

RULES OF THE SUPREME COURT OF KENTUCKY

ADMISSION OF PERSONS TO PRACTICE LAW

SCR 2.011 Moral character and fitness

All applicants for admission to the bar of this state must be of good moral character and general fitness requisite for an attorney.

(1) Every applicant shall be of good moral character. The applicant shall have the burden of proving that he or she is possessed of good moral character. The term "good moral character" includes qualities of honesty, fairness, responsibility, knowledge of the laws of the state and the nation and respect for the rights of others and for the judicial process. Good moral character is a functional assessment of character and fitness of a prospective lawyer. The purpose of requiring an applicant to possess present good moral character is to exclude from the practice of law those persons possessing character traits that are likely to result in injury to future clients, in the obstruction of the administration of justice, or in a violation of the Code of Professional Responsibility.

(2) Fitness is the assessment of mental and emotional health as it affects the competence of a prospective lawyer. The purpose of requiring an applicant to possess this fitness is to exclude from the practice of law any person having a mental or emotional illness or condition which would be likely to prevent the person from carrying out duties to clients, Courts or the profession. A person may be of good moral character, but may be incapacitated from proper discharge of his duties as a lawyer by such illness or condition. The fitness required is a present fitness, and prior mental or emotional illness or conditions are relevant only so far as they indicate the existence of a present lack of fitness.

(3) If the Committee's initial review and investigation into the character and fitness of an applicant reveals any of the following conduct, further detailed investigation shall be undertaken, as determined to be warranted, prior to the Committee's determination regarding whether the applicant possesses the requisite character and fitness to practice law in Kentucky:

- A. Unlawful conduct
- B. Academic misconduct
- C. Making a false statement, including omissions of material information
- D. Misconduct in employment
- E. Acts involving dishonesty, fraud, deceit or misrepresentation
- F. Abuse of legal process
- G. Neglect of financial responsibilities
- H. Neglect or disregard of ethical or professional obligations
- I. Violation of an order of court
- J. Conduct indicating mental or emotional instability impairing the ability of an applicant to perform the functions of an attorney
- K. Conduct indicating substance abuse impairing the ability of an applicant to perform the functions of an attorney
- L. Denial of admission to the bar in another jurisdiction on character and fitness grounds
- M. Disciplinary complaints or disciplinary action by an attorney disciplinary agency or a professional disciplinary agency of any jurisdiction

(4) Each applicant for admission to the Kentucky Bar shall pay all investigative fees, reporting fees or other expenses required and assessed by the Character and Fitness Committee as deemed necessary in determining the character and fitness of the applicant.

HISTORY: Adopted by Order 2007-007, eff. 2-1-08; prior amendment eff. 1-1-02 (Order 2001-2)