

STATE OF MINNESOTA

IN SUPREME COURT

CS-84-2139

ORDER

ORDER AMENDING AND ADOPTING
CHARACTER AND FITNESS STANDARDS OF
THE SUPREME COURT AND OF THE STATE
BOARD OF LAW EXAMINERS FOR ADMISSION
TO THE BAR OF MINNESOTA

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

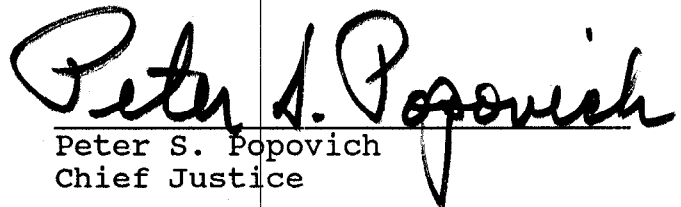
WHEREAS, the State Board of Law Examiners has developed Character and Fitness Standards which guide them in the process of reviewing, investigating and recommending applicants to the Bar,

WHEREAS, the Supreme Court of the State of Minnesota adopted those Character and Fitness Standards on September 20, 1988,

WHEREAS, the State Board of Law Examiners now seeks to amend those standards to more closely conform to those adopted by the American Bar Association,

NOW THEREFORE, it is hereby ORDERED that the Character and Fitness Standards of the State Board of Law Examiners, which are attached hereto and incorporated herein, are hereby amended, adopted, prescribed and promulgated by this Court.

BY THE COURT


Peter S. Popovich
Chief Justice

DATED:

10-31-90

OFFICE OF
APPELLATE COURTS

OCT 31 1990

FILED

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.

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:

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- unlawful conduct
- academic misconduct
- misconduct in employment
- acts involving dishonesty, fraud, deceit or misrepresentation
- acts which disregard the health, safety and welfare of others
- 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
- making of false statements, including omissions on Bar applications

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.