

## What is Conditional Admission?

Rule 16 of the Rules for Admission to the Bar permits the Board or an Applicant to propose that the Applicant be recommended to the bar on a conditional basis. The Board may recommend an Applicant for conditional admission if the Applicant's past conduct raises concerns under Rule 5 (Standards for Admission), but the Applicant's current record of conduct evidences a commitment to rehabilitation and a current ability to meet the essential eligibility requirements to practice law. An Applicant may propose conditional admission at any time during the investigation process.

The conditional admission process is in place to increase the likelihood of an Applicant's success within the practice of law. The Board views conditional admission as a partnership with the Applicant. The conditions agreed upon with the Applicant address the specific issues of conduct that raised concerns to the Board.

Conditional admission provides a mechanism by which the Board can meet its obligation under Rule 1 to protect the public, while allowing Applicants the ability to practice under agreed upon terms. Conditional admission is confidential and the names of the lawyers conditionally admitted are not disclosed to the public. The Board provides a list of lawyers on conditional admission to the Office of Lawyer's Professional Responsibility. If an Applicant has concerns about who may view the file, additional information may be found in Rules 14 and 16.

## What Types of Character and Fitness Issues Could Warrant Conditional Admission?

Individuals who have recently faced issues with sobriety, conduct-related mental health, financial irresponsibility, candor, employment misconduct, criminal conduct, and plagiarism, or are on court-ordered probation, or on conditional admission in another jurisdiction may be candidates for conditional admission.

## How Long does Conditional Admission Last?

The length of conditional admission is dependent on the factors in a file. The Board may offer Applicants a period of conditional admission of up to 60 months. The average length of conditional admission is two years.

## What if I Do Not Follow the Terms of My Consent Agreement?

Rule 16F sets forth the consequences for failing to fulfill the terms of the consent agreement.

As discussed in Rule 16G, depending upon the nature of the violation, Board staff may refer the matter to the Conditional Admission Committee for further review and recommendation. The Conditional Admission Committee may invite the Applicant in for an interview or request additional narratives regarding the violation.

If the violation is serious, or repeated, the Board may refer the matter to the Office of Lawyers Professional Responsibility (OLPR) pursuant to Rule 16H. The OLPR Director may modify and/or extend the consent agreement, or initiate proceedings to revoke or suspend the Applicant's license.

This document is intended to answer some commonly addressed questions that arise in the conditional admission process.

The Board office encourages individuals with further questions to contact us for further information.

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# Conditional Admission Process

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## What Can I Expect in a Conditional Admission Hearing?

A court reporter will be at the hearing, the Applicant is sworn in, and the reasons for and terms of the conditional admission are placed on the record. The Applicant will be asked if the Applicant is in agreement with the terms and whether the Applicant has any questions. The Consent Agreement and Findings are executed at the hearing and a copy of both is provided to the Applicant at the conclusion of the hearing. The Consent Agreement, Findings of Fact, Exhibit List, and Exhibits are admitted into the record, all of which the Applicant will have had an opportunity to review prior to the hearing.

Typically, neither party calls witnesses, although the Applicant is given an opportunity to provide a statement on the record, if the Applicant wishes to do so, and may call witnesses if desired. Applicants should dress as they would if they were appearing in court. Applicants may be represented by counsel at the conditional admission hearings, although the majority of Applicants do not appear with counsel.

## What Can I Expect After the Conditional Admission Hearing?

Following the hearing, Applicants will receive a letter confirming that the Board has recommended their admission. The letter includes the date of the next ceremony and information on admission in absentia. Applicants are also informed that they have one year to be sworn in. Additional details on the monthly admission ceremonies are on the website and Applicants are given the link and contact information for the Lawyer Registration Office, should they have additional questions.

Following admission, Applicants will provide the documentation required by the Consent Agreement through their Applicant Portal. Examples of required documentation include attendance at sober support meetings, proof of meeting with a mental health provider, probation completion records, CLE attendance, and reflective narratives.

## What Does the Conditional Admission Process Involve?

Offer: After the Board reviews the application file and determines to offer the Applicant conditional admission, the Director sends a letter to the Applicant providing information on the conditional admission process and advising the Applicant of the Board's decision and the proposed terms. The Applicant (or the Applicant's attorney) must confirm in writing the acceptance of the conditional admission offer. An Applicant may accept, decline, or propose alternative conditions. If an Applicant declines conditional admission, the file will be presented to the Board and the Board will make a determination based upon the information in the Applicant's file. The Board's Attorney is generally authorized to negotiate the specific term language of the agreement if consistent with the determination of the Board. If the Applicant proposes terms that are inconsistent with the Board's determination, Applicant's counter offer will need to be reviewed by the full Board. A decision for modification will be made and communicated as expeditiously as possible.

Documents: If an Applicant accepts the Board's offer for conditional admission, the Board's Attorney will draft proposed documents for review by the Applicant. These documents include the Consent Agreement and proposed Findings of Fact. The Board's Attorney will also provide the Applicant with a proposed exhibit list and copies of the applicable exhibits.

The **Consent Agreement** lays out the terms and conditions and is signed by the Director, Board President and the Applicant. It is confidential, subject to the Rules of the Board and the Rules on Lawyers Professional Responsibility. Each agreement includes:

- 1) a continuing obligation to update the application, including any changes to contact information, allegations of professional misconduct, and any violations of the law;
- 2) notification to the Board of application to another jurisdiction; and
- 3) submission of quarterly self- monitoring reports.

Other conditions set forth in the consent agreement are specific to the Applicant, based upon the issues raised in the file. For example, if the Applicant has financial issues, the Applicant may be asked to provide satisfactions of debt, proofs of payment, or tax returns. If an Applicant has experienced recent chemical dependency issues, the Applicant may need to provide proof of attendance at sober support groups, meet with a sponsor, or engage in drug or alcohol testing. If an Applicant is on probation, the Applicant will need to confirm that the Applicant is following the conditions of probation and ultimately will provide probation discharge documentation to the Board office. When an Applicant presents candor issues, the Applicant may need to attend Ethics CLEs, meet with a mentor, or provide reflective narratives.

The proposed Consent Agreement, which sets forth the Applicant's specific conditions, is generally provided to the Applicant at least five business days prior to the conditional admission hearing. The Board encourages the Applicant to review the terms and conditions carefully and ask for clarification if any terms are unclear. Applicants must agree on the terms before the hearing.

The **Findings of Fact** provide the basis for the Board's determination and the specific conduct that related to the Board's recommendation for conditional admission and are signed by the Board President at the hearing. The proposed Findings are provided to the Applicant approximately five business days prior to the conditional admission hearing. The Board office encourages Applicants to review the documents carefully and advise the Board office if the Applicant has any questions or concerns. The Findings of Fact are generally stipulated to at the Conditional Admission hearing.

The Findings of Fact will cite to the relevant exhibits. These Exhibits will be provided to the Applicant prior to the hearing.