

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 Secretary is directed to secure and have printed, at the expense of the Board, appropriate application blanks and other forms for the purpose of the Committee on Character and Fitness and to furnish such blanks to applicants and to other persons upon request.

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 qualify the applicant to perform the duties of an attorney and counselor at law.

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.

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 to take the State Bar Examination 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 the applicant whose application has been so approved is entitled thereby to take the examination, the Secretary shall issue to such applicant a certificate substantially as follows:

The Committee on Character and Fitness of the Board of Commissioners of the Alabama State Bar does hereby certify, after investigation and examination made by it, that it is reasonably satisfied that _____ is entitled to take the examination for admission to the Bar administered on _____ to be held in Montgomery, at _____.

COMMITTEE ON CHARACTER AND FITNESS OF THE ALABAMA STATE BAR

BY _____
Secretary, Board of Commissioners
of the State Bar

Such certification shall be filed by the applicant with the Board of Bar Examiners before such applicant enters upon the examination, and the Board of Bar Examiners shall not examine any applicant by whom such certificate has not been filed. The Secretary, upon issuing or refusing to issue the said certificate, shall preserve in his or her office a record of the fact that such certificate was or was not issued and the date of such action, and shall preserve in his or her office said application with the papers attached thereto, and other records in connection with the said application, all of which shall be kept on file until the examination is completed, report made thereon, and pending application finally disposed of. If an applicant is not admitted to the practice of law, the application and all other papers in connection therewith shall be kept on file in the Secretary's office for reference in connection with any future application for admission to the Bar, or for investigation and examination of the record by any person entitled thereto.