice and on both occasions he answered every question posed to him. In July 2009 Mr. Wilson was given a list of roughly 7 items to send in to the Dayton Bar association. The bar exam was that month and given the time restraints Mr. Wilson turned in all the supporting documents that he was able to run down and obtained verbal confirmation that the information he could not get did not exist. He was instructed to go back and get written confirmation of the verbal confirmation that the old law school application (going back twenty year) were no longer on file. With the time being limited he was not able to get all the written verifications but obtained some. That July was the last time The Dayton Bar association sent Mr. Wilson any correspondence regarding these matters. In Fact, when he met with the Bar association in January of 2011 he was not requested or given notice that any supporting documents were still needed. The last time he had heard from the Dayton Bar association was a year and a half before so Mr. Wilson had no idea to bring the written confirmation of his previous verbal confirmations. This was not lack of cooperation but more lack of communication.

## CONCLUSION

The two biggest issues raised by the Dayton Bar association were originally concerned with happened in 1987 and 1992. These two events happened nearly 25 and 20 years ago. Mr. Wilson fully disclosed both of these matters on his bar application and in every step of the process.. And after 1987, Mr. Wilson acquired zero debt or delinquency of any type for the following two decades. The non disclosure issue happened twenty years ago and it was done because of the instructions for the application and the fact that he did present it in his application to University of Dayton School of Law. Given the time frames and the intervening absence of repetitive behavior, there is no indication that Mr. Wilson lacks the current character and fitness to practice law. Mr. Wilson made mistakes a long time ago, as people will, and he has acknowledged them, which speaks directly to his current character and fitness to practice law.

The delay of another four years in addition to the three years he has already been delayed does not serve any purpose, and not being able to take the Bar will exacerbate Mr. Wilson's current financial situation and only serve to create the very kind of problems he is for which he is now being punished. Mr. Wilson's personal sacrifices made in order to become a public servant speaks more to his dedication to the service of others far more than missteps which happened so many years ago.

Mr. Wilson asks that he be allowed to take the Bar in order to perform the representation of underserved populations as well as to fulfill his financial obligations.

Respectfully submitted,

X Eric Wilson

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### CERTIFICATE OF SERVICE

I certify that on April 18<sup>th</sup> 2012 an original and 18 copies of the foregoing was sent to the Supreme Court Ohio, and one copy to:

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