



Louisiana State Bar Association
Committee on the Profession

E. Smythe Gambrell Award Application

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E. Smythe Gambrell Awards Project Information Form

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Bar Admission Education Initiative

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Attachments

1. Bar Admissions Education Program Agendas
 - a. LSU Bar Admissions Education Agenda
 - b. Loyola Bar Admissions Education Agenda
 - c. Tulane Bar Admissions Education Agenda
 - d. Southern Bar Admissions Education Agenda

2. Bar Admissions Education Program Written Materials
 - a. Red flags and bar admissions
 - b. Louisiana Supreme Court XVII
 - c. Sample National Conference of Bar Examiners Character and Fitness Report
 - d. National Conference of Bar Examiners Guide to Bar Admissions
 - e. Sample jurisprudence
 - f. Lawyers' Assistance Program brochure

3. Waiver

4. Bar Admissions Home Page and Web Site Information
 - a. Bar admissions frequently asked questions
 - b. What is character and fitness as it relates to bar admissions?
 - c. What factors does the Louisiana Supreme Court Committee on Bar Admissions consider in making their determinations concerning character and fitness?
 - d. What factors can mitigate or rehabilitate character and fitness issues?
 - e. Who has the burden of proof in the admissions process?
 - f. Where can I find more information on the bar admissions process and character and fitness issues?
 - g. What can a student do to help expedite a successful bar admissions process?
 - h. Why is the process so long and detailed? What are the steps I need to take to get admitted in Louisiana?
 - i. What are some of the cases where student applicants had trouble finding admission to the LSBA due to character and fitness issues?
 - j. If I have one or more of the factors listed as potential concerns, what should I do?
 - k. I am not taking the bar exam in Louisiana. What do I need to do if I want to apply to a bar outside of Louisiana?
 - l. Useful links
 - m. Professionalism and Quality of Life Committee, Subcommittee on Bar Admissions, Ad Hoc Panels
 - n. Louisiana Supreme Court Committee on Bar Admissions contacts
 - o. Substance Abuse in Law Schools slide show

5. *Louisiana Bar Journal* article "Character and Fitness" by Barry H. Grodsky (Vol. 56, No. 2, August/September 2008)

I. Project Description - Background

The Louisiana State Bar Association (LSBA) Committee on the Profession's Bar Admissions Education Initiative is the successful collaboration of various sectors of Louisiana's legal community — all recognizing and sharing the responsibility of improving the educational avenues for law students facing new bar admissions character and fitness requirements, as adopted by the Louisiana Supreme Court. To the best of their knowledge, LSBA officials believe Louisiana is the only state to have this type of program.

Although the LSBA does not have direct oversight of the bar admissions and disciplinary programs, the LSBA's leadership recognized the opportunities of assisting future members of the legal profession to practice with integrity and professionalism and to honor its mission of upholding the honor of the courts and the profession and promoting the professional competence of attorneys.

The LSBA Bar Admissions Education Initiative stemmed from ideas presented at the LSBA Board of Governors' strategic planning retreat in August 2007. Input from law school representatives on the board provided additional impetus. In fall 2007, the LSBA's Professionalism and Quality of Life Committee (now the Committee on the Profession) formed the Subcommittee to Educate Law Students on the Bar Admissions Process.

Additional momentum for action was provided from conversations between Louisiana Chief Disciplinary Counsel Charles B. Plattsmier and former LSBA President and Respondent's Counsel Leslie J. Schiff. Plattsmier was routinely appointed by the Louisiana Supreme Court to represent the Court's Committee on Bar Admissions when the committee denied an applicant the opportunity to take the Louisiana bar examination or to become a member of the LSBA based on character and fitness issues. Schiff routinely represented the applicants with potential character and fitness issues.

For many years, Louisiana allowed law students to take the bar exam with minimal background checks into their character and fitness. The Louisiana Supreme Court later adopted a requirement that applicants submit to the National Conference of Bar Examiners Character and Fitness Investigation. Schiff and Plattsmier realized that many of these applicants were under-educated in the bar admissions process. They knew that some law students, despite having completed three years of law school and having the basic intelligence to be a lawyer, could not, and would not, be accepted into the profession based on character and fitness issues — and the students were not aware of it. But other students, with the benefit of education in the bar admissions process, would be able to mitigate past and current character and fitness issues and, eventually, would be admitted into the profession. With intense education and pro-active help, these students could be assisted in becoming good lawyers, thereby benefiting the profession as a whole.

The Subcommittee to Educate Law Students on the Bar Admissions Process was created to develop the initiative. Because character and fitness issues often dovetail with issues of addiction and mental health, the subcommittee realized that the Lawyers' Assistance Program, Inc. (LAP), and its Executive Director William R. Leary, must be a major component of the initiative. Leary continues to assist the Committee on Bar Admissions with evaluating applicants taking the bar examination. Law students consult LAP representatives to learn how to mitigate past histories of addiction or mental health issues. LAP refers the students to independent evaluators.

After numerous meetings attended by representatives of the LSBA Bar Admissions Subcommittee, the Office of Disciplinary Counsel, Louisiana's four law schools (Tulane, LSU, Loyola and Southern), the Lawyers' Assistance Program and the Louisiana Supreme Court's Committee on Bar Admissions, the LSBA Bar Admissions Education Initiative was instituted, and completed its first successful run, in Spring 2008.

The LSBA Bar Admissions Education Initiative augments the LSBA's two other law school professionalism programs — the third-year professionalism program and the first-year professionalism orientations. The three programs, as a unit, offer a seamless continuum in the concept of professionalism, allowing the LSBA to have a meaningful presence in the legal education of future lawyers.

The LSBA Bar Admissions Education Initiative achieves its goal of providing guidance to law students in the bar admissions process through interactive presentations at all of the state's law schools in both the first and second years; availability of one-on-one advice from licensed attorneys knowledgeable in ethics and bar admissions; and availability of electronic "coaching" through the LSBA Web site's "Process and Pitfalls of Bar Admissions."

The goals of the program are four-fold: raising the competency and professionalism level of bar applicants; offering early intervention in potential drug, alcohol and other addictive behaviors; raising the image of the role of the organized bar with law students and law schools; and raising the level of professionalism in the bar as a whole.

II. Project Description – General

The three major components to the LSBA Bar Admissions Education Initiative are:

- 1) Interactive presentations at all law schools to the first- and second-year law students.**
- 2) Creation of ad hoc panels to discuss bar admissions issues with students one-on-one.**
- 3) Creation of the LSBA Bar Admissions Education Initiative Web site accessible from the LSBA.org home page with information on the process and pitfalls of bar admissions.**

Description of Major Initiative Components

- 1) Interactive presentations at all law schools to the first- and second-year law students.** Attached are agendas from the four Louisiana law school bar admissions presentations (attachment 1) and the program written materials (attachment 2).
 - A) Presentations begin with an LSBA Committee on the Profession representative explaining the genesis of and reasoning for the program. The representative also introduces the speakers and panelists.
 - B) The LSBA President welcomes the students on behalf of the Bar Association and explains the necessity of an ethical and professional bar and its role in society. The bar admissions process serves a gate-keeping function to promote a healthy profession and membership.
 - C) The panel is introduced. The panel consists of a moderator, a representative of the Louisiana Supreme Court Committee on Bar Admissions, a representative of the Office of Disciplinary Counsel and the Lawyers' Assistance Program executive director.

The moderator is generally a member of the LSBA Committee on the Profession who has experience representing law students with bar admissions issues. The moderator skillfully guides the discussion and directs questions to the appropriate panel members.

The moderator's introductory message is followed by the presentation from the representative of the Louisiana Supreme Court's Committee on Bar Admissions. The committee representative discusses the application process, time limits and character and fitness issues. This portion of the program generally elicits many questions. Questions are encouraged.

The Chief Disciplinary Counsel or his representative speaks on the quasi-judicial process whereby the Committee on Bar Admissions objects to an applicant either taking the bar exam or being formally admitted into the bar.

The Lawyers' Assistance Program executive director discusses the pitfalls of alcohol abuse, drug addiction, and mental and emotional health issues that may hinder admission to the bar. The executive director deals with mitigation of past issues but also addresses ongoing substance abuse issues.

Throughout the panel discussion, the emphasis is on disclosure and candor in the application process. A question-and-answer session ends the presentation.

The program materials include:

- a. Program agenda.
- b. "Red Flags and Bar Admissions," a memo on the causes of potential problems in the bar admissions process, useful links to resources, and the contact information for the lawyer members of the volunteer ad hoc panels.
- c. Louisiana Supreme Court Rule XVII which contains the admission rules for the Louisiana Supreme Court.
- d. Sample NCBE Character and Fitness Report, given to the students to ensure they understand the depth of the character and fitness investigation.
- e. Sample jurisprudence from Louisiana Supreme Court bar admissions cases, given to students to illustrate conduct that may result in an objection to their admission.
- f. Lawyers' Assistance Program brochure. Students with potential problems also may have underlying drug, depression, gambling or alcohol issues. With timely treatment, students may be admitted to the bar on conditional admission.

2) Creation of ad hoc panels to discuss bar admissions issues with students on a one-on-one basis.

Students often ask hypothetical questions during and after the program. However, some students are hesitant to reveal past drug or alcohol abuse, DUI convictions, or mental health issues. To address this concern, the program utilizes ad hoc panels established at each of Louisiana's four law schools to assist students privately and confidentially.

The ad hoc panels at Louisiana State University Paul M. Hebert Law Center, Loyola University College of Law, Southern University Law Center and Tulane Law School include ethics professors and alumni attorneys with bar admission experience.

To address the concern about ad hoc panel attorneys forming an attorney/client relationship with the students due to liability issues, both students and panel members confirm in writing at the time of any meeting that no such relationship will be allowed. A copy of the disclaimer document is attached to these materials (attachment 3).

Students receive contact information for each panel member. This information is also included online on the LSBA Bar Admissions Web site page.

3. Creation of the LSBA Bar Admissions Education Initiative Web site accessible from the LSBA.org home page with information on the process and pitfalls of bar admissions.

Attached are copies of Web site materials on the LSBA Bar Admissions Education Initiative (attachment 4).

The Initiative has served to successfully consolidate information on the LSBA Web site about the bar admissions process into one Web location. Now, the Web area serves to aggressively target students with potential problems, steering them to necessary guidance and information.

The LSBA Web site home page contains a link directly to the Bar Admissions Education Initiative Web site at: <http://www.lsba.org/2007MemberServices/Baradmissions.asp>. The site welcomes the prospective member to the process and provides information on the application process and other source links. Web site information is attached, as follows:

- a. Bar admissions frequently asked questions
- b. What is character and fitness as it relates to bar admissions?
- c. What factors does the Louisiana Supreme Court Committee on Bar Admissions consider in making their determinations concerning character and fitness?
- d. What factors can mitigate or rehabilitate character and fitness issues?
- e. Who has the burden of proof in the admissions process?
- f. Where can I find more information on the bar admissions process and character and fitness issues?
- g. What can a student do to help expedite a successful bar admissions process?
- h. Why is the process so long and detailed? What are the steps I need to take to get admitted in Louisiana?
- i. What are some of the cases where student applicants had trouble finding admission to the LSBA due to character and fitness issues?
- j. If I have one or more of the factors listed as potential concerns, what should I do?
- k. I am not taking the bar exam in Louisiana. What do I need to do if I want to apply to a bar outside of Louisiana?
- l. Useful links
- m. Professionalism and Quality of Life Committee, Subcommittee on Bar Admissions, Ad Hoc Panels
- n. Louisiana Supreme Court Committee on Bar Admissions contacts
- o. Substance Abuse in Law Schools slide show

Project Description – Future Plans

The LSBA Bar Admissions Education Initiative Subcommittee is currently planning its second program for 2009, following directives from the Committee on the Profession and LSBA leadership to cement this as an annual presentation at all four of Louisiana's law schools — Louisiana State University Paul M. Hebert Law Center, Baton Rouge, La.; Loyola University New Orleans College of Law, New Orleans, La.; Southern University Law Center, Baton Rouge, La.; and Tulane University Law School, New Orleans, La.

All four law schools will hold the presentations during the Spring 2009 semester (Tulane, March 9; Loyola, March 26; Southern, April 8; and LSU, April 8) and are committed to the program being an annual event.

III. Success of Project

a. What were the specific goals/objectives?

Education. One of the goals of the program is to educate students on the bar admissions process and accompanying pitfalls in that process. Of particular importance to program organizers is to assure that students completing three years of law school, studying for and passing the bar examination are not then denied admission to the bar because they were not provided with sufficient “character and fitness” information early in their legal studies.

Education. Another goal is to firmly implant the Louisiana Supreme Court’s expectations from Bar applicants into the minds of law students, particularly in the areas of character and fitness. In the first year of law school, few students are thinking about their Bar admission two to three years later. The LSBA wants students to think long term, understanding that character and fitness issue cover past, present and, even, future actions.

Education. Another goal is early detection of potential problems. Students are amazed to learn that financial issues, mental illness, credit problems, misdemeanors and expunged crimes could detrimentally affect their applications. Armed with the knowledge of the bar admissions process, students can take steps to mitigate potential damage in a timely manner so as not to effect their bar admission.

Education. Another goal is to strongly emphasize the importance of character and fitness and how it relates to the legal profession as a whole and to the rule of law.

b. How was the impact measured/evaluated?

The initiative’s impact this year was measured in terms of the number of students voluntarily participating in the program. (The initiative is not mandatory for first-year law students, but participation was strongly encouraged.) The following participation percentages are based on the total number of first-year law students at each of the state’s four law schools compared to actual participants: 96% participation at Tulane University Law School; 79% participation at Louisiana State University Paul M. Hebert Law Center; 78% participation at Loyola University College of Law; and 82% participation at Southern University Law Center. Impact also was measured by the numerous student questions at all four presentations. Some students were comfortable asking questions in a large group, while others preferred private consultations with ad hoc panelists. Successive programs will allow more statistics to be gathered and evaluated, such as the number of students requiring, and successfully navigating through, mitigation procedures.

c. Do you feel the goals were met and why?

Absolutely. One goal was to expose as many first-year law students as possible to the intricacies of the bar admissions process as it relates to character and fitness. Collectively, a total of 84% of incoming Louisiana law students received this information in the initial year of the program. To continue this momentum, the Committee on the Profession and the Bar Admissions Education Initiative Subcommittee have planned the next round of programs for 2009: Tulane, March 9; Loyola, March 26; Southern, April 8; and LSU, April 8. All the volunteers from the initial program have indicated they would help in the future. Students indicated they were amazed at the complexity of the admissions process and the detail in which their backgrounds would be investigated.

d. What evidence can you present to demonstrate the effectiveness of the project?

Attached is an article from the *Louisiana Bar Journal* chronicling the programs, “Focus on Professionalism: Character and Fitness” by Barry H. Grodsky, chair of the LSBA Committee on the Profession. The article contains an overview of the program, along with pertinent feedback from the participants (attachment 5).

Charles B. Plattsmier, Chief Disciplinary Counsel, said this about the program:

“The outreach effort by both the LSBA as well as the Committee on Bar Admissions to educate and inform future and current law students serves not only to educate them regarding potential character barriers created by past actions, but to demonstrate the methods by which rehabilitation and commitment can be displayed for consideration by the Committee on Bar Admissions and the Supreme Court. The bar admissions program reflects the proper balance between the protection of the public and fairness to those who seek admission to the bar.”

Leslie J. Schiff, former LSBA President and Bar Admissions Education Initiative Ad Hoc Panelist, stated the following:

“I have personally spoken with no less than four students who have potential admissions issues. In each instance, I have attempted to give them guidance and directions to enhance their opportunities for admission. . . . In each of our presentations, we found a student body eager to be informed and responsive to our message.”

IV. Professionalism: How does this project help enhance professionalism among lawyers?

The LSBA believes that the definition of professionalism is a broad one that encompasses many essential elements. Professionalism concerns the knowledge and skill of the law faithfully employed in the service of client and public good and entails what is more broadly expected of attorneys. How can we promote the ideals of professionalism without stressing the good character of the potential bar applicant? By educating students on what it takes to be good and professional lawyers, the LSBA is laying the groundwork for lawyers to hold themselves to those high standards throughout their careers.

Character and fitness are essential elements to a professional lawyer. By definition and design, the bar admissions process of all the states serves a gateway function, allowing admission to lawyers who are competent, honest and fit. Nevertheless, lawyers without the requisite honesty and desired professionalism do obtain admission at times. The program stresses honesty and disclosure throughout all phases of the admissions process. Mitigation and rehabilitation on the front end of the process will have a noticeable effect later. Good students with solid foundations make for the same in lawyers.

Reinforcement. The bar admissions initiative further promotes professionalism by complementing two other law school-based professionalism programs coordinated by the LSBA Committee on the Profession. The three programs, as a unit, offer a seamless continuum in the concept of professionalism. The other two programs are described below:

1L Professionalism Orientations. The committee holds professionalism orientations at each of Louisiana’s four law schools on the first day of school for first-year law students. Students are addressed by a Louisiana Supreme Court Justice, the LSBA President and the chair of the Committee on the Profession. Speakers stress the importance of professionalism in the law *on that very first day of law school*, thus cementing the concept in the students’ minds at the outset of their studies. The orientation program utilizes discussion and interaction with LSBA lawyer volunteers in a series of professionalism hypothets.

3L Professionalism Orientations. Third-year law students interact with LSBA lawyer volunteers in a discussion of a series of professionalism vignettes. Professionalism is discussed, encouraged and stressed.

The LSBA's education programs are open to all law students, but specific encouragement is aimed at first- and second-year students. The committee believes that, by sandwiching the bar admissions program between the two other aforementioned programs, the students' views of the necessity of professionalism are enhanced and reinforced. The ideals of professionalism, ethics, fitness and character should be an important part of every law students' education. Entering the legal profession is not just being admitted to a trade, but rather being admitted to a profession with high ethical and professional standards. These three distinct, but complementary, programs stress professionalism over the course of the student's entire law school experience.

V. What steps are required to recreate the LSBA Bar Admissions Education Initiative Program?

- A) Although volunteers are an essential component to the success of the program, a bar association or Professionalism Center full-time employee should be tasked as the liaison/point person.
- B) A committee or subcommittee should be formed by the current bar president, by order of the Supreme Court or by motion of a committee tasked with bar admission or professionalism. The committee should be given a mission statement concerning the education of students on bar admissions. The committee will design and implement the program.
- C) The committee should have members from the following organizations and areas of law:
 - 1) A representative from all law schools in the state. It is preferable (but not necessary) for this representative to be involved with the law schools' bar admissions department. The law schools' assistance is imperative for the success of the program.
 - 2) Bar leaders such as the president, past president and committee chairs.
 - 3) A member of the state Supreme Court's Committee on Bar Admissions or similarly charged body.
 - 4) Respondent's counsel or attorneys who have represented students in bar admissions matters.
 - 5) A representative from the state's Lawyers' Assistance Program.
 - 6) A representative from the Office of Disciplinary Counsel or similar body representing the Committee on Bar Admissions in its prosecution of bar admissions issues.
 - 7) Members of the bar association's Professionalism Committee (or similar committee).
- D) Program dates should be scheduled with input from each law school and the committee. Each law school should reserve an appropriate venue and determine if the presentations will be mandatory for first-year students. If the presentations will be voluntary, the presentations should be coordinated with another event to increase attendance.
- E) Confidential ad hoc panels should be formed with attorney volunteers and law professors. Ad hoc panels should be composed of attorneys knowledgeable in areas of ethics, professionalism and bar admissions. When possible, law school alumni should be approached to serve on the ad hoc panels to make the students feel as comfortable as possible. Materials should be disseminated to the volunteers before the presentations. The ad hoc panelists should be invited to the presentations nearest to them.
- F) Materials with relevant bar admissions information (see exhibits attached) should be developed for dissemination.

- G) A central Web site should be developed for bar admissions information. Links to that central site should be placed on all law schools' Web sites. The Web site should be activated before the presentations begin.
- H) Lawyer volunteers should be recruited by the committee to present the program, following the format in the sample agendas attached.
- I) Presentations should be conducted at each law school in the state, with students receiving all informational materials discussed above (specifically, Web site links and contact information on the confidential ad hoc panels).
- J) Upon conclusion of the presentation, all volunteers and law school staff who worked on projects should be thanked in a short note.
- K) Within a month of the conclusion of the program, the Bar Admissions Education Initiative Committee should meet to assess the effectiveness of the program. Law school liaisons should be asked to coordinate the next year's program. The confidential ad hoc panelists should be asked to submit generic reports on their experiences and should be asked if they want to continue their service.
- L) A meeting should be scheduled in late fall to begin the process again for the following spring semester.

Conclusion

The LSBA Bar Admissions Education Initiative Program is a truly cooperative effort. The LSBA, the Louisiana Supreme Court's Committee on Bar Admissions, the Office of Disciplinary Counsel, the Lawyers' Assistance Program and Louisiana's four law schools have one common interest: ensuring an ethical and professional lawyer populace. This program stresses candor, character and fitness, ethics and professionalism to reach that goal.

Although programs in other states and law schools may educate law students on character and fitness issues, the LSBA Bar Admissions Education Initiative is one of the few programs that brings all legal sectors with a vested interest together for the same cause and provides at-risk students with a confidential option to mitigate potential hindrances to bar admission. The LSBA Bar Admissions Education Initiative is in place to assure a steady stream of professional legal services to the citizens of Louisiana for years to come.

The definition of professionalism is broad and all-encompassing. Among necessary traits, lawyers must be competent, ethical, diligent, of good character, and mentally and emotionally fit. This program helps to achieve those personal aims.

Therefore, the LSBA Committee on the Profession humbly requests that the ABA Center on Professional Responsibility consider the LSBA Bar Admissions Education Initiative Program to be a finalist for the E. Smythe Gambrell Professionalism Award.

Thank you for your consideration.