



Character and Fitness Interview Process

Minnesota Board of Law Examiners

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What is a Character and Fitness Interview?

A Character and Fitness Interview is a meeting with the Character and Fitness Committee held before the Board of Law Examiners (“Board”) makes a determination on an Applicant’s file. The interview may occur at any stage in the application process prior to a final determination.

The purpose of the interview is to gather additional facts and information concerning an Applicant’s fitness to practice law.

Who is Interviewed?

All Applicants must demonstrate an ability to meet the Essential Eligibility Requirements set forth under Rule 5. If the character and fitness investigation is inconclusive as to whether an Applicant should be admitted, or the Board believes that an interview would help assess an Applicant’s rehabilitation, candor, or other relevant qualities, the Board may invite the Applicant in for an interview.

On average, 1% of Applicants are invited to meet with the Character and Fitness committee each year.

The Board reviews each file on an individual basis and there are no specific characteristics or set of circumstances that would require the Board to interview an Applicant. The Board considers various factors when reviewing a file, including the Applicant’s age at the time of the incidents, the seriousness of the issues, evidence of rehabilitation and whether the Applicant provided relevant information to the Board. There is a rebuttable presumption that the Board will interview all Applicants who have been arrested for, charged with, or convicted of a felony.

How Will I Know if the Committee Would Like to Interview Me?

The Board will meet and determine that it would like an Applicant to meet with the Character and Fitness Committee. Board staff schedules the interview and notifies the Applicant of the time and date of the interview. The correspondence to the Applicant notifies the Applicant of the primary issues that the Character and Fitness Committee would like to address and provides some general information about the interview.

How Do I Prepare for the Interview?

An Applicant should review his or her application and any additional information submitted to the Board. An Applicant should make sure that the Applicant has provided the information requested by the Board. The Applicant should be prepared to discuss any discrepancies in the information provided to the Board. If the Applicant has any questions regarding outstanding documents or the interview, the Applicant may contact the Board office.

Applicants should plan to arrive to the interview 15 minutes early and dress as they would for a court appearance.

Should I Hire an Attorney?

The Applicant has the right to be represented by counsel during the interview and at any point in the application process. Some Applicants appear with counsel for interviews, while many do not. Although a court reporter is present, the interview is intended to be a fact-finding meeting and more of a conversation with the Applicant. The goal is for the Applicant to answer questions and provide information related to the Applicant's character and fitness, specifically in areas that may have been lacking in the application, or contain discrepancies.

Will I Get a Copy of My File?

Most of the information in an Applicant's file has been provided to the Board office by the Applicant or individuals referenced in the application, or is information that has been requested of the Applicant by the Board and independently obtained, despite an Applicant indicating to the Board office that the information is not available.

Rule 14 provides that an Applicant may review the contents of the application file, except for work product of the Board and Board staff, "at such times and under such conditions as the Board may provide." Because the investigation is ongoing at the time of the interview and because most of the documentation has been provided by the Applicant, the Board office does not make a copy of the Applicant's file for the Applicant at the point in time of the interview. If an Applicant or counsel have questions regarding the contents of the file, they are encouraged to discuss with the Board's attorney. Applicants will be provided with a copy of any documents that are referenced in the interview at the conclusion of the interview. Applicants are also welcome to supplement their file at the conclusion of the interview.

What if I Do Not Wish to Appear for an Interview?

An Applicant has a duty to cooperate with the Board's character and fitness investigation. The Board prefers to review as much relevant information regarding the Applicant's character and fitness as possible, before making a determination on a file. Pursuant to Rule 4H(1)(c), an Applicant has a duty to appear for interviews to determine eligibility for admission or facilitate the background investigation. If an Applicant breaches that duty to cooperate, by failing to appear for an interview, the Board may deem the application withdrawn or deny admission.

What Can I Expect During the Interview?

The interviews are conducted at the Board office in St. Paul, Minnesota. The Applicant, an attorney from the Board office, the Committee and a court reporter gather around a large table in the Board room for the interview. The Committee chair will welcome the Applicant, explain the interview format, and make introductions. To ensure that the record accurately reflects what was stated, a court reporter is present and the questions are answered under oath.

Typically, the Board's attorney will begin the interview by asking the Applicant questions about information contained in the Applicant's file. The Character and Fitness Committee will also ask the Applicant questions related to the Applicant's file, specifically regarding issues with which the Board has concerns. The Applicant has an opportunity to provide additional information to the Committee and may supplement responses following the interview as well.

If there is specific information the Character and Fitness Committee would like to discuss with Applicant, that information will be provided to the Applicant at the interview. For example, the Board office may request a copy of a police report from an Applicant and Applicant may respond with an abbreviated version of the incident, but not provide the report. The Board may independently obtain the report and ask Applicant about the report and why it was not provided.

The Board makes every effort to be transparent with how it provides information to the Applicant before and during the interview. The interview is intended to clarify issues in an Applicant's file, not to surprise Applicant with information.

What Happens After the Interview?

The Committee will discuss the interview and make a recommendation to the full Board regarding the Applicant's file at the next Board meeting. The Board will then make a determination on the Applicant's file and the Applicant will be notified of the Board's decision following the Board meeting.

What are the Possible Outcomes for My File Following the Interview?

Following the interview, the Board may recommend one of the following:

1. Admission without Delay;
2. Conditional Admission;
3. Request for additional information;
4. Defer making a determination for a period of time with the Applicant's written agreement to provide Applicant with additional opportunity to provide evidence of rehabilitation; or
5. Deny the application.

This document is intended to answer some commonly addressed questions that arise in the character and fitness process.

Should you have additional questions please contact the Board office directly to discuss the interview process.

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