

**CINCINNATI BAR ASSOCIATION
ADMISSIONS COMMITTEE**

RULES AND PROCEDURES

The following rules and procedures were adopted by the Board of Trustees of the Cincinnati Bar Association on September 25, 1991. Revised and adopted by the Board of Trustees on September 22, 1999. Revised and adopted by the Board of Trustees on May 26, 2004.

I. STATEMENT OF PURPOSE

The Supreme Court Rules for the Government of the Bar of Ohio mandate that an applicant seeking admission to the Ohio Bar be of good moral character. Pursuant to Rule I of the Supreme Court Rules, the Court has delegated to local bar associations the duty to investigate each applicant's moral character and report the findings of its investigation, together with a recommendation as to admission, to the Clerk of Court.

II. JURISDICTION

Rule I, Section 11 of the Supreme Court Rules for the Government of the Bar of Ohio provides that the local bar association Admissions Committee must conduct an investigation of the applicant by utilizing the applicant's character questionnaire, the report of the National Conference of Bar Examiners, the character references which are a part of the applicant's application, and by conducting a personal interview.

The following Rules and Procedures have been adopted by the Cincinnati Bar Association in order to define the responsibilities and duties of our local Admissions Committee as well as to provide uniform standards within our Committee for the conduct of character and fitness investigations.

III. COMPOSITION OF THE ADMISSIONS COMMITTEE

A. The Committee shall consist of a minimum of 50 members. Each member of the Committee shall be appointed by the President of the Cincinnati Bar Association and approved by the Board of Trustees for a term of three years at the end of which such membership shall terminate unless the member is reappointed.

B. In selecting members of the Committee, the President and the Board of Trustees shall attempt to obtain a committee membership representing a cross-section of the bar association in terms of age, race, gender, experience, and area of practice.

C. The President and Board of Trustees may remove a member from the

Committee before the expiration of the appointed term upon recommendation of the Chair of the Committee for failure to conduct requested investigations and interviews, poor attendance, or other good cause shown.

D. The President, with the approval of the Board of Trustees, shall appoint two members who have had at least three years experience on the Committee to serve as Chair and Chair-elect and two other members who have had at least two years experience on the Committee to serve as Vice-Chair and Secretary.

E. The Chair shall conduct the meetings of the Committee and exercise all other powers normally attendant to the position, including voting on all matters coming before the Committee, in accordance with Rule I of the Supreme Court Rules, the Code of Regulations of the Cincinnati Bar Association, and the Rules and Procedures of this Committee.

F. The Chair-elect shall, in the absence of the Chair, have the same powers as the Chair.

IV. DUTIES AND RESPONSIBILITIES

A. The operation of the Admissions Committee shall be in compliance with Rule I of the Supreme Court Rules for the Government of the Bar of Ohio.

B. The Committee shall have exclusive responsibility for the investigation of the character, fitness, and moral qualifications of all applicants who seek admission to the Ohio Bar and who have been referred to this Committee by the Ohio Supreme Court. The Committee shall also have the responsibility of reporting its findings to the Clerk of the Ohio Supreme Court pursuant to Rule I of the Supreme Court Rules for the Government of the Bar of Ohio. The Committee shall have the additional responsibility of obtaining and offering such information as pertains to the character, fitness, and moral qualifications of the applicant at hearings conducted by the Board of Commissioners on Character and Fitness or its designated panel and subsequent appeals therefrom.

C. Each member of the Committee is ordinarily expected to conduct at least five character and fitness interviews per year and attend all meetings of the Committee as a whole.

V. INVESTIGATORY AND INTERVIEW PROCEDURES

A. Scheduling Interviews

1. Applications for admission to the Bar received from the Ohio Supreme Court shall be assigned for investigation to an Investigatory Subcommittee which shall consist of two members of this Committee. A staff member of the Cincinnati Bar Association

shall assign members of this Committee to the Investigatory Subcommittee on a rotating basis and transmit the applications to one member of the Subcommittee at the time the Subcommittee is assigned.

2. A Committee member who for any reason is unable to serve on the Investigatory Subcommittee should within 7 days of his assignment advise the staff member at which time another member of the Committee shall be assigned to the Subcommittee.
3. Within 10 days after assignment to the Subcommittee, at least one member of the Subcommittee shall review the applications to ascertain whether they are complete and whether all information requested has been provided. If an application is incomplete in any respect, the Subcommittee shall notify that applicant and request that the application be completed.
4. Within 14 days of assignment to the Subcommittee, the Subcommittee shall schedule a personal interview with the applicant and notify the applicant in writing of the date and place of the interview and that failure to cooperate in completing the interview may be grounds for disapproval of the application. The interview shall be held within thirty days from the date of assignment to the Subcommittee, unless the applicant is, for good cause, unavailable. The interview shall then be rescheduled to a mutually agreeable date as soon as practicable.
5. During the interview, the Subcommittee shall ascertain whether the answers provided by the applicant are consistent with the requisite character, fitness, and moral qualifications necessary for admission to the Ohio Bar. If any answer on the application or given during the interview is not consistent with the requisite character, fitness, and moral qualifications, then the Subcommittee shall make full inquiry into the particular circumstances upon which the answer was based.
6. The Subcommittee shall ask the applicant whether any answer on the application should be changed or supplemented because of events which have occurred subsequent to the date on which the application was originally submitted. If changing or supplementation of an answer is necessary, such change or supplementation shall be made in writing, signed by the applicant, notarized, and appended to the application at the time of the interview.

7. The Subcommittee shall contact any person who has provided a character reference which contains information that is adverse or uncomplimentary to the applicant and shall make full inquiry into the particular circumstances upon which the information is based.
8. During the interview, the Subcommittee shall make the applicant aware that moral fitness and character is extremely important and that such fitness and character must be maintained to preserve the collective integrity of the bar. Additionally, the Subcommittee should provide the applicant with general information concerning the organization of the Bar Association pointing out the existence and purpose of the Grievance Committee and Ethics and Professional Responsibility Committee.

B. Standards of Character, Fitness, and Moral Qualifications

A lawyer should be one whose record of conduct justifies the trust of clients, adversaries, colleagues, courts, and others with respect to the professional duties owed to them. A record manifesting a significant defect in the honest, reliability, trustworthiness, or diligence of an applicant may constitute the basis for denial of admission.

1. An applicant's character, fitness and moral qualifications shall be determined in accordance with:
 - a. The standards of conduct promulgated by the Board of Commissioners on Character and Fitness pursuant to Rule I, Section 11 of the Ohio Supreme Court Rules for the Government of the Bar of Ohio;
 - b. The applicable decisions of the Supreme Court of the United States; and
 - c. The applicable decisions of the Supreme Court of Ohio.
2. The applicant has the burden to provide that he or she possesses the requisite moral character and fitness to be admitted to the bar.
3. Factors to be considered by the Subcommittee before making a recommendation about the applicant shall include but not be limited to the following:
 - a. commission or conviction of a crime;

- b. evidence of an existing and untreated chemical (drug or alcohol) dependency;
 - c. commission of an act constituting the unauthorized practice of law;
 - d. violation of the honor code of the applicant's law school or any other academic misconduct;
 - e. evidence of mental or emotional instability;
 - f. membership in an organization which advocates that the United States Government be overthrown by force, if the applicant indicates a present intent that such be done;
 - g. failure to provide complete and accurate information concerning the applicant's past;
 - h. false statements, including omissions;
 - i. acts involving dishonesty, fraud, deceit, or misrepresentation;
 - j. abuse of legal process;
 - k. neglect of financial responsibilities;
 - l. neglect of professional obligations;
 - m. violation of an order of a court;
 - n. denial of admission to the bar in another jurisdiction on character and fitness ground; and
 - o. disciplinary action by a lawyer disciplinary agency or other professional disciplinary agency of any jurisdiction.
4. The Admissions Committee shall determine whether the present character, fitness, and moral qualifications of an applicant qualify the applicant for admission to the practice of law. In making this determination, the following factors shall be considered in assigning weight and significance to the applicant's prior conduct:
- a. age of the applicant at the time of the conduct;

- b. recency of the conduct;
 - c. reliability of the information concerning the conduct;
 - d. seriousness of the conduct;
 - e. factors underlying the conduct;
 - f. cumulative effect of the conduct;
 - g. evidence of rehabilitation;
 - h. positive social contributions of the applicant since the conduct;
 - i. candor of the applicant in the admissions process; and
 - j. materiality of any omissions or misrepresentations.
5. In determining an applicant's character, fitness, and moral qualifications for the practice of law, the admissions committee shall not consider factors which do not directly bear a reasonable relationship to the practice of law, including but not limited to the following impermissible factors:
- a. age, sex, race, color, national origin, or religion of the applicant; or
 - b. physical handicap of the applicant, provided that the applicant, though physically handicapped, could safely, responsibly, and substantially perform the essential function of an attorney at law.
6. Subcommittee members shall also read and utilize the following Ohio Supreme Court cases which address the character and fitness review process:

In re: Application of Davis (1974), 38 Ohio St. 2d 273
In re: Application of Davis (1980), 61 Ohio St. 2d 371
In re: Application of Watson (1987), 31 Ohio St. 3d 22
In re: Application of Corrigan (1989), 47 Ohio St. 3d 32

C. Recommendation

- 1. If, after reviewing the character questionnaire and the report of the National Conference of Bar Examiners, and after conducting the

interview and any further investigation, the Subcommittee unanimously recommends that the applicant be admitted to the Ohio Bar upon successful completion of the Ohio Bar examination or upon reciprocity, the Subcommittee shall make its recommendation to the Clerk of the Ohio Supreme Court on the form provided.

2. If the recommendation of the Subcommittee is not unanimous, is inconsistent, ambiguous, or otherwise unclear as to admission, the Chair shall conduct any further investigation deemed necessary, either on his or her own or with the assistance of the subcommittee or other Committee members, and based upon the results of such investigation, the Chair shall take one of the two following steps: (a) recommend that the Applicant be admitted to the Ohio bar upon successful completion of the Ohio Bar examination or upon reciprocity and make his or her recommendation to the Clerk of the Ohio Supreme Court on the form provided; or (b) refer the matter to a Review Panel and schedule a hearing as provided in paragraph four below.
3. If the recommendation of the Subcommittee is that the Applicant shall not be admitted, the Subcommittee shall submit to the Chair a written report detailing this investigation and setting forth its findings. The matter shall be referred to a Review Panel for a hearing.
4. If a matter is referred to a Review Panel for a hearing, the Chair shall notify the Applicant of such hearing within 60 days of receipt of the report of the Subcommittee. Notice shall be in such manner that is reasonably calculated to inform the Applicant in a timely manner. The Applicant shall be advised that he may retain counsel to represent him or her at the hearing and at the conclusion of the hearing, the Review Panel will decide by a majority of those present whether to recommend or oppose admission of the Applicant.
5. The Review Panel shall consist of not less than seven (7) members of the Admissions Committee plus the Chair. Members of the Review Panel shall be selected by the Chair in his/her sole discretion from the roster of Committee Members. The Chair will select Review Panel Members based on willingness and ability to serve. A session of the Review Panel must have at least five (5) members, plus the Chair present. If for any reason the Chair is unable to preside, the Chair-elect shall serve in his or her stead. A Review Panel will only serve for the length of time necessary to review the underlying matter. Once a final recommendation has

been reached, the matter is concluded and the particular review panel is disbanded.

6. If the Review Panel recommends that the Applicant not be admitted to the Ohio Bar, the Chair of the Committee shall notify the Applicant of the Review Panel's decision by certified mail within seven (7) days of the date of the decision. The Chair shall at the same time notify the Applicant that he or she may appeal the decision to the Board of Commissioners on Character and Fitness.
7. If the Applicant appeals the Committee's decision, then the Chair of the Committee shall appoint at least one (1) member of the Review Panel to act as counsel for the purpose of representing the Committee in the hearing before the Board.