

Attorney Admission Process

Committees, Documentation, Review
and Actions

Committees – Rule 33

- Examinations
 - Made up of 12 attorneys
 - Examine applicants for educational competency
 - Proctors and administers bar examinations, oversees grading and scoring
 - Votes to allow testing and accommodations
- Character and Fitness
 - Made up of 19 public and attorney members
 - Assesses fitness and makes recommendations to Court whether applicants are qualified
 - Enforces certification requirements



Primary Admission Paths

- Uniform Bar Examination – testing in AZ
- Uniform Bar Examination – transfer
- Admission on Motion



All require application, character materials and release to authorize investigation

All require applicants to prove they meet rule requirements and possess current fitness

- ❖ Rule compliance assessment made by staff, enforced by Committee on Character and Fitness
- ❖ Fitness assessment made by Committee on Character and Fitness

Documentation Requirements

Application – must prove satisfaction of specific criteria, i.e. graduation with JD from ABA-accredited law school, good standing, disciplinary history, underlying exam scores

- Staff determines whether criteria is met, enforced by C&F

Character assessment – documents become part of in-depth investigation; results are reviewed and interpreted by Committee on Character and Fitness

- C&F Committee members make this determination after recommendation by staff



Possible Outcomes

Examination Certification Alternatives

1. Certified to sit for exam
2. Notice of failure to meet requirements is mailed; triggers 20 days to petition pursuant to Supreme Court Rule 36(g); may be cured by compliance with rule; may occur multiple times with no lasting consequence
3. Failure to cure defect make result in involuntary withdrawal from exam, R. 34(k)

Character Assessment Dispositional Alternatives

1. Applicant may be approved by Committee; approval could be first notification to applicant
2. Applicant may be approved for conditional admission (not available to AOM); applicant will be involved in process
3. Applicant may be denied admission; applicant will be afforded hearing and rights; denial cannot occur without vote of full Committee

C&F File Distribution & Management

Distribution and Management

- Each file is reviewed by at least one member; member may approve on behalf of Committee or call for hearing
- Timelines associated with file review
- Workload changes throughout year



Member Duties

- Keep files secure
- Tracking tools for receipt, mailing
- Review files timely
- Act within 10 days and communicate to staff
- Respond to staff
- Attend hearings – attend at least $\frac{3}{4}$ of hearings per year

Investigation Process

Information Provided by Applicant

- History of schools, jobs, addresses, law enforcement contacts, additional licenses, driving record, professional discipline, finances
- Investigators follow up with all to determine truthfulness, completeness, candor

Information Solicited by Investigators

- Comprehensive credit report
- Comprehensive law enforcement report
- Social media report
- Court records and public database searches



C&F Presumptions and Standards

Applicant has burden of proving good moral character by **clear and convincing evidence**. Relevant traits in Rule 36(b)1 include:

- honesty,
- trustworthiness,
- diligence,
- reliability, and
- respect for law/legal institutions.

Presumption that applicant shall be denied if previously convicted of serious misdemeanor or felony, rebuttable by clear and convincing evidence.

Other relevant conduct in rule 36(b)3 includes:

- Academic misconduct
- Making false statement
- Misconduct in employment
- Acts involving dishonesty, fraud, deceit or misrepresentation
- Abuse of legal process
- Neglect of financial responsibility
- Neglect or disregard of ethical or professional obligations
- Evidence of conduct indicating mental or emotional instability
- Evidence of conduct indicating substance abuse
- Denial of licensure or disciplinary issues in other jurisdiction

Confidentiality and Due Process

- Hearing process completely confidential
- Status nor content may be disclosed to anyone other than applicant and counsel
- Hearings not public
- Hearings recorded
- Applicant may retain counsel, call witnesses, present evidence, and offer rebuttal
- Mutual disclosure at least 12 days prior to hearing
- Subpoenas may be issued by Chair

Hearing Process

- Recorded, oath administered
- Completely confidential
- Mutual disclosure 12 days prior to hearing
- May recommend admission, denial, conditional admission

Hearing Types

Informal Hearing

- Supreme Court Rule 36(e)
- Evidence, disclosure, witnesses, representation
- Panel consists of 3 or more members
- Decision to admit must be affirmed by concurrence of majority; lack of 3 requires formal hearing

Formal Hearing

- Supreme Court Rule 36(f)
- Evidence, disclosure, witnesses, representation
- Panel consists of majority of current Committee
- Decision may be made by majority of panel present
- Decision must be in writing, written findings required for denial, serious/felony crime, and conditional admission

Hearing Procedure

- Chair presides, introduces matter and attendees
- Assigned member presents case first, reviews evidence, introduces relevant exhibits, asks questions of applicant
- Each member asks questions of applicant
- Committee rests case
- Applicant presents his case second, introduces relevant exhibits, witnesses
- Each member asks questions
- Applicant rests case
- Rebuttal or redirect if needed

Conditional Admission

- Supreme Court Rule 36(a)3D
- Admission conditioned on compliance with conditions
- Monitored by Bar Counsel, State Bar of Arizona
- Variable criteria and length, based on issues
- Conditions determined and approved by Committee with input from mental or medical health expert
- Conditions and recommendation for conditional admission must be affirmed by the Court
- Overseen by Court

Court Review

C&F Files only These Documents:

- Court needs specific info
 - Findings of fact
 - Terms document for conditional admittees
 - May request investigative file, transcripts, psychological or other reports

Court Issues Their Ruling:

- Court may either:
 - Deny review, accepting Committee recommendation
 - Affirm Committee denial
 - Remand to Committee for further action or hearing

Admission Statistics

<u>Year</u>	<u>Admitted</u>	<u>Hearings</u>	<u>Referred to MAP</u>
2009	694	54	27
2010	869	54	18
2011	726	58	23
2012	796	59	28

Investigations:

Approximately 105 per month begun

Over 1200 open investigations