



The State Bar of California

OFFICE OF ADMISSIONS

Date: June 7, 2019

To: Moral Character Working Group

From: Moral Character Determinations Unit

Subject: Suggested Discussion Points/Form

Staff of the Moral Character Determinations unit are providing to the Moral Character Working Group the following format of discussion points to assist the Working Group in its task of evaluating the standards and guidelines used by the State Bar in rendering its moral character determinations. This guideline is provided to facilitate discussion of the moral character determinations standards and is not intended to be exhaustive in this regard.

A. Proposed Title

The State Bar of California, Office of Admissions, Moral Character Standards and Guidelines

B. Purpose

[The Working Group may wish to provide here a general statement of the importance of moral character, the definition of good moral character, and the general policies that guide the State Bar's determinations; e.g., that applicants are evaluated individually and on a case-by-case basis, that applicants have the burden of demonstrating good moral character etc.]

C. Moral Character Determination Standards

[This section can be used to describe the statutory and decisional laws, rules and standards that govern moral character determinations; e.g. reference to Bus. & Prof. Code sections 6053, 6060, Admissions Rules, etc.]

D. Conduct That May Require Further Inquiry

[Here, the Working Group may consider discussing and listing the types of conduct that may result in further inquiry by the State Bar. For example, unlawful or criminal conduct, academic misconduct, fraudulent or dishonest conduct, abuse of legal process, neglect of professional

obligations, violation of court orders, denial or suspension of a professional license, evidence of alcohol or drug dependency, financial responsibility, acts constituting the unauthorized practice of law, or other conduct that reflects adversely on the moral character of the applicant.

E. Determination of Good Moral Character

[The Working Group may wish to include a section which identifies the factors that will be considered in weighing conduct under scrutiny. Some of these factors are already listed on the State Bar's website as factors considered in determining whether rehabilitation has been adequately demonstrated. The Working Group can consider whether rehabilitation should be carved out as a separate point of discussion (see below). A list of those factors which the State Bar considers as aggravating or mitigating may be helpful to applicants and staff. For example, age and education at time of conduct; recency of conduct, seriousness of conduct, issues surrounding the conduct, underlying circumstances of the conduct, whether conduct is isolated or part of a pattern, honesty and candor in the admissions process, whether restitution has been made, failure to fully and promptly cooperate with the Committee and staff in its investigations, etc.]

F. Demonstration of Rehabilitation

[In this section, the meaning and importance of "rehabilitation" within the moral character context can be discussed together with a description of the factors often considered in weighing rehabilitation including; compliance with specific conditions of a court orders and terms of probation, sustained exemplary conduct as evidenced by performing community service and other positive social contributions, candor in the admissions process, absence of current misconduct, remorse, evidence that the applicant acknowledges and appreciates that the misconduct was wrong and accepts responsibility (insight), absence of current misconduct, other evidence that promotes confidence that the applicant will not commit future misconduct.]

G. Moral Character Determination – Types of Decisions

[This section can be used to identify and explain the different types of outcomes that may occur in the moral character determination process including; positive determinations, denials, and the types of abeyances often required.]

H. The Moral Character Determination Process and Appeals

[The Working Group may consider adding a section which briefly explains the administrative flow of the moral character determination process including an explanation of how informal conferences and appeals work.]