

## **MESSAGE FROM THE DIRECTOR**

Applicants are often surprised and unprepared for the extensive background screening that is part of the character and fitness process. A sample of the Colorado bar application as well as the Rules covering the Character and Fitness Investigation are available on the website. Applicants are strongly encouraged to review the Rules as well as the entire application questionnaire before answering any of the questions. The applicant should gather all of the requested information and documentation so that everything is available for reference as the application is completed. This preparation eliminates inadvertent failures to disclose possibly negative information because of an inability to remember past events and/or conduct. Applicants who familiarize themselves with the application and gather the required materials in anticipation of submission find that the process goes much more efficiently.

Bar examiners really do check all of the information provided by an applicant. Telling half-truths and omitting information will likely raise flags during the investigation. Relatively minor issues from the past become bigger issues if not properly disclosed. The focus becomes the applicant's lack of candor in addition to the issue itself. The bar application is not the place for ambiguity. Detailed explanations are required of affirmative responses, to describe the circumstances, subsequent results or outcomes, and to describe how the applicant has responded to or overcome the issue(s) presented.

Affirmative responses will not preclude admission. The failure to disclose an event is often more significant, and may lead to more serious consequences than the event itself, including the possibility of an unfavorable character and fitness determination. Since such dishonesty is both current and ongoing, the applicant who fails to be honest on the application will have a difficult time showing that rehabilitation - which requires more than mere contrition and the passage of time - has occurred and will be sustained.

We appreciate the fact that some of the conduct an applicant must disclose may be embarrassing or traumatic to divulge. Applicants should be assured that the information furnished during the character and fitness investigation is confidential, is handled in a respectful and professional manner, and the materials requested are what is necessary for a definitive determination.

In order to satisfy the Character and Fitness requirement an applicant should have a clear understanding of what is expected. Applicants should ask themselves two questions:

1. Is there anything in my past (or my present) that might bring my character and fitness into question?
2. If my character is in question, what can I do now to begin to rehabilitate my reputation?

The majority of applicants will complete the Character and Fitness process with very little difficulty, provided that they have completely disclosed all of the required information and, if asked, responded promptly to requests for additional information. A smaller percentage of

applicants will have some issues serious enough to be identified for further investigation. The more forthcoming and detailed an applicant is with their responses, the better. Applicants with concerns or issues they perceive as serious may consider seeking the advice of counsel prior to beginning the admissions process. Applicants with alcohol, substance abuse or mental health issues may also consider seeking the advice of counsel as well as contacting the Colorado Lawyer Assistance Program (COLAP). What is most concerning are applicants with serious issues who have not done anything to ameliorate the situation.

Another common reason an applicant may be denied on character and fitness grounds is related to the applicant's behavior **during** the character and fitness review process. In addition to the actual answers and information provided, our office is also assessing an applicant's professionalism and whether they are meeting ALL of the Essential Eligibility Requirements outlined in the Rules. Remember, the application involves sworn statements made to the Colorado Supreme Court.

Actions speak louder than words. If you believe you have a character and fitness issue, be prepared with evidence to support your claim that you are currently a good citizen, honest and trustworthy. Being proactive and seeking assistance in remedying a past mistake or bad decision is viewed as a plus, not a minus. Taking responsibility and implementing positive change can, in many circumstances be evidence of strength of character. Preparation, candor and a professional demeanor are keys to a successful admissions experience.

Melissa M. Oakes  
Director of Character and Fitness