

STATE OF MINNESOTA
IN THE SUPREME COURT

C5-84-2139

ORDER

Order Adopting Character
and Fitness Standards for
Admission to the Bar of
Minnesota

WHEREAS, the Minnesota Board of Law Examiners is charged with the responsibility of administering Rules governing the admission of applicants to the bar of Minnesota,

WHEREAS, the Minnesota Board of Law Examiners has developed standards which shall guide them in the process of reviewing, investigating and recommending applicants to the bar,

WHEREAS, applicants to the bar of Minnesota are entitled to notice regarding the standards which shall govern the admission process,

WHEREAS, the Minnesota Board of Law Examiners seeks to recommend for admission to the bar of Minnesota only those applicants whose record of conduct justifies the trust of clients, adversaries, courts and others,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Character and Fitness Standards of the Minnesota Board of Law Examiners, which are attached hereto and incorporated herein, are hereby adopted, prescribed and promulgated by this Court.

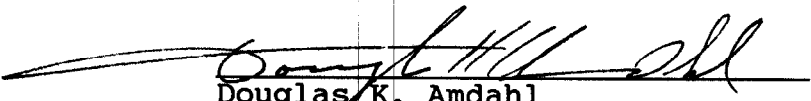
DATED September 20 , 1988

BY THE COURT

OFFICE OF
APPELLATE COURTS

SEP 21 1988

FILED


Douglas K. Amdahl
Chief Justice

9/13/88
MFC:vas

CHARACTER AND FITNESS STANDARDS

PURPOSE. The primary purpose of character and fitness screening before admission to the Bar of Minnesota is to assure the protection of the public and to safeguard the justice system. The attorney licensing process is incomplete if only testing for minimal competence is undertaken. The public is adequately protected only by a system that evaluates the character and fitness as those elements relate to the practice of law. The public interest requires that the public be secure in its expectation that those who are admitted to the bar are worthy of the trust and confidence clients may reasonably place in their attorneys.

ORGANIZATION AND FUNDING. The Minnesota Board of Law Examiners, a body appointed by and responsible to the Minnesota Supreme Court, shall administer character and fitness screening. It shall perform its duties in a manner that assures the protection of the public by recommending for admission only those who qualify. Sufficient funding and staffing shall be maintained in order to permit appropriate investigation of all information pertaining to applicants' character and fitness.

THE INVESTIGATIVE PROCESS. The Rules of the Minnesota Board of Law Examiners place on the applicant the burden of proving good character by producing documentation, reports and witnesses in support of the application. Each investigation shall be initiated by requiring the applicant to execute under oath a thorough application and to sign an authorization and release form that extends to the Minnesota Board of Law Examiners and to any persons or institutions supplying information thereto. The applicant shall be informed of the consequences of failing to produce information requested by the application and of making material omissions or misrepresentations.

STANDARD OF CHARACTER AND FITNESS. An attorney should be one whose record of conduct justifies the trust of clients, adversaries, courts and others with respect to the professional duties owed to them. A record manifesting a significant deficiency in the honesty, trustworthiness, diligence or reliability of an applicant may constitute a basis for denial of admission.

CHARACTER AND FITNESS STANDARDS

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RELEVANT CONDUCT. The revelation or discovery of any of the following should be treated as cause for further inquiry before the Minnesota Board of Law Examiners decides whether the applicant possesses the character and fitness to practice law:

- misconduct in employment
- acts involving dishonesty, fraud, deceit or misrepresentation
- abuse of legal process, including the filing of vexatious lawsuits
- neglect of financial responsibilities
- neglect of professional obligations
- violation of an order of a court, including child support orders
- evidence of mental or emotional instability
- evidence of drug or alcohol dependence or abuse
- denial of admission to the bar in another jurisdiction on character and fitness grounds
- disciplinary action by a lawyer disciplinary agency or other professional disciplinary agency of any jurisdiction

USE OF INFORMATION. The Minnesota Board of Law Examiners shall determine whether the present character and fitness of an applicant qualifies the applicant for admission. In making this determination through the processes described above, the following factors should be considered in assigning weight and significance to prior conduct:

- the applicant's age at the time of the conduct
- the recency of the conduct
- the reliability of the information concerning the conduct
- the seriousness of the conduct
- the factors underlying the conduct
- the cumulative effect of conduct or information
- the evidence of rehabilitation
- the applicant's positive social contributions since the conduct
- the applicant's candor in the admissions process
- the materiality of any omissions or misrepresentations

The investigation conducted by the Minnesota Board of Law Examiners shall be thorough in every respect and shall be concluded expeditiously.