APR 24.2
FACTORS CONSIDERED WHEN DETERMINING CHARACTER AND FITNESS

(a) Factors. The following factors shall be considered by the Admissions staff and Bar Counsel when determining whether an applicant shall be referred to the Character and Fitness Board for a determination of the applicant's character and/or fitness to practice law:

(1) unlawful conduct.
(2) academic misconduct.
(3) making of false statements or omitting material information in connection with an application to sit for a bar examination.
(4) misconduct in employment.
(5) acts involving dishonesty, making false statements, fraud, deceit or misrepresentation.
(6) abuse of legal process.
(7) neglect of financial responsibilities.
(8) disregard of professional obligations.
(9) violation of a court order.
(10) evidence of a current substantial mental impairment, including without limitation, drug or alcohol dependency or abuse.
(11) denial of admission to the bar in another jurisdiction on character and fitness grounds.
(12) disciplinary action by any professional disciplinary agency of any jurisdiction.
(13) any other conduct or condition which reflects adversely on moral character or fitness of the Applicant to practice law.

(b) Factors Considered by the Character and Fitness Board When Determining Good Moral Character. When determining whether past conduct disqualifies the Applicant from taking the Washington Bar Examination, or for admission to the Bar, the Character and Fitness Board shall consider those factors specified in rule 24.2(a) and the following factors in mitigation or aggravation:

(1) Applicant's age at the time of the conduct.
(2) Recency of the conduct.
(3) Reliability of the information concerning the conduct.
(4) Seriousness of the conduct.
(5) Factors or circumstances underlying the conduct.
(6) Cumulative nature of the conduct.
(7) Candor in the admissions process and before the Board.
(8) Materiality of any omissions or misrepresentations.
(9) Evidence of rehabilitation, which may include but is not limited to the following:

(i) absence of recent misconduct.
(ii) compliance with any disciplinary, judicial or administrative order arising out of the misconduct.
(iii) sufficiency of punishment.
(iv) restitution of funds or property, where applicable.
(v) Applicant's attitude toward the misconduct, including without limitation acceptance of responsibility and remorse.
(vi) personal assurances, supported by corroborating evidence, of a desire and intent to engage in exemplary conduct in the future;
(vii) constructive activities and accomplishments since the conduct in question.
(viii) the Applicant's understanding and acceptance of the factors leading to the misconduct and how similar misconduct may be avoided in the future.

(c) Factors Considered by the Character and Fitness Board in Fitness Cases Involving Drug or Alcohol Dependence or Abuse. When determining whether an Applicant is unfit to practice law due to drug or alcohol dependence or abuse, the Character and Fitness Board shall consider the following factors, no single one of which is determinative:

(1) Whether the Applicant is currently using drugs or alcohol.

(2) Whether the Applicant's drug or alcohol dependence or abuse is likely to cause or contribute to any of the conduct specified in rule 24.2(a).

(3) The nature, extent and duration of the Applicant's drug or alcohol dependence or abuse, and the Applicant's candor in the admissions process and before the Board when describing the problem.

(4) Whether the Applicant has been or is now in treatment and, if so:

(i) The nature and duration of the treatment.
(ii) Whether treatment was or is voluntary or involuntary.
(iii) Consistency of participation in or compliance with treatment.
(iv) Whether the treatment was effective.

(5) Whether the Applicant has undergone a drug or alcohol evaluation by a certified chemical dependency counselor or other professional with credentials acceptable to the Board and, if so, whether the substance of such person's opinion the findings have been made available to the Committee.

(6) The length of time the Applicant has been in recovery. In cases where the period of recovery is less than two years, the Applicant must demonstrate through appropriate expert opinion that there has been an adequate period of recovery.

(d) Factors Considered by the Character and Fitness Board in Fitness Cases Involving

a Mental Impairment. When determining whether an Applicant is unfit to practice law due to a mental impairment, the Character and Fitness Board shall consider the following factors, no single one of which is determinative:

(1) Whether there is a current mental impairment.

(2) Whether the Applicant's mental impairment is likely to cause or contribute to any of the conduct specified in rule 24.2(a).

(3) The nature, extent and duration of the Applicant's mental impairment, and the Applicant's candor in the admissions process and before the Board when describing the impairment.

(4) Whether the Applicant's mental impairment is chronic or situational in nature.

(5) Whether the applicant has received or is receiving professional mental health treatment appropriate for the impairment, and if so:

(i) Whether the Applicant's impairment has been in remission for at least two years as verified by an appropriate mental health professional and, if not, whether the Applicant has demonstrated through appropriate expert opinion that the period of remission has been adequate.

(ii) Whether a mental health professional has identified any conditions, including without limitation further treatment, that must be complied with to continue the Applicant's state of remission and, if so, whether the Applicant is in compliance with those conditions.

(e) Factors Not Considered by the Character andFitness Board. The following factors shall not be considered as evidence of an Applicant's character or fitness:

(1) Racial or ethnic identity.
(2) Sex.
(3) Sexual orientation.
(4) Marital status.
(5) Religious or spiritual beliefs or affiliation.
(6) Political beliefs or affiliation.
(7) Physical disability.
(8) National origin.
(9) Age.
(10) Learning disabilities.

[Adopted effective September 1, 2006.]