

## CHARACTER AND FITNESS BOARD

**(a) Composition.** The Character and Fitness Board shall consist of not less than three community representatives who are not licensed to practice law, appointed by the Supreme Court, and not less than one lawyer, LLLT, or LPO member from each congressional district, appointed by the Board of Governors. The validity of the Character and Fitness Board's actions is not affected if the Character and Fitness Board's makeup differs from the stated constitution due to a temporary vacancy in any of the specified positions.

**(b) Qualifications.** Lawyer, LLLT, or LPO members must be active lawyers, LLLTs, or LPOs of the Bar and have been active for at least five years.

**(c) Character and Fitness Board Chair.** The Board of Governors shall annually designate one lawyer member of the Character and Fitness Board to act as chair and another as vice-chair. The vice-chair shall serve as chair in the absence of or at the request of the chair. If both the chair and the vice-chair will be absent from a meeting or hearing, the chair may appoint another member of the Character and Fitness Board to serve as chair pro tempore at any hearing.

**(d) Vacancies.** Vacancies in lawyer membership on the Character and Fitness Board and in the office of the chair and vice-chair shall be filled by the Board of Governors. Vacancies in community representative membership shall be filled by the Supreme Court. A person appointed to fill a vacancy shall complete the unexpired term of the person they replace, and if that unexpired term is less than 24 months they may be reappointed to a consecutive term.

**(e) Quorum.** A majority of the Character and Fitness Board members shall constitute a quorum. Given a quorum, the concurrence of a majority of those present shall constitute action of the Character and Fitness Board. In the event a quorum is not present, Bar Counsel and the applicant may agree to waive the requirement of a quorum.

**(f) Disqualification.** In the event a grievance is made to the Bar alleging an act of misconduct by a lawyer, LLLT, or LPO member of the Character and Fitness Board, the procedures specified in ELC 2.3(b)(5) shall apply.

**(g) Pro Tempore Members.** When a member of the Character and Fitness Board is disqualified or unable to function on a case for good cause, the chair of the Character and Fitness Board may, by written order, designate a member pro tempore to sit with the Character and Fitness Board to hear and determine the cause. A member pro tempore may be appointed from among those persons who have previously served as members of the Character and Fitness Board (or its predecessor Character and Fitness Committee), or from among lawyers, LLLTs, or LPOs appointed as alternate Character and Fitness Board members by the Board of Governors and community representatives appointed as alternate Board members by the Supreme Court. A lawyer, LLLT, or LPO shall be appointed to substitute for a lawyer, LLLT, or LPO member of the Character and Fitness Board, and a community representative to substitute for a community representative member of the Character and Fitness Board.

**(h) Voting.** Each member, whether community representative or lawyer, LLLT, or LPO, shall have one vote.

**(i) Terms of Office.** The term of office for a member of the Character and Fitness Board shall be three years. Newly created Character and Fitness Board positions may be filled by appointments of less than three years, as designated by the Supreme Court or the Board of Governors, to permit as equal a number of positions as possible to be filled each year. All terms of office begin October 1 and end September 30 or when a successor has been appointed, whichever occurs later. Members may not serve more than two nonconsecutive terms with a minimum of three years between terms except as otherwise provided in these rules. Members shall continue to serve until replaced.

[Adopted effective September 1, 2006; Amended effective January 1, 2014; September 1, 2016; September 1, 2017; January 1, 2023.]