



ARE YOU FIT TO BE A LAWYER

Law is a challenging discipline that involves the ability to analyze, reason, and communicate. The study and practice of law ARE rigorous and often stressful, however, a law degree can open many doors to a rewarding career in business, practice, government, teaching and public service.

HOW TO NAVIGATE THROUGH THIS DOCUMENT

To easily jump between sections of this document go to the menu above and click on View, then Navigation Panels, then bookmarks or click on the bookmark icon on the left of this page. Each section has a bookmark and clicking on the title in the bookmark panel will bring you directly to that section.

CHARACTER AND FITNESS REQUIREMENT

When you apply for admission to the bar, you must show that you are fit to practice law and have the necessary character to justify the trust and confidence that clients, the public, and the legal system will place in you. Consequently, the Board of Law Examiners reviews applicants' past conduct to ensure that applicants are honest, trustworthy, diligent, and reliable. Conduct that raises concern about the competence, character, or fitness of an applicant may cause the Law Examiners to investigate further. Consequently, if you have a history of conduct that may indicate a problem, you should seek further information and assistance.

CONDUCT THAT MAY BE CAUSE FOR CONCERN

Bar Examiners typically consider the following conduct as cause for further inquiry before making a determination of character and fitness:

- Unlawful conduct (*even conduct you may consider minor – including speeding, underage offenses, alcohol consumption or drug offenses, disorderly conduct and other offenses*)
- Academic or employment related misconduct
- Acts involving dishonesty, fraud, deceit, or misrepresentation
- Neglect of financial responsibilities or professional obligations
- Violation of a court order (*child support, restraining orders, or other disobedience of court directives*)
- Conduct evidencing mental or emotional instability
- Conduct evidencing drug or alcohol abuse or addiction (*open bottle, DUI, or underage drinking charges*).

These are grounds for further inquiry but do not mean that your application for admission will necessarily be denied. If you have engaged in any conduct of concern, you should seek more information on the character and fitness requirements from one of the resources identified on the back of the brochure.

THE IMPORTANCE OF HONEST DISCLOSURE

“You are entering a profession that holds its members to a standard of utmost honesty that does not permit any exception for a “harmless” lie . We must maintain this high standard because that first little “white lie” is often the forerunner to conduct that is much more egregious.” Minnesota Supreme Court Justice Paul Anderson

Law schools require applicants to be completely forthcoming about their backgrounds and to disclose behavior that may have a bearing on their qualification to study law and their character and fitness to become a member of the legal profession. Failure to disclose information on a law school application may have serious consequences including discipline, expulsion, and reporting to bar authorities. Most law schools require verification and ongoing updating of information provided on the law school application. Bar examiners in some states, such as Minnesota, review an applicant’s law school application when application is made to the bar.

Full disclosure is also required by the Board of Law Examiners when applying for admission to the bar. Application questions must be answered honestly and completely. Failure to candidly disclose information is taken seriously and may result in denial of admission, even if the undisclosed conduct would not necessarily have resulted in denial of admission. According to the Minnesota State Board of Law Examiners, its most frequent reason for denying bar admission is a finding of a pattern of dishonesty.

SIGNIFICANCE ATTACHED TO PAST BEHAVIORS BY BAR AUTHORITIES

In Minnesota, an applicant's prior conduct is assessed in light of the following factors:

- Applicant's age at the time of the conduct
- Recency of the conduct and the reliability of the information concerning the conduct
- Seriousness of the conduct
- Cumulative effect of the conduct or information
- Evidence of rehabilitation
- Positive social contributions since the conduct
- Candor in the admissions process
- Materiality of omissions or misrepresentations

ALCOHOL OR DRUG ABUSE, ADDICTION, AND MENTAL HEALTH

The status of being a recovering addict or a person with a mental health disability is not grounds for denial of admission to the bar.

In Minnesota, the focus of the inquiry is on conduct and fitness and whether chemical abuse or addiction or a mental health condition *impairs the applicant's ability to practice law*. The bar application asks whether the applicant has a chemical or mental impairment that currently impairs the ability to practice law (or has in the last two years). Honesty in disclosing impairment is essential. The Minnesota Board of Law Examiners looks more favorably on applicants who have sought treatment than those who have not. The Board encourages law students who have drug, alcohol, or other addiction or mental health issues to address those issues as soon as possible regardless of when the student plans to sit for the bar.

"Being dishonest in the bar application process is the biggest mistake an applicant to the bar can make. Serious acts of past misconduct can be resolved through full, open and honest disclosure and a sincere showing of rehabilitation."

Margaret Fuller Corneille, Director Minnesota Board of Law Examiners

CONDITIONAL ADMISSION

In Minnesota and some other states, if the Law Examiners have concerns about whether an applicant will continue to be fit to practice (for example, in cases of recent treatment), an applicant may be conditionally admitted to practice. Conditional admission typically requires the applicant to comply with specified requirements (such as continuing treatment, continued sobriety or credit counseling) for some period of time after conditional admission. In Minnesota, conditional admission is confidential.

Evidence of rehabilitation is critical to the Board's determination of admission, denial, or conditional admission.

It is imperative that applicants seek needed help as soon as possible!

RESOURCES

Rules governing admission to the bar vary by state. If you have questions about bar admission requirements, contact the office of the Board of Law Examiners in the state in which you plan to be admitted.

To access the admissions rules of states other than Minnesota:

- The Law Examiners for each state are listed in the Comprehensive Guide to Bar Admission Requirements, available at the publications tab at www.ncbex.org

Resources for further information about Minnesota bar examination and conditional admission:

- Minnesota State Board of Law Examiners Guide to Character and Fitness Standards: http://www.ble.state.mn.us/character_and_fitness.html
- Rules for Admission to the Bar: <http://www.ble.state.mn.us/>
- Minnesota State Board of Law Examiners confidential consultation – call 651-297-1857 and speak with the Character and Fitness Administrator.
- Board of Lawyers Professional Responsibility: <http://www.courts.state.mn.us/lprb>

Confidential resources for chemical abuse or addiction and mental health concerns:

- Lawyers Concerned for Lawyers
Call 651 646-5590
www.mnlcl.org
help@mnlcl.org
- ABA Co-Lap – call 1-866-LAW-LAPS (529-5277)
www.abalegalservices.org/colap

LAW SCHOOL RESOURCES:

For assistance with Character and Fitness questions at your law school, contact your Dean of Students, advisor, or counseling services staff.

This brochure is provided by the

**Law Student Working Group
of the
MSBA Life & Law Committee.**

Resources relating regarding career satisfaction, mental and chemical health, balance, and other quality of life issues are available on our website: [http:// www2.mnbar.org/committees/lifelaw](http://www2.mnbar.org/committees/lifelaw)

*Graphics and design by
Lory Hartenberger, Esq.*

This brochure may be reproduced for use by institutions of higher learning and non-profit organizations provided that such use is for non-commercial purposes only and any reproduction of the brochure or portions thereof acknowledges original publication and includes the legend, © 2005 by the Life & the Law Committee of the Minnesota State Bar Association.