

**MINNESOTA ATTORNEY CHARACTER AND FITNESS STANDARDS**  
*from* **RULES FOR ADMISSION TO THE BAR**

Adopted by the Board of Law Examiners for the State of Minnesota  
Effective January 1, 2008

**RULE 5. STANDARDS FOR ADMISSION**

**A. Essential Eligibility Requirements.** Applicants must meet the following essential eligibility requirements for the practice of law:

- (1) The ability to be honest and candid with clients, lawyers, courts, the Board, and others;
- (2) The ability to reason, recall complex factual information, and integrate that information with complex legal theories;
- (3) The ability to communicate with clients, lawyers, courts, and others with a high degree of organization and clarity;
- (4) The ability to use good judgment on behalf of clients and in conducting one's professional business;
- (5) The ability to conduct oneself with respect for and in accordance with the law;
- (6) The ability to avoid acts which exhibit disregard for the rights or welfare of others;
- (7) The ability to comply with the requirements of the Rules of Professional Conduct, applicable state, local, and federal laws, regulations, statutes, and any applicable order of a court or tribunal;
- (8) The ability to act diligently and reliably in fulfilling one's obligations to clients, lawyers, courts, and others;
- (9) The ability to use honesty and good judgment in financial dealings on behalf of oneself, clients, and others; and
- (10) The ability to comply with deadlines and time constraints.

## **B. Character and Fitness Standards and Investigation.**

(1) Purpose. The purpose of the character and fitness investigation before admission to the bar is to protect the public and to safeguard the justice system.

(2) Burden of Proof. The applicant bears the burden of proving good character and fitness to practice law.

(3) Relevant Conduct. The revelation or discovery of any of the following shall be treated as cause for further inquiry before the Board determines whether the applicant possesses the character and fitness to practice law:

(a) Unlawful conduct;

(b) Academic misconduct;

(c) Misconduct in employment;

(d) Acts involving dishonesty, fraud, deceit, or misrepresentation;

(e) Acts which demonstrate disregard for the rights or welfare of others;

(f) Abuse of legal process, including the filing of vexatious or frivolous lawsuits;

(g) Neglect of financial responsibilities;

(h) Neglect of professional obligations;

(i) Violation of an order of a court, including child support orders;

(j) Conduct that evidences current mental or emotional instability that may impair the ability to practice law;

(k) Conduct that evidences current drug or alcohol dependence or abuse that may impair the ability to practice law;

(l) Denial of admission to the bar in another jurisdiction on character and fitness grounds;

(m) Disciplinary action by a lawyer disciplinary agency or other professional disciplinary agency of any jurisdiction;

(n) The making of false statements, including omissions, on bar applications in this state or any other jurisdiction.

(4) Considerations. The Board shall determine whether the present character and fitness of an applicant qualifies the applicant for admission. In making this determination, the following factors shall be considered in assigning weight and significance to prior conduct:

- (a) The applicant's age at the time of the conduct;
- (b) The recency of the conduct;
- (c) The reliability of the information concerning the conduct;
- (d) The seriousness of the conduct;
- (e) The factors underlying the conduct;
- (f) The cumulative effect of the conduct or information;
- (g) The evidence of rehabilitation as defined in Rule 5B(5);
- (h) The applicant's candor in the admissions process; and
- (i) The materiality of any omissions or misrepresentations.

(5) Rehabilitation. An applicant who affirmatively asserts rehabilitation from past conduct may provide evidence of rehabilitation by submitting one or more of the following:

- (a) Evidence that the applicant has acknowledged the conduct was wrong and has accepted responsibility for the conduct;
- (b) Evidence of strict compliance with the conditions of any disciplinary, judicial, administrative, or other order, where applicable;
- (c) Evidence of lack of malice toward those whose duty compelled bringing disciplinary, judicial, administrative, or other proceedings against applicant;
- (d) Evidence of cooperation with the Board's investigation;
- (e) Evidence that the applicant intends to conform future conduct to standards of good character and fitness for legal practice;
- (f) Evidence of restitution of funds or property, where applicable;
- (g) Evidence of positive social contributions through employment, community service, or civic service;

(h) Evidence that the applicant is not currently engaged in misconduct;

(i) Evidence of a record of recent conduct that demonstrates that the applicant meets the essential eligibility requirements for the practice of law and justifies the trust of clients, adversaries, courts, and the public;

(j) Evidence that the applicant has changed in ways that will reduce the likelihood of recurrence of misconduct; or

(k) Other evidence that supports an assertion of rehabilitation.

(6) Continuing Obligation. The applicant has a continuing obligation to update the application with respect to all matters inquired of on the application. This obligation continues during the pendency of the application, including the period when the matter is on appeal to the Board or the Court.

(7) Determination. A character and fitness determination shall be made with respect to each applicant who is a successful examinee or who is qualified by practice for admission under these Rules. An adverse determination on character and fitness grounds may be appealed under Rule 15.

(8) Advisory Opinions.

(a) A law student may request a written advisory opinion from the Board with respect to his or her character and fitness for admission by filing a completed application for admission, a fee in the amount required under Rule 12L, two notarized affidavits as required by Rule 4C(4), and an authorization for release of information as required by Rule 4C(2).

(b) Advisory opinions will not be binding on the Board.