



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**In the Matter of the Application of Lee Keller King to be admitted
as a member of the State Bar of Arizona, SB-03-0152-PR**

Parties and Counsel:

Applicant: Lee Keller King, Represented by Mark I. Harrison and Daniel
L. Kaplan, OSBORN MALEDON PA

Amicus Curiae: State Bar of Arizona Represented by Robert Van Wyck and Patricia Sallen

FACTS:

In Texas in 1977, when King was 24 years of age, he got drunk and shot two unarmed men. The victims survived and King was charged with two counts of attempted murder. He pled guilty to one count of attempted murder. He was sentenced to 7 years in prison. After serving four months in prison, King completed his term on probation under a program of Shock Incarceration. After successfully completing probation, King's conviction was set aside and his civil rights restored.

In the following years, King worked, attended college and law school, was admitted to practice law in Texas in 1994, and got married and established a family. He has never been the subject of a disciplinary grievance or complaint in Texas. In 2003, King moved to Arizona to staff his law firm's office here. He applied for admission and passed the Arizona bar exam in February 2003. The Committee on Character and Fitness held a hearing to ask King about the 1977 attempted murders and his 1997 bankruptcy. In November 2003, the Committee declined to recommend King for admission. The Committee acknowledged the strength of the undisputed evidence of King's rehabilitation and social contributions since 1977. The seriousness of the attempted murders, however, outweighed this proof. King filed a petition for review of the Committee's decision. This Court denied review on April 19, 2004.

In October, 2004, King re-applied for admission. The Committee conducted a hearing on April 21, 2005. King offered additional evidence of rehabilitation and good moral character. The Committee, by a vote of 8 to 3, recommended King's admission and so notified the Court in a letter on April 25, 2005.

Pursuant to Rule 33(a), Rules of the Supreme Court, this Court on its own motion ruled that it would consider King's application for admission. The State Bar of Arizona was permitted to file an Amicus Curiae brief.

Issue: What is the impact of this Court's decision in *In re Hamm*, 211 Ariz. 458, 123 P.3d 652 (2005), on King's application for admission?

Authority:

Rule 36, Rules of the Supreme Court of Arizona, provides in part:

(a) Determination of Character and Fitness. The Committee on Character and Fitness shall, in determining the character and fitness of an applicant to be admitted to the state bar, review and consider the following:

1. Relevant Traits and Characteristics. An attorney should possess the following traits and characteristics; a significant deficiency in one or more of these traits and characteristics in an applicant may constitute a basis for denial of admission:

- A. Honesty; B. Trustworthiness; C. Diligence; D. Reliability;
- E. Respect for law and legal institutions, and ethical codes governing attorneys.

* * *

3. Evaluation of Relevant Conduct. The Committee on Character and Fitness 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 an applicant's prior conduct:

- A. The applicant's age, experience and general level of sophistication 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. Consideration given by the applicant to relevant laws, rules and responsibilities at the time of the conduct
- F. The factors underlying the conduct
- G. The cumulative effect of the conduct
- H. The evidence of rehabilitation
- I. The applicant's positive social contributions since the conduct
- J. The applicant's candor in the admissions process
- K. The materiality of any omissions or misrepresentations by the applicant.

Rule 36(d)(6) provides that “the applicant shall have the burden of proving by a preponderance of the evidence, the requisite character and fitness qualifying the applicant for admission to the state bar.”

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