

Rules Governing Admission to the Alabama State Bar

Rule V.

Committee on Character and Fitness.

A. Establishment of Committee. For the purpose of determining the fitness, character, and qualifications of applicants who desire to be admitted to the practice of law in the State of Alabama there is hereby created the Committee on Character and Fitness of the Alabama State Bar. The Committee on Character and Fitness may be divided into as many panels as may be necessary to carry out the duties of the Committee. Each panel of the Committee on Character and Fitness shall be composed of three lawyers appointed by the president of the Alabama State Bar and shall be known as a "Committee on Character and Fitness."

B. Duties of Committee. The Committee on Character and Fitness is hereby charged with the power, duty, and responsibility of determining the age, the character and fitness, and the educational qualifications of each applicant for admission to the Bar of Alabama. To that end, the Committee may make such investigation as it sees fit, may require the production before it of any affidavits deemed by it to have any bearing upon these questions, and may require the applicant to appear in person before it and be by it examined. The vote of a majority of the members of a Committee on Character and Fitness, if in meeting assembled, shall constitute the action of the Committee.

The burden is on the applicant to establish to the reasonable satisfaction of a majority of the Committee on Character and Fitness that the applicant possesses such character and qualifications as to justify the applicant's admission to the Bar and to qualify the applicant to perform the duties of an attorney and counselor at law. The failure of the applicant to fully and accurately comply with any request to produce documents or to appear personally before the Committee, or to fully and accurately provide such other information as reasonably may be requested by the Committee, shall be a sufficient ground to deny approval of the application.

When, but not until, a majority of the Committee is reasonably satisfied as to the applicant's character and fitness, and that the applicant is of the proper age and possesses the educational qualifications now or hereafter prescribed as provided by law, the Committee shall endorse its approval on the application, and the application and all papers accompanying it shall remain on file in the Secretary's office.

If an applicant for admission by examination has passed the Academic Bar Examination and is required to appear in person before the Committee on Character and Fitness, the Committee shall hold a hearing on the application no later than 60 days after the release of the results of the examination, unless otherwise stipulated to by the applicant and the Committee. If the Committee declines to approve an application for admission, it shall hold a rehearing on the application, the date of which shall not be more than 180 days after the date of denial, unless otherwise stipulated to by the

applicant and the Committee. A rehearing shall not be required if the applicant prevails on appeal or if an appeal is pending in accordance with these Rules. Notwithstanding any other provision of these Rules, any applicant for admission by examination must receive approval of the Committee on Character and Fitness within 25 months from the date of the passed Academic Bar Examination.

An applicant for admission by examination who has received approval of the Committee on Character and Fitness, whether or not the applicant appeared in person before the Committee, and who fails or withdraws from an Academic Bar Examination must submit an application for any subsequent examination in accordance with these Rules.

From a ruling of the Committee on Character and Fitness declining to approve the application for registration as a law student or declining to approve the application for admission to the State Bar or making any finding or ruling adverse to any applicant, an appeal shall lie to the Disciplinary Board of the Alabama State Bar (which, when acting in such capacity, shall be referred to as the "Character and Fitness Appeal Board"), if notice of appeal is filed with the Secretary within 30 days after the applicant has been notified of the action of the Committee. Such appeal shall be heard, de novo, within 30 days after the filing of the notice of appeal or at such time as agreed upon by stipulation between the appellant and the General Counsel of the Alabama State Bar. An appeal from a ruling of the Character and Fitness Appeal Board to the Supreme Court of Alabama shall be perfected by filing a notice of appeal with the clerk of the Supreme Court of Alabama within 30 days after the decision of the Character and Fitness Appeal Board. The record on appeal shall be prepared in accordance with the provisions of Rule 12(f), Rules of Disciplinary Procedure of the Alabama State Bar.

The members of the Committee on Character and Fitness may separately and without assembling in meeting consider any application that is required by these Rules to be submitted to such Committee, together with the data submitted in support of such application, and may endorse upon such application their approval or disapproval thereof; unanimous action of all the members of the Committee, so taken, shall constitute valid action of the Committee, but if such action is not unanimous, the Committee, or a majority thereof, shall further consider and act upon such application in a meeting assembled.

If an applicant for admission by examination has passed the Academic Bar Examination but has not received approval of the Committee on Character and Fitness, he or she shall have a period of 25 months from the date of the passed Academic Bar Examination in which to receive such approval.

C. Determination of Committee and Disposition of Fees Notwithstanding any other provision of these Rules, an applicant whose application is denied by the Committee on Character and Fitness and who does not prevail on rehearing or appeal of such denial shall forfeit all fees paid in conjunction with the filing of said application.

[Amended eff. 1-11-2013; Amended 1-12-2015; Amended eff. 1-19-2017; Amended eff. 10-5-2018.]

Note from the reporter of decisions: The order amending the Rules Governing Admission to the Alabama State Bar is published in that volume of *Alabama Reporter* that contains Alabama cases from 104 So. 3d.

Note from the reporter of decisions: The order amending Rule V, effective January 12, 2015, is published in that volume of *Alabama Reporter* that contains Alabama cases from 154 So. 3d.

Note from the reporter of decisions: The order amending Rule I, Rule II, Rule III, Rule V, Rule VI(B), and Appendix, effective January 19, 2017, is published in that volume of *Alabama Reporter* that contains Alabama cases from 205 So. 3d.

Note from the reporter of decisions: The order amending Rule II, Rule III, Rule IV, Rule V, Rule VI(B), and Appendix, effective October 5, 2018, is published in that volume of *Alabama Reporter* that contains Alabama cases from ____ So. 3d.