



MORAL CHARACTER DETERMINATIONS STATEMENT AND GUIDELINES

MISSION STATEMENT

The process for making a moral character determination for those seeking admission to the State Bar and others shall be uniform, consistent, and transparent. The process shall adhere to best practices and ensure that appropriate consideration is given to rehabilitative efforts undertaken by applicants.

PURPOSE AND STANDARDS

A review of whether an applicant is of good moral character is one of several parts of the process of establishing eligibility for admission to the practice of law in California. Applicants have the burden of establishing the requisite moral character by demonstrating possession of traits critical to the ethical practice of law, such as candor and honesty, and respect for the law and the rights of others.

Section 6060 of the Business and Professions Code states:

To be certified to the Supreme Court for admission and a license to practice law, a person who has not been admitted to practice law in a sister state, United States jurisdiction, possession, territory, or dependency or in a foreign country shall:

- (a) . . .
- (b) Be of good moral character.

Section 6062(a) of the Business and Professions Code states:

- (a) To be certified to the Supreme Court for admission, and a license to practice law, a person who has been admitted to practice law in a sister state, United States jurisdiction, possession, territory, or dependency the United States may hereafter acquire shall:

- (1) . . .
- (2) Be of good moral character.

A review of moral character is also required for applicants for Registered In-House Counsel (Cal. Rules of Court, rule 9.46(c)(2)); Registered Legal Aid Attorneys (Cal. Rules of Court, rule

9.45(c)(2)); Registered Foreign Legal Consultants (Cal. Rules of Court, rule 9.44(c)(2)); and Registered Military Spouse Attorney (Cal. Rules of Court, rule 9.41.1(c)(4)).

Title 4, Division 1, Chapter 4, Rule 4.40 of the *Rules of the State Bar of California (Admissions Rules)* states:

- (A) An applicant must be of good moral character as determined by the State Bar. The applicant has the burden of establishing that he or she is of good moral character.
- (B) "Good moral character" includes but is not limited to qualities of honesty, fairness, candor, trustworthiness, observance of fiduciary responsibility, respect for and obedience to the law, and respect for the rights of others and the judicial process.

Rule 4.41(A) of the *Admissions Rules* states with respect to an Application for Determination of Moral Character:

"...An attorney who is suspended for disciplinary reasons or disbarred, has resigned with disciplinary charges pending or is otherwise not in good standing for disciplinary reasons in any jurisdiction may not submit an application."

PROCESS

For those applying for admission to the practice of law, or to practice law in a limited capacity in California, an Application for Determination of Moral Character (moral character application) must be completed after registering as a law student or attorney applicant with the State Bar. The registration application is available on the State Bar of California's website at <http://www.calbar.ca.gov/Admissions> or upon request from the Office of Admissions.

A moral character application or an Application for Extension of Determination of Moral Character (extension application) generally will be processed in a minimum of 180 days from the file date, unless there are issues in the applicant's background that require further investigation or review by the State Bar. Applicants who are in their last year of law study are encouraged to file a moral character application at the beginning of last year of law study, and all applicants are encouraged to file at least eight (8) to ten (10) months prior to the date they wish to be admitted to practice law in California. A positive moral character determination is valid for 36 months, and an applicant with a positive determination who has not yet been certified to practice law within that 36-month period must submit an extension application. If an extension application is not approved prior to the expiration date of the positive moral character determination, the applicant must file a new moral character application if they wish to pursue admission to the practice of law (*Admissions Rules*, rule 4.51).

All questions on the application must be answered accurately; otherwise, the application will be considered incomplete. The application must be signed, the correct fee included, and the application must be accompanied by a completed *Request for Live Scan Service* form or two (2) completed fingerprint cards. Any application not meeting these requirements is considered incomplete, and it will not be considered filed until it is brought to a complete status. An application submitted in hard copy form must be received in the Los Angeles Office of Admissions within 30 days of the date the application was signed.

It takes several months to process an application and gather all of the documents needed to finalize a moral character determination. An applicant may check the status of an application by logging into the Applicant Community at admissions.calbar.ca.gov and checking the status screen.

Factors and Conduct Relevant to Moral Character Determinations

When considering whether an applicant has the good moral character required for admission to practice law in California, the State Bar evaluates whether the applicant possesses the qualities of honesty, fairness, candor, trustworthiness, observance of fiduciary responsibility, respect for and obedience to the law, and respect for the rights of others and for the judicial process. This is a holistic determination; there is no act of misconduct that, in and of itself, automatically disqualifies an individual from obtaining a positive moral character determination.

[See Decisional Matrices for more information.]

Issues relevant to a moral character determination include, but are not limited to:

[EXAMPLES – to be revised by the MCWG]

- The Unauthorized Practice of Law
- Abuse of the Legal Process
- Violation of Court Orders/ Respect for the Law
- Fraud
- Candor/ Honesty
- Honor Code/ Student Conduct Violations

[Example of descriptive paragraph for a factor enumerated above, if necessary]

Unauthorized Practice of Law - UPL may include, but is not limited to, appearing in court or other tribunals, providing legal advice, preparing legal instruments and contracts, or holding oneself out as practicing or entitled to practice law without the benefit of licensure or another status that confers the ability to practice law in a limited capacity in California, such as Registered In-House Counsel, or in other jurisdictions.

Further Investigation and Informal Conferences

Once an application is considered filed, the application may be approved or referred for further investigation by the State Bar. Further investigation may include requesting additional information from the applicant or third parties. In the event an application requires further review after the supplemental information and documents have been obtained, an applicant may be invited to attend an informal conference with the State Bar.

A determination will be made subsequent to the informal conference. The decision may include conferral of a positive determination, an offer of abeyance, re-referral for more information, deferral, or the denial of a positive moral character determination. [See Procedures Governing Informal Conferences for more information.]

An applicant notified of an adverse determination of moral character by the State Bar may file a written request for administrative review by the Committee of Bar Examiners (Committee) within 30 days of the date of the notice of the State Bar's determination. [See Procedures Regarding Requests For Administrative Review By The Committee Of Bar Examiners Of Adverse Determinations Of Moral Character.]

An applicant notified of an adverse determination of moral character by the Committee may file a request for hearing on the determination with the State Bar Court pursuant to the applicable Admissions Rules (*Admissions Rules*, rule 4.47) and the Rules of Procedure of the State Bar (*Rules Proc. of the State Bar*, rule 5.460 et seq.).

Decisional Matrices

The Decisional Matrices are provided for informational purposes as they reflect the methodology typically utilized by the State Bar in completing an analysis of issues relevant to the determination of whether an applicant possesses the requisite moral character for licensure to practice law. The matrices do not contain an exhaustive list of issues relevant to a moral character determination, and their utility is predicated on the complete and accurate disclosure of relevant facts and the provision of necessary documentation by the applicant. Applicants are unique and will be considered on their individual merits. Accordingly, the matrices neither bind nor limit the discretion of the decision-makers. [See Decisional Matrices.]