

FACTORS CONSIDERED WHEN DETERMINING CHARACTER AND FITNESS

(a) Factors Considered. The following factors shall be considered when determining an applicant's good moral character and fitness to practice law;

(1) unlawful conduct;

(2) academic misconduct;

(3) making of false statements or omitting material information in connection with an application for limited admission to practice law, to take an examination required for admission, or otherwise for licensure or admission to practice law;

(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) conduct demonstrating an inability to meet one or more essential eligibility requirements for the practice of law;

(11) denial of admission to the bar in this or another jurisdiction on character and fitness grounds;

(12) disciplinary action by any professional licensing or disciplinary agency of any jurisdiction;

(13) conduct that physically threatens or harms another person; and

(14) any other conduct that reflects adversely on moral character or fitness of the applicant to practice law.

(b) Aggravating and Mitigating Factors. The following factors shall be considered in mitigation or aggravation when determining an applicant's good moral character or fitness to practice law:

(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 Character and Fitness Board;

(8) materiality of any omissions or misrepresentations; and

(9) evidence of rehabilitation, recovery, or remission, which may include but is not limited to the following, no single one of which is determinative;

(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;

(ix) length of time in which the applicant has been in recovery, or remission, where applicable, and if it is less than two years, expert opinion that the period of treatment, recovery, or remission is adequate for the Applicant to meet the essential eligibility requirements for the practice of law; and

(x) compliance with any recommended or prescribed treatment plans.

(c) Nondiscrimination Policy. In determining good moral character and fitness to practice law, the Bar and the Character and Fitness Board shall not discriminate against any applicant on the basis of:

(1) race, color, or ethnic identity;

(2) gender or gender identity;

(3) sexual orientation;

(4) marital status;

(5) creed or religion;

(6) political beliefs or affiliation;

(7) sensory, mental, or physical disability;

(8) national origin;

(9) age;

(10) honorably discharged veteran or military status;

(11) use of a trained service animal by a person with a disability; or

(12) any other class protected under state or federal law.

[Adopted effective September 1, 2006; Amended effective September 1, 2016;
September 1, 2017.]