

# **CHARACTER AND FITNESS PROCESS**

## **For General Bar Admission**

The Court of Appeals of Maryland (“the Court”) is the admitting authority for attorneys in the State of Maryland. The Court appoints Character Committees (“Committee”) in the seven (7) Appellate Judicial Circuits to review the character and fitness of applicants. The members of these Committees are volunteer attorneys who conduct investigations, interviews, and when necessary, hearings into the character and fitness of applicants to the Bar of Maryland. The Court of Appeals also appoints the seven-member State Board of Law Examiners (“SBLE”) to oversee the process for becoming licensed as an attorney in the State of Maryland. The SBLE reviews the character and fitness recommendations made by the Character Committees and makes its own recommendation to the Court as to each applicant for admission. Both the Committee members and the member so SBLE serve at the pleasure of the Court.

Maryland has a three-step process for evaluating character and fitness. After thoroughly investigating the information disclosed in an applicant’s Bar Application, the information returned by each school, employment and personal reference, and conducting a personal interview of the applicant, the Character Committees make an initial admission recommendation with regard to each applicant. The Character Committees then return each applicant’s Bar Application to the SBLE, which may conduct further proceedings based on the investigation by the Committee or other information that has come to the SBLE’s attention. The SBLE then makes an admission recommendation to the Court of Appeals as to each applicant. Upon receiving the SBLE’s recommendation, the Court makes the final decision with regard to the admission of each applicant.

***Please Note:** Throughout the Character and Fitness process, the burden is on the Applicant to show good moral character and fitness for the practice of law. Rule 5, Rules Governing Admission to the Bar of Maryland (“RGAB”). Meeting this burden is as important as the Bar examination and should be treated that way.*

### **Procedure in the Character Committee**

After an application to the Maryland Bar is filed and accepted by the SBLE’s administrative office (complete with proper documents/fees), Part II of the application (the Character Questionnaire) is sent to the Chair of one of the seven Character Committees (generally the Appellate Circuit nearest where the applicant resides at the time of filing).

The Character Committee Chair assigns the application to one of the Committee Members for investigation. The Committee Member then sends out all references for response. *RGAB 5(b)(1)(B)*. The applicant bears the burden of ensuring that his or her references, schools and employers respond to the inquiries in a timely fashion. The Committee Member will inform the applicant if the references have not responded.

After all references respond and the Applicant satisfies any other requests for information, the Committee Member will schedule an in-person interview. (All persons applying to the Maryland Bar via the General Bar Exam must attend a personal interview by a Character Committee Member.) *RGAB 5(b)(1)(A)*.

Following the interview, the Committee Member makes a recommendation, either for or against admission, and sends the application to the Committee Chair for review. If the Committee Member recommends the admission of the applicant and the Committee Chair agrees with that recommendation, the Committee Chair signs off on the application and sends it to the SBLE’s office for review.

If the Committee Member and/or the Committee Chair believe grounds exist to recommend against admission to the Bar, the Committee will hold a hearing into the character and fitness issues that are of concern to the Committee. *RGAB 5(b)(2)*. The Character Committees hold hearings before a minimum of three (3) Committee members and the hearings are recorded by a Court reporter/stenographer. (Please note: Hearings in the

Character Committee generally do not occur until an applicant passes the Bar examination.) The applicant has the right to retain counsel to represent him or her at the Committee Hearing and is encouraged to exercise that right. The Character Committee will either issue a written opinion/recommendation following the hearing, or will adopt in writing an oral decision made on the record in the hearing transcript. The Committee transmits its recommendation to the SBLE along with the hearing transcript and the Bar applicant's entire file/Bar application.

### **Procedure at the State Board of Law Examiners After Receiving Committee Recommendation**

The SBLE normally adopts every recommendation in favor of admission that is made by the Character Committee without a Committee hearing, and recommends those applicants to the Court of Appeals for Admission to the Bar. (On rare occasions, the SBLE may return a Bar application to the Character Committee for further investigation and/or a hearing on particular issues of concern to the SBLE under *RGAB 5(e)*.)

If the Character Committee held a hearing that resulted in a recommendation in favor of admission, the SBLE may concur and adopt that favorable recommendation without a hearing, OR if, after reviewing the record, the SBLE believes grounds may exist to recommend denial of admission, the SBLE may conduct its own hearing. *RGAB 5(c)*.

If the Character Committee holds a hearing that results in a recommendation against admission, the SBLE always holds its own hearing before making any recommendation to the Court. *RGAB 5(c)*. The SBLE may recommend in favor of or against admission after its hearing.

If the SBLE recommends denial of admission, the applicant will be given an opportunity to withdraw the application prior to transmittal of that recommendation to the Court. *RGAB 5(c)*. If the applicant withdraws, the adverse recommendation is not transmitted to the Court, only a notice of the withdrawal of the application.

### **Procedure at the Court of Appeals**

The final decision as to admission of a candidate rests with the Court of Appeals of Maryland. The Court automatically adopts the recommendation of SBLE and orders the admission of all applicants recommended to SBLE without a Character Committee hearing.

Where the Character Committee holds a hearing (with or without a subsequent hearing at SBLE), if the recommendation of the Character Committee and SBLE is in favor of admission, the Court may concur and order the admission of the applicant without a further hearing, or may order a hearing on the issues raised in the record.

If the SBLE's recommendation is against admission, the Court must hold a show cause hearing where the applicant bears the burden of showing why admission should not be denied, *RGAB 5(d)(1)*.

Following any hearing in the Court of Appeals, the Court will issue an Order that the Applicant either be admitted or denied admission.