

MORAL CHARACTER DETERMINATIONS – DECISION MATRIX

Respect for and Obedience to the Law	Additional Inquiry Seldom Needed	Additional Inquiry May be Needed	Informal Conference May Be Needed	Mitigation, Aggravation, Rehabilitation
Felony Conviction	<ul style="list-style-type: none"> One conviction, expunged pursuant to a statute listed in the Convictions section of the Application for Determination of Moral Character, no aggravating factors Non-violent, more than five years ago, no subsequent convictions, no aggravating factors 	<ul style="list-style-type: none"> Not expunged pursuant to a statute listed in the Convictions section of the Application for Determination of Moral Character Violent 	<ul style="list-style-type: none"> Contingent on outcome of additional inquiry and totality of the circumstances Conviction involving moral turpitude¹ 	<p>The length of time since a conviction, the severity of the criminal conduct, and the number and frequency of convictions are given significant consideration. Following are additional factors that may mitigate or aggravate an act of misconduct, or demonstrate rehabilitation:</p> <ul style="list-style-type: none"> Role of applicant Age of applicant at time of offense Social factors of applicant Time since offense Intent Remorse, insight, accountability Completion of restorative justice Honorable discharge from military Successful completion of parole, probation, community supervision Completion of education, vocation, rehabilitation programs while incarcerated
Conviction for Drug Sales or Possession	<ul style="list-style-type: none"> Sealed via deferred entry of judgment for first time drug user under Penal Code section 1001, no aggravating factors Dismissed and expunged under Cal. Penal Code § 1210.1 (codifying Prop. 36) or a similar statute 	<ul style="list-style-type: none"> Drug Sales, one or more convictions Possession, multiple convictions 	<ul style="list-style-type: none"> Contingent on outcome of additional inquiry and totality of the circumstances 	

¹ An act of misconduct involves moral turpitude if it shows a deficiency in any character trait necessary for the practice of law—such as trustworthiness, honesty, fairness, candor, and fidelity to fiduciary duties—or if it involves such a serious breach of a duty owed to another or to society, or such a flagrant disrespect for the law or for societal norms, that knowledge an attorney engaged in the misconduct would likely undermine public confidence in and respect for the legal profession. (See *In re Lesansky* (2001) 25 Cal.4th 11, 16.)

This decisional matrix reflects the methodology typically utilized by the State Bar of California 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 matrix is intended to reflect standards set forth by the California Supreme Court, and other governing law. The utility of the matrix is predicated on the complete and accurate disclosure of relevant facts and the provision of necessary documentation by the applicant. The matrix does not contain all moral character values, acts of misconduct, mitigating and aggravating factors, or rehabilitation factors that are relevant to a moral character determination. Applicants are unique and will be considered on their individual merits. Accordingly, the matrix neither binds nor limits the discretion of the decision-makers.

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	that permits non-disclosure to a state bar, no aggravating factors			<ul style="list-style-type: none"> Community service beyond what is required by court Payment of fines, restitution, other financial obligations Conviction for conduct that has been legalized Rehabilitation related to factors that contributed to the offense Record sealed, expunged, dismissed Pattern of misconduct Attempt to conceal or mislead Type of offense (for example, offenses involving a breach of trust, great bodily harm, cruelty, or abuse of authority may be particularly relevant to moral character) Number and type of victims
Alcohol or Drug-related Misdemeanor Conviction	<ul style="list-style-type: none"> One conviction, no aggravating factors 	<ul style="list-style-type: none"> One conviction, aggravating factors Multiple convictions 	<ul style="list-style-type: none"> Contingent on outcome of additional inquiry and totality of the circumstances Aggravating factors 	
Adult Misdemeanor Conviction	<ul style="list-style-type: none"> Expunged, dismissed, or sealed pursuant to a statute listed in the Convictions section of the Application for Determination of Moral Character, no aggravating factors 	<ul style="list-style-type: none"> Not expunged, dismissed, or sealed pursuant to a statute listed in the Convictions section of the Application for Determination of Moral Character 	<ul style="list-style-type: none"> Contingent on outcome of additional inquiry and totality of the circumstances Within five years, aggravating factors Conviction involving moral turpitude [see footnote 1] 	
Vehicle Code Misdemeanor Conviction	<ul style="list-style-type: none"> Reckless driving that was not drug- or alcohol-related or failure to appear, more than five years ago Driving without a license, driving with a suspended license, or speeding; no aggravating factors 	<ul style="list-style-type: none"> Hit and run Occurred in or after law school Aggravating factors 	<ul style="list-style-type: none"> Contingent on outcome of additional inquiry and totality of the circumstances 	

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Juvenile Misdemeanor or Felony Conviction	<ul style="list-style-type: none"> Occurred at age fifteen or younger, no aggravating factors 	<ul style="list-style-type: none"> Occurred between ages sixteen and eighteen Theft- or gun-related Convictions for things such as, but not limited to: joyriding, vandalism, stalking, etc. 	<ul style="list-style-type: none"> Contingent on outcome of additional inquiry and totality of the circumstances 	
Vehicle Code Infraction	<ul style="list-style-type: none"> Seldom relevant if no aggravating factors exist 	<ul style="list-style-type: none"> Seldom relevant if no aggravating factors exist 	<ul style="list-style-type: none"> Contingent on outcome of additional inquiry and totality of the circumstances 	
Municipal Code Violation	<ul style="list-style-type: none"> Seldom relevant if no aggravating factors Violations such as, but not limited to: excessive garbage, overgrown weeds 	<ul style="list-style-type: none"> Seldom relevant if no aggravating factors Violations such as, but not limited to: indecent exposure, possession of open container of alcohol 	<ul style="list-style-type: none"> Contingent on outcome of additional inquiry and totality of the circumstances 	

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Honesty, Candor, Trustworthiness, Fairness	Additional Inquiry Seldom Needed	Additional Inquiry May Be Needed	Informal Conference May Be Needed	Mitigation, Aggravation, Rehabilitation
Fraudulent Activity	N/A	<ul style="list-style-type: none"> Allegations of fraud 	<ul style="list-style-type: none"> Contingent on outcome of additional inquiry and totality of the circumstances Amount of financial loss considered 	<p>The length of time since an act of misconduct, the severity of the misconduct, and the number and frequency of acts of misconduct are given significant consideration. Following are additional factors that may mitigate or aggravate an act of misconduct, or demonstrate rehabilitation:</p> <ul style="list-style-type: none"> Role of applicant Age of applicant at time of misconduct Social factors of applicant Time since misconduct Intent Remorse, insight, accountability Payment of fines, restitution, other financial obligations Rehabilitation related to misconduct Pattern of misconduct Attempt to conceal or mislead Job termination due to severe or pervasive behavior Financial or emotional impact on victim Misconduct involving abuse of authority Number and type of victims
Omission or Mischaracterization on Application to the State Bar, Law School, Other Licensing Agency	<ul style="list-style-type: none"> Resulting from mistake or error 	<ul style="list-style-type: none"> Minor omission 	<ul style="list-style-type: none"> Material Omission 	
Denial of Admission to the Practice of Law	N/A	<ul style="list-style-type: none"> Any denial 	<ul style="list-style-type: none"> Denial based on substantive factors or moral character considerations Previous adverse moral character determination in California 	
Admission or License Denial for a Non-legal Profession	N/A	<ul style="list-style-type: none"> Any denial 	<ul style="list-style-type: none"> Denial based on substantive factors or moral character considerations Contingent on outcome of additional inquiry and totality of the circumstances 	

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Honor Code or Conduct Code Violation in Law School	<ul style="list-style-type: none"> Academic dismissal due to low GPA 	<ul style="list-style-type: none"> Minor violation as defined by the school 	<ul style="list-style-type: none"> Serious violation as defined by the school Serious sanction or punishment imposed 	
Honor Code or Conduct Code Violation in Undergraduate or Post-graduate Institution	<ul style="list-style-type: none"> Academic dismissal due to low GPA 	<ul style="list-style-type: none"> Minor violation as defined by the school 	<ul style="list-style-type: none"> Serious violation as defined by the school 	
Job Termination	<ul style="list-style-type: none"> Layoff Termination without cause 	<ul style="list-style-type: none"> Termination with cause for things such as, but not limited to, violation of company policy 	<ul style="list-style-type: none"> Termination with cause for things such as, but not limited to, violation of law 	

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Observance of Fiduciary and Financial Responsibility	Additional Inquiry Seldom Needed	Additional Inquiry May Be Needed	Informal Conference May Be Needed	Mitigation, Aggravation, Rehabilitation
Breach of Fiduciary Duty	<ul style="list-style-type: none"> Complaint deemed unsubstantiated, not sustained 	<ul style="list-style-type: none"> Sustained or pending complaint 	<ul style="list-style-type: none"> Sustained or pending complaint, aggravating factors exist 	<p>The length of time since an act of misconduct, the severity of the misconduct, and the number and frequency of acts of misconduct are given significant consideration. Following are additional factors that may mitigate or aggravate an act of misconduct, or demonstrate rehabilitation:</p> <ul style="list-style-type: none"> Role of applicant Age of applicant at time of misconduct Social factors of applicant Time since misconduct Intent Remorse, insight, accountability Nature of past due debt (for example, a debt incurred to pay for needed medical care may not reflect on moral character as a debt incurred for another reason) Payment of fines, restitution, other financial obligations Payment plan in place Compliance with payment agreement Rehabilitation related to misconduct Currently financially responsible Adverse judgment presently on appeal Failure to address debt or judgment
Unpaid, Past Due State or Federal Income Taxes	<ul style="list-style-type: none"> Mistake or error Old, not outstanding for a sustained period of time, now in compliance 	<ul style="list-style-type: none"> Civil penalty or financial settlement 	<ul style="list-style-type: none"> Criminal conviction for fraud or tax evasion 	
Bankruptcy	<ul style="list-style-type: none"> No objections, discharged 	<ul style="list-style-type: none"> Objections that were dismissed 	<ul style="list-style-type: none"> Findings of fraud, revocation of discharge, objections that were sustained 	
Past Due Debt, Debt in Collections	<ul style="list-style-type: none"> Current debt, not past due 	<ul style="list-style-type: none"> In collections Default on loans One or more unsatisfied judgments 	<ul style="list-style-type: none"> Numerous suits filed to recover significant debts One or more significant unsatisfied judgments, no attempts to satisfy 	

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Observance of Fiduciary and Financial Responsibility	Additional Inquiry Seldom Needed	Additional Inquiry May Be Needed	Informal Conference May Be Needed	Mitigation, Aggravation, Rehabilitation
				<ul style="list-style-type: none"> • Pattern of misconduct • Attempt to conceal or mislead • Number and type of victims • Finding of contempt of court • Misconduct involving abuse of authority

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Respect for the Rights of Others & the Judicial Process	Additional Inquiry Seldom Needed	Additional Inquiry May Be Needed	Informal Conference May Be Needed	Mitigation, Aggravation, Rehabilitation
Unauthorized Practice of Law	N/A	<ul style="list-style-type: none"> Any allegation 	<ul style="list-style-type: none"> Contingent on outcome of additional inquiry and totality of the circumstances 	<p>The length of time since an act of misconduct, the severity of the misconduct, and the number and frequency of acts of misconduct are given significant consideration. Following are additional factors that may mitigate or aggravate an act of misconduct, or demonstrate rehabilitation:</p> <ul style="list-style-type: none"> Time since offense Intent Remorse, insight, accountability Rehabilitation related to misconduct Meritorious nature of applicant's involvement in litigation or administrative action Favorable termination of litigation or administrative action Prior record Engagement in type of business or enterprise that typically experiences recurrent litigation Pattern of misconduct Attempt to conceal or mislead Number and type of victims
Malpractice (Attorney)	N/A	<ul style="list-style-type: none"> Any allegation 	<ul style="list-style-type: none"> Multiple allegations 	
Professional Discipline (Attorney)	N/A	<ul style="list-style-type: none"> Discipline imposed 	<ul style="list-style-type: none"> Public reproof, reprimand, admonishment, suspension, disbarment 	
Professional Complaint (Attorney)	<ul style="list-style-type: none"> No action taken by agency 	<ul style="list-style-type: none"> Adverse action against the attorney taken by the licensing agency One or more 	<ul style="list-style-type: none"> Multiple complaints Finding of malpractice or other wrongful conduct [see malpractice] 	
Court Sanctions	N/A	<ul style="list-style-type: none"> Any 	<ul style="list-style-type: none"> Multiple instances For conduct involving dishonesty 	
Malpractice (Non-legal Profession)	N/A	<ul style="list-style-type: none"> Any allegation of malpractice in a profession other than law 	<ul style="list-style-type: none"> Multiple allegations 	

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Professional Discipline (Non-legal Profession)	N/A	<ul style="list-style-type: none"> Any disciplinary action imposed in a profession other than law 	<ul style="list-style-type: none"> Public reproof, reprimand, admonishment, suspension, disbarment 	<ul style="list-style-type: none"> Designation of applicant as vexatious litigant Finding of contempt of court Official finding of serious misconduct, grossly incompetent practice or representation, or willful wrongdoing or misrepresentation Judicial designation of administrative claim as frivolous Judicial finding of malpractice Imposition of punitive damages against applicant Misconduct involving moral turpitude (see footnote 1) Omission or failure to notify other regulatory agencies or jurisdictions Determination of the complaint, allegation of malpractice, or allegation of unauthorized practice of law Financial impact on victim
Professional Complaint (Non-legal Profession)	<ul style="list-style-type: none"> No action taken by agency 	<ul style="list-style-type: none"> Adverse action against the professional taken by licensing agency Multiple complaints 	<ul style="list-style-type: none"> Numerous professional complaints Finding of malpractice or other wrongful conduct [see malpractice] 	
Military Discipline	<ul style="list-style-type: none"> Conduct did not result in non-judicial punishment, court-martial determination of guilt, or administrative discharge 	<ul style="list-style-type: none"> Conduct resulted in non-judicial punishment, court-martial determination of guilt, or administrative discharge 	<ul style="list-style-type: none"> Contingent on outcome of additional inquiry and totality of the circumstances 	
Civil Action	<ul style="list-style-type: none"> Family Law case such as, but not limited to, a dissolution; no support obligation; no aggravating factors Other civil case such as, but not limited to: contract, landlord/tenant, personal injury; applicant is 	<ul style="list-style-type: none"> Family Law ongoing support orders, ongoing restraining orders Other civil case, applicant is defendant or respondent, no aggravating factors Applicant is plaintiff, aggravating factors 	<ul style="list-style-type: none"> Claims of violation of court orders or non-payment, unsatisfied judgments [see past due debt] Excessive number of cases or numerous adverse judgments Entry of judgment for serious misconduct 	

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	plaintiff; no aggravating factors <ul style="list-style-type: none"> • Party to fewer than five cases 	<ul style="list-style-type: none"> • Party to more than five cases 		
Administrative Proceeding, Adjudication, Action	<ul style="list-style-type: none"> • One administrative action, four or more years ago, with the Department of Motor Vehicles or State Unemployment Insurance Board • Other administrative action, fewer than five actions, no aggravating factors 	<ul style="list-style-type: none"> • Multiple actions, less than four years ago, with the Department of Motor Vehicles or State Unemployment Insurance Board • Other administrative action, more than five actions 	<ul style="list-style-type: none"> • Occurred less than one year ago with the Department of Motor Vehicles or State Unemployment Board • Excessive number of other administrative actions • Adverse administrative determination against the applicant for serious misconduct 	

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