

**Colorado Supreme Court Bar Committee**  
**Character and Fitness Admission Guidelines**

**(Approved December 14, 2012)**

Pursuant to C.R.C.P. 201.7, the Colorado Supreme Court Bar Committee establishes the following guidelines to be used in the review of all applications for admission to practice law in Colorado concerning the character and fitness of each applicant for admission.

**(1) Purpose.** The primary purpose of character and fitness investigation before an individual is admitted to practice of law in Colorado is to protect the public and safeguard the system of justice. The attorney admissions process is incomplete if testing only for minimal competence. The public is inadequately protected by a system that fails to evaluate character and fitness as those elements relate to the practice of law. The public interest requires that the public be secure in its expectation that those who are admitted as Colorado lawyers are worthy of the trust and confidence clients and the legal system may reasonably place upon them.

**(2) A Lawyer's Responsibilities.** The Preamble to the Colorado Rules of Professional Conduct reminds us of a lawyer's professional responsibilities:

- A lawyer, as a member of the legal profession, is a representative of clients, an officer of the legal system and a public citizen having special responsibility for the quality of justice.
- In all professional functions a lawyer should be competent, prompt and diligent.
- A lawyer should maintain communication with a client concerning the representation.
- A lawyer should keep in confidence information relating to representation except so far as disclosure is required or permitted by the Colorado Rules of Professional Conduct or other law.
- A lawyer's conduct should conform to the requirements of the law, both in professional services to clients and in the lawyer's business and personal affairs.
- A lawyer should use the law's procedures only for legitimate purposes and not to harass or intimidate others.
- A lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers and public officials.
- While it is a lawyer's duty, when necessary, to challenge the rectitude of official action, it is also the lawyer's duty to uphold the legal process.

**(3) Standard of Character and Fitness.** A Colorado lawyer should be one whose record of conduct justifies the trust of clients, adversaries, courts, and others with respect to the professional responsibilities owed to them. A basis for denial arising from lack of character may exist where the applicant's record tends to show a deficiency in honesty, integrity, judgment, trustworthiness, diligence, reliability or capacity to practice law. A basis for denial may exist

where the applicant's record reveals a history of deceptiveness, criminality, fraud, negligence, irrational behavior, drug or alcohol dependence, emotional or mental instability, financial irresponsibility or violence.

**(4) Essential Eligibility Requirements.** Applicants must meet all of the following essential eligibility requirements to qualify for admission to the practice of law in Colorado:

- (a) The ability to be honest and candid with clients, lawyers, courts, regulatory authorities and others;
- (b) The ability to reason logically, recall complex factual information and accurately analyze legal problems;
- (c) The ability to communicate with clients, lawyers, courts and others with a high degree of organization and clarity;
- (d) The ability to use good judgment on behalf of clients and in conducting one's professional business;
- (e) The ability to conduct oneself with respect for and in accordance with the law;
- (f) The ability to avoid acts which exhibit disregard for the rights or welfare of others;
- (g) 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;
- (h) The ability to act diligently and reliably in fulfilling one's obligations to clients, lawyers, courts and others;
- (i) The ability to use honesty and good judgment in financial dealings on behalf of oneself, clients and others; and
- (j) The ability to comply with deadlines and time constraints.

**(5) Relevant Conduct.** The revelation or discovery of any of the following should be treated as cause for scrutiny of whether the applicant possesses the good character and fitness to practice law in Colorado:

- (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 a court order, including a child support order;
- (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 practice law in another jurisdiction on character and fitness grounds;
- (m) Disciplinary action by a lawyer disciplinary agency or other professional disciplinary agency of any jurisdiction; and
- (n) The making of false statements, including omissions, on applications to practice law in this state or any other jurisdiction.

The above list is not exhaustive, but instead lists more common causes for scrutiny of whether the applicant possesses the good character and fitness to practice law in Colorado.

**(6) 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 may 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;
- (h) The applicant's positive social contributions since the conduct;
- (i) The applicant's candor in the admissions process;
- (j) The materiality of any omissions or misrepresentations; and
- (k) Evidence of mental or emotional instability.

**(7) 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 Office of Attorney Admissions' 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 engaging 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.

The applicant bears the burden of producing all required information in a timely manner. Once all needed information has been received, the character and fitness investigation should then proceed and be thorough and concluded expeditiously. It should be recognized that some information may be developed in the course of the investigation that is not germane to the question of licensure and should be disregarded.

Approved by the Committee on December 14, 2012.