

**MISSOURI  
BOARD OF LAW  
EXAMINERS**

**CHARACTER  
AND  
FITNESS  
INFORMATION**

# MISSOURI BOARD OF LAW EXAMINERS CHARACTER AND FITNESS INFORMATION

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# CHARACTER AND FITNESS IN MISSOURI

## ALL APPLICANTS MUST RECEIVE APPROVAL BY THE BOARD OF THE APPLICANT'S CHARACTER & FITNESS FOR ADMISSION

- A license to practice law in this state is a privilege. Pursuant to Supreme Court of Missouri Rule 8.13, applicants bear the burden of proving requisite character and fitness.
- The Board will conduct a complete and thorough background investigation of every applicant before reaching a determination.
- Applicants who have previously submitted an Application for Character and Fitness Report must submit a Character & Fitness Update Application covering the time period since the date of their latest full Character and Fitness application or update thereto.
- The Supreme Court of Missouri makes the final decision regarding admission. If the Board denies your application on character or fitness or eligibility grounds, you may appeal to the Supreme Court of Missouri as provided in Rule 8.12(d).

## TIMING OF CHARACTER & FITNESS INVESTIGATIONS

- Notifications and updates concerning your application will be posted to your applicant home page. Your MBLE processor may notify you if questions arise or if any additional information is needed. Once a final determination on your character and fitness has been made, you will be notified through your home page.
- The investigation process takes considerable time. Most investigations can be completed in three to six months but some can take longer. The thoroughness with which you complete the application, when the application was filed in relation to filing deadlines and the extensiveness of your background are the primary variables factoring into the length of time it takes to complete an investigation. Delays result when you do not provide complete or accurate information or you do not respond timely to requests for further information. Furthermore, investigations are initiated in the order applications are received; it is in your best interest to file an application during the first filing deadline, if possible. Filing after the first filing deadline could delay the completion of the investigation, possibly until after grade release.
- When the investigation is complete, you will receive written notice of the Board's decision. For examination applicants, if the Board has not reached a decision by the date you are to sit for the examination, you may still take the examination. If the Board denies your character and fitness application and the Supreme Court of Missouri affirms the denial, your examination score is void.

## **FILE CONFIDENTIALITY**

Applicant files are confidential, except that the Board may disclose information to sources contacted during its character and fitness investigation to the extent disclosure is necessary to identify the information being sought. In addition, the Board may disclose information to lawyer disciplinary or admissions authorities in other jurisdictions when the information relates to possible unethical conduct by a lawyer or a person applying for licensure in that jurisdiction.

If the Board denies your application on character and fitness or eligibility grounds and you appeal the Board's decision, relevant information in your file may become part of the public record during any appeal filed in the Supreme Court of Missouri. You may request on appeal to the Court that the record be closed.

## **ESSENTIAL CHARACTER & FITNESS ELIGIBILITY REQUIREMENTS FOR THE PRACTICE OF LAW**

In fulfilling its obligation under Supreme Court of Missouri Rule 8.02 to determine if an applicant possesses the requisite character and fitness for admission, the Board considers the following to be essential eligibility requirements for the practice of law:

- 1) Having the cognitive capacity to learn, to recall what has been learned, to reason, and to analyze;
- 2) Having the ability to communicate clearly with clients, attorneys, courts, and others;
- 3) Conducting oneself with a high degree of honesty, integrity, and trustworthiness;
- 4) Conducting oneself in accordance with and with respect for the law and the Code of Professional Responsibility;
- 5) Conducting oneself diligently and reliably in fulfilling obligations to clients, attorneys, courts, and others;
- 6) Complying with deadlines and time constraints;
- 7) Avoiding acts that exhibit disregard for the rights or welfare of others;
- 8) Exercising good judgment in conducting one's professional affairs;
- 9) Demonstrating honesty and good judgment in financial dealings on behalf of oneself, clients, and others; and
- 10) Conducting oneself professionally and in a manner that engenders respect for the law and the legal profession.

# CHARACTER & FITNESS CONDUCT ADMISSION FACTORS

Factors that the Board considers regarding an applicant's character and fitness include, but are not limited to:

➤ **Unlawful conduct.**

A criminal conviction is a negative factor but it does not automatically disqualify an applicant who demonstrates rehabilitation or other mitigating circumstances. However, any person who has been convicted, whether sentence is imposed or not, of any felony is not eligible to apply for admission until five years after the date of successful completion of any sentence or period of probation as a result of the conviction, plea or finding of guilt. See Rule 8.04(a).

The Board inquires into all arrests even if no conviction resulted. There are many reasons why an arrest might not result in a conviction; some of these reasons have no bearing on guilt or innocence. The Board's inquiries are related to the underlying conduct, surrounding circumstances, and ultimate disposition. Acquittal or dismissal is relevant but is not dispositive of the issue. This is not to suggest, however, that the Board assumes that an arrest means the applicant was guilty of the conduct alleged.

➤ **Failure to provide complete and accurate information or lack of candor in the application or investigation.**

Failure to disclose relevant information, giving false information, misrepresenting facts, or other dishonesty or lack of candor in either the application or the investigation is a serious concern. The application is filed under oath with the Supreme Court of Missouri and applicants are expected to complete the application with the level of care that an attorney would exercise in filing a pleading with a court. Dishonesty in the application or investigation is recent conduct and reflects negatively on the applicant's current character.

➤ **Academic or other misconduct at an educational institution.**

Substantiated instances of plagiarism or honor code violations while in law school or undergraduate demonstrate a lack of honesty and integrity and an attempt to gain an unfair advantage over one's classmates.

➤ **Misconduct in employment.**

Employers are asked, among other things, about the applicant's honesty, reliability, responsibility, and the reason employment ended. The Board generally will require an applicant to explain any information that raises legitimate concern about the applicant's behavior in the workplace.

➤ **Financial irresponsibility.**

The Board does not require a perfect credit record, but does expect applicants to deal responsibly with creditors and to exercise good judgment. This includes maintaining contact with creditors and attempting to make payment arrangements. Failure to pay child support, student loans, taxes, or judgments generally will be considered to indicate a lack of responsibility.

➤ **Lack of respect for the legal system, including abuse of legal process.**

This might be indicated by consistent failure to appear for court dates, repeated violation of traffic laws, filing of frivolous lawsuits, or disregard for court orders. Applicants are expected to conduct themselves professionally and in a manner that engenders respect for the law, the courts, and the profession.

➤ **A condition or disorder that currently impairs the ability to practice law in a competent, ethical, or professional manner.**

The Board makes inquiry about circumstances that may affect an applicant's ability to meet the professional responsibilities of a lawyer. This information is treated confidentially by the Board. The purpose of such inquiries is to allow the Board to determine the current fitness of an applicant to practice law. The mere fact of treatment, monitoring, or participation in a support group is not, in itself, a basis on which admission is denied; the Board routinely certifies for admission individuals who demonstrate personal responsibility and maturity in dealing with fitness issues. The Board seeks to determine if the applicant is committed to and compliant with following any recommended treatment that successfully manages any diagnosis or condition. The Board encourages applicants who may benefit from assistance to seek it. The Board does not seek information that is fairly characterized as situational counseling. Examples of situational counseling include stress counseling, domestic counseling, grief counseling and counseling for eating or sleeping disorders. The Board does, on occasion, deny certification to applicants whose ability to function is impaired in a manner relevant to the practice of law at the time that the licensing decision is made, or to applicants who demonstrate lack of candor by their responses. This is consistent with the public purpose that underlies the licensing responsibilities assigned to bar admission agencies.

➤ **Denial of an application in another jurisdiction on character and fitness grounds.**

Denial of an applicant on character and fitness grounds by another jurisdiction does not mean the Board will deny the applicant. However, the Board will inquire fully into the other jurisdiction's reasons for denial.

➤ **Disciplinary action by a lawyer disciplinary agency or other professional agency of any jurisdiction.**

Rule 8.04(d) provides that an applicant with a pending disciplinary complaint, who is suspended from the practice of law for any reason, including for administrative reasons or who is disbarred in any state is not eligible to apply for admission in Missouri. Favorable resolution of a disciplinary complaint or reinstatement to the bar will not foreclose the Board from denying the applicant.

Disciplinary action against or suspension or revocation of any professional license will trigger scrutiny of the circumstances leading to that action. Likewise, evidence that an applicant failed to responsibly attend to professional obligations will be cause for concern regardless of whether a complaint was lodged.

➤ **Acts involving dishonesty, fraud, deceit or misrepresentation.**

➤ **Neglect of professional obligations.**

## PRIOR CONDUCT

The following factors are considered in determining if prior conduct is indicative of an applicant's current character and fitness qualifications:

- Applicant's age at the time of the conduct;
- Recency of the conduct;
- Reliability of the information concerning the conduct;
- Seriousness of the conduct;
- Factors underlying the conduct;
- Cumulative effect of the conduct;
- Evidence of rehabilitation, such as positive social contributions since the conduct;
- Applicant's candor in disclosing the conduct; and
- Applicant's acceptance of responsibility for the conduct.

## INVESTIGATION CONCERNS

If the Board identifies concerns during the course of your background investigation, the Board might do any of the following:

- 1) Ask you to address those concerns in writing;
- 2) Ask you to participate in an informal telephone conversation to discuss the concerns;
- 3) Require you to appear personally at an investigative hearing before the Board pursuant to Rule 8.12(b); or
- 4) Issue a preliminary denial.

If the Board requests you to address concerns in writing, you should provide a detailed and complete response to the inquiry and attach any relevant verifying documentation. If you do not timely respond, your character and fitness application may be denied for failing to cooperate in the investigation.

If you are requested to participate in an informal telephone conversation, you will be notified in writing of the Board's request and provided with a selection of dates and times for availability. The informal telephone conversation is a continuance of the Board's investigative function and a fact-finding process rather than an adversarial proceeding. The conversation may be recorded for future reference and you will be placed under oath.

If you are required to appear for an investigative hearing, you will be notified in writing of the concerns you are expected to address, as well as the tentative date and location of the hearing. A character and fitness hearing is a fact-finding rather than an adversarial process, and hearings proceed informally. Nonetheless, testimony is taken under oath and a court reporter is present to transcribe the hearing, which will be part of the record in the event of any appeal to the Supreme Court of Missouri. You may retain legal counsel but are not required to do so. Following the hearing, you will be notified in writing of the Board's decision. If the Board denies approval of your character and fitness application, you may file an appeal within 15 days from the date of the notice and will be granted a second hearing before the Board. If the Board affirms its decision, you may file an appeal for review of the record by the Supreme Court of Missouri pursuant to Rule 8.12(d).

If you are preliminarily denied, you will be notified in writing of the reasons. You have 15 days from the date of the notice to appeal the decision. If you appeal, a hearing will be held before the Board. If the Board affirms its denial, you may appeal for review by the Supreme Court of Missouri as explained in the paragraph above.

If the Board approves your character and fitness subsequent to a hearing, a transcript of the hearing will not be ordered by the Board. You may request a transcript and will be responsible for all associated costs.

## LAW STUDENT REGISTRATION APPLICANTS

- If you are in your first year of law school and file the Application for Character and Fitness Report by the first June 30 after you begin law school, you may qualify for a reduced application filing fee. Refer to **section E** of the [Fee Schedule](#). However, once the first June 30 after you began law school has passed, you no longer qualify for the reduced fee, but you may still file the application to seek an early character and fitness determination in your second year of law school (i.e., prior to applying to take the bar examination) pursuant to Rule 8.05(c), if you submit your application by the second June 30 after you began law school. Once the second June 30 after you began law school has passed, you cannot seek an early determination and must wait and file the Application for Character and Fitness Report at the same time you submit your Application for Bar Examination, in accordance with the examination filing deadlines set out in Rule 8.07.
- If your start date for law school varies or if you are a part-time law student and have questions regarding deadlines for the law student registration application, please contact our office.

## BAR EXAMINATION APPLICANTS

- Applicants who did not seek an early character and fitness determination prior to their last year of law school must submit an Application for Character and Fitness Report concurrently with their Application for Bar Examination.
- It is not required that an applicant have received character and fitness approval prior to sitting for the examination.



## **CERTIFICATES OF GOOD STANDING / DISCIPLINARY HISTORY STATEMENT**

For each U.S. or foreign jurisdiction in which you currently are, or ever have been, admitted, you must provide:

1. A Certificate of Status or Certificate of Good Standing; and
2. A Disciplinary History Statement that includes a statement regarding any current or pending charges from the disciplinary authority.

***These are two documents that often come from two separate offices within each state.***

In general, documentation should come from the highest court of each jurisdiction (excluding federal courts). If the court doesn't issue this type of documentation, then it may come from the bar or other designated office.

### **Can I upload my certificate of good standing/disciplinary history statement?**

Yes. Certificates of good standing and disciplinary history statements may be mailed or emailed to MBLE; or, they can be uploaded to the applicant's MBLE user homepage.

### **If I am applying to retake the examination and previously submitted a certificate of good standing and disciplinary history statement from other states/jurisdictions, do I have to resubmit these documents?**

Yes. You must request current certificates of good standing and disciplinary statements for the first and any subsequent applications.

### **Do I need to request new documents?**

At the time of application filing with MBLE, certificates/documents must be no more than six months old. Prior to certification to the Supreme Court of Missouri, certificates/documents must be no more than one year old.



## **Resource for Applicants with Substance Abuse or Mental Health Concerns**

The Missouri Lawyers' Assistance Program is a professional, confidential counseling program for members of The Missouri Bar, immediate family members who reside with them, and law students. Through a variety of free services, MOLAP helps individuals overcome personal problems such as substance abuse, depression, stress and burnout. Services include counseling, crisis intervention, education and prevention. More information about MOLAP and its services can be found on [The Missouri Bar's website](#). This website also features an informative video regarding the services offered by MOLAP and highlights the personal and professional value of addressing concerns.