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COMMENTS

THE INVESTIGATION OF GOOD MORAL CHARACTER FOR ADMISSION TO THE VIRGINIA BAR—TIME FOR A CHANGE

One of the most essential and critical components of a democratic society is the law profession.¹ Lawyers are charged with the preeminent duty of assisting citizens in the maintenance of their individual rights. Because of a lawyer's "enviable position of prestige and respect," he "enjoy[s] much public confidence and trust."² Therefore, society expects, and the profession demands, that only individuals possessing an adequate degree of intelligence, education, and good moral character be permitted to practice law.

Typically, there are three sets of requirements for admission to the bar: intellectual attainment, bar examinations, and moral character.³ Intellectual attainment focuses on formal education; a prescribed period of undergraduate studies, followed by a period of law study, is now a prerequisite for admission to the bar in every state.⁴ Likewise, all states now require that candidates for bar admission pass a written examination covering approximately twenty areas of the law.⁵ The final requirement is that of good moral character and fitness to practice law. In spite of the controversy surrounding this requirement, it has become universally accepted⁶ as the "hallmark of a truly qualified lawyer."⁷ Virginia requires that a person desiring to take the bar examination certify that he is a

1. See Sprecher, *Bar Admission Agencies: Their Right To Be Informed*, 51 A.B.A. J. 248 (1965).

2. *Debate (Informal) before the Committee of Bar Admission Administrators of the National Conference of Bar Examiners, August 6, 1977, reprinted in 47 B. EXAMINER 18, 19 (1978) [hereinafter cited as Debate]*.

3. See L. PATTERSON & E. CHEATHAM, *THE PROFESSION OF LAW* 281 (1971); see also B. HARNETT, *LAW, LAWYERS, AND LAYMEN—MAKING SENSE OF THE LEGAL SYSTEM* 46 (1984). See generally *THE BAR EXAMINERS' HANDBOOK* 14-23 (S. Duhl ed. 1980) (general overview on admission to the practice of law in the United States) [hereinafter cited as *HANDBOOK*].

4. See A.B.A. SECTION OF LEGAL EDUCATION AND ADMISSION TO THE BAR AND THE NATIONAL CONFERENCE OF BAR EXAMINERS, *COMPREHENSIVE GUIDE TO BAR ADMISSION REQUIREMENTS* 10-14 (1984).

5. *HANDBOOK*, *supra* note 3, at 18. For a general discussion of whether bar examinations are really necessary, see Blackmar, *Is the Bar Examination an Anachronism?*, 60 A.B.A. J. 1240 (1974) and Griswold, *In Praise of Bar Examinations*, 60 A.B.A. J. 81 (1974).

6. All states now require good moral character as a prerequisite to admission to the bar. See *RULES FOR ADMISSION TO THE BAR* (1963).

7. Huber, *Law School Role and Fitness of Graduates*, 53 B. EXAMINER 6 (1984).

person of "honest demeanor, or good moral character."⁸

In order to fulfill the responsibility of assuring that only individuals of good moral character are admitted to the bar, most states⁹ conduct a character investigation of each applicant. This comment focuses on the methods and procedures used for character investigation in Virginia. The comment will examine the purposes of, and objections to, the good moral character requirement. It will then focus on the Virginia character certification procedures and the need for modification and revision of those procedures. It specifically questions whether the relaxed and cursory investigation practiced in Virginia serves the essential functions of protecting society from "unscrupulous lawyer[s]"¹⁰ and "preserv[ing] our legal system and the integrity of the courts."¹¹

I. THE REQUIREMENT OF GOOD MORAL CHARACTER

A. *General Background*

Perhaps the most important requirement for admission to the bar is good moral character.¹² At least one court has stated that "[n]o attribute in a lawyer is more important than good moral character."¹³ One scholar noted that the determination of the good moral character of prospective bar candidates is "one of the more important tasks a democracy is called on to undertake."¹⁴

The necessity of good moral character originated from the peculiar nature of the practice of law in American society.¹⁵ As explained by Justice

8. VA. CODE ANN. § 54-60 (Repl. Vol. 1982).

9. The states have the power to determine who shall be admitted to the practice of law. In a majority of states, the state supreme court acts as the general overseer of the bar, delegating the administrative aspects of bar admission to a board or committee of bar examiners, whose primary responsibility is to formulate "specific rules governing admission of the applicant to the bar." See Comment, *Bar Examinations: Good Moral Character, and Political Inquiry*, 1970 WIS. L. REV. 471, 472.

10. Alderman, *Screening for Character and Fitness*, 51 B. EXAMINER 23, 24 (1982).

11. Application of Allan S., 282 Md. 683, 689, 387 A.2d 271, 275 (1978).

12. See Law Students Civil Rights Research Council, Inc. v. Wadmond, 401 U.S. 154, 159 (1971); *Ex parte Minor*, 280 So. 2d 217, 220 (La. 1973) ("[G]ood moral character is an indispensable qualification for admission to the practice of law."); Carothers, *Character and Fitness: A Need for Increased Perception*, 51 B. EXAMINER 25, 25 (1981) (affirmative demonstration of character and fitness is a necessary ingredient for bar admission); Shafroth, *Character Investigation—An Essential Element of the Bar Admission Process*, 18 B. EXAMINER 194, 208 (1949) (Character and fitness are "essential condition[s] to a better bar").

13. Application of Allan S., 282 Md. 683, 689, 387 A.2d 271, 275 (1978).

14. Sprecher, *supra* note 1, at 248; see also Application of Allan S., 282 Md. 683, 689, 387 A.2d 271, 275 (1978) ("No duty in this respect [regulation of the practice of law] ranks higher than our obligation . . . to assure that applicants seeking original admission to the Bar possess the requisite moral character fitness . . .").

15. Special Project, *Admission to the Bar: A Constitutional Analysis*, 34 VAND. L. REV. 655, 664 (1981) [hereinafter cited as Special Project].

Frankfurter:

[A]ll the interests of man that are comprised under the constitutional guarantees given to "life, liberty and property" are in the professional keeping of lawyers From a profession charged with such responsibilities there must be exacted those qualities of truth-speaking, of a high sense of honor, of granite discretion, of the strictest observance of fiduciary responsibility, that have, throughout the centuries, been compendiously described as "moral character."¹⁶

The character investigations conducted by the states vary in operation and methodology. They are, however, all based on the underlying premise that future conduct can be predicted from an examination and analysis of prior conduct.¹⁷

B. *Purposes and Objectives of the Good Moral Character Requirement*

It has been widely recognized by courts and scholars alike that states have a legitimate interest in ensuring that only lawyers of good moral character and fitness are admitted to practice.¹⁸ The purposes of requiring good moral character are best articulated in relation to these two generally recognized, legitimate state interests: the protection of prospective clients from incompetent and dishonest practitioners, and the assurance of the proper, orderly and efficient administration of justice.¹⁹

It is clear that state regulation is needed in order to protect clients from dishonest lawyers. Attorneys occupy special positions of influence in our society because "[t]hey deal with the lives, fortunes and reputations of others, in an environment and language which are foreign to most people."²⁰ Innocent and unsuspecting clients place their confidence and trust in the hands of the attorney and are unable to defend themselves against the boundless evil of an unscrupulous attorney.²¹ For these reasons, the

16. *Schware v. Board of Bar Examiners*, 353 U.S. 232, 247 (1957) (Frankfurter, J., concurring).

17. See Rhode, *Moral Character as a Professional Credential*, 94 YALE L.J. 491, 555-62 (1985).

18. See *Goldfarb v. Virginia State Bar*, 421 U.S. 773 (1975); *Law Students Civil Rights Research Council, Inc. v. Wadmond*, 401 U.S. 154 (1971); *Baird v. State Bar*, 401 U.S. 1 (1971); *Konigsberg v. State Bar*, 353 U.S. 252 (1957); *Schware v. Board of Bar Examiners*, 353 U.S. 232 (1957); Special Project, *supra* note 15, at 664; Note, *Admission to the Bar—"Good Moral Character"—Constitutional Protections*, 45 N.C.L. REV. 1008 (1967); Comment, *National Survey of Bar Admission Forms: Need for Reform*, 22 ST. LOUIS U.L.J. 638 (1978) [hereinafter cited as Comment, *National Survey*]; Comment, *Good Moral Character and Admission to the Bar: A Constitutionally Invalid Standard?*, 48 U. CIN. L. REV. 876 (1979); Comment, *supra* note 9.

19. See *Application of Matthews*, 94 N.J. 59, 77, 462 A.2d 165, 173 (1983).

20. Carothers, *supra* note 12, at 27.

21. See *Ex parte Minor*, 280 So. 2d 217, 220 (La. 1973); Alderman, *supra* note 10, at 24; Comment, *supra* note 9, at 475.

legal profession cannot be an open market. A requisite of good moral character helps to assure that society's faith is placed only with individuals who are worthy of such trust and responsibility and who will zealously protect their client's interests within the bounds of law.²²

In addition, the requirement of good moral character ensures the efficient administration of justice. Potential abuses, such as misrepresentation, misappropriation of funds, betrayal of confidences and subornation of perjury and bribery, are frequent occurrences in today's legal world. These abuses can be reduced by a system which strives to admit only individuals who are morally and mentally qualified to uphold the standards of the profession.²³

A less frequently discussed rationale for character requirements is the bar's own interest in maintaining a professional image within the community.²⁴ Admittance of an immoral individual may cause great harm not only to individual clients, but may also severely damage the reputation of the entire legal profession.²⁵ The character review process helps to build a "moral community" by "affirming shared values,"²⁶ thereby securing the common identity and the integrity of the profession.

C. Challenges and Objections to the Good Moral Character Requirement

1. Undefined Standard

Although a requirement that a bar applicant possess good moral character and fitness to practice law serves a useful purpose, that requirement is not free from objections.²⁷ The principal objection relates to the problem of defining what is good moral character and general fitness to prac-

22. See Shafroth, *supra* note 12.

23. See Shafroth, *A Study of Character Examination Methods in Forty-Nine Commonwealths*, 3 B. EXAMINER 195, 196 (1934).

24. See Rhode, *supra* note 17, at 509.

25. *In re Board of Law Examiners, Examination of 1926*, 191 Wis. 359, 363, 210 N.W. 710, 712 (1926).

26. Rhode, *supra* note 17, at 509. "Historically, character and fitness requirements were used . . . to preclude the socially unpopular and to keep down the underdogs. In this way, political and moral preferences of the established order were preserved." B. HARNETT, *supra* note 3, at 46.

27. See Alderman, *supra* note 10, at 23-24. One observer put forth an interesting view of the character investigation:

The legal establishment pretends to safeguard the holiness of the mystic rituals of law practice with admission rites whose vigor would do honor to the Inquisition. Not unlike their more ancient inquisitorial counterparts, the gatekeepers presume to sit in judgment of an applicant's entire post-adolescent life, conduct, associations and beliefs. Their catchwords are "good moral character" and "general fitness."

Theagle, *On Trial: The Legal Establishment, Charge: Arbitrary, Unreasonable and Capricious Standards, Verdict: Guilty*, 1 JURIS DR. 8, 10 (1971).

tice law.²⁸ While all states share the primary goal of a bar composed of attorneys of good moral character and fitness, the standards and procedures employed to determine whether a person possesses these attributes have provoked much challenge and debate.²⁹ As the Supreme Court recognized in *Konigsberg v. State Bar of California*,³⁰ the qualification of good moral character is "unusually ambiguous" and

[I]t can be defined in an almost unlimited number of ways for any definition will necessarily reflect the attitudes, experiences, and prejudices of the definer. Such a vague qualification which is easily adapted to fit personal views and predilections, can be a dangerous instrument for arbitrary and discriminatory denial of the right to practice law.³¹

In an effort to quiet protests against the good moral character requirement, the Supreme Court has imposed the limitation that any qualification required of a bar applicant must have "a rational connection with the applicant's fitness or capacity to practice law."³² Unfortunately, this additional limitation has proved to be of little assistance because no guidelines have been provided as to what is a "rational connection" between the inquiry and the determination of good moral character.³³

2. Constitutional Limitations

Constitutional objections comprise the most interesting and important challenges to the good moral character requirement. Because so much information is required to make a fair assessment of character, and because the nature of that information is highly personal, character investigations tend to be very probing and inquisitive. Such stringent character investigations have been a prime target for constitutional challenge.

The United States Supreme Court has decided several cases challenging the first amendment validity of various bar admission procedures and questions which require disclosure of political beliefs and associations.³⁴

28. See Comment, *National Survey*, *supra* note 18, at 642; Comment, *supra* note 9, at 493.

29. See Comment, *National Survey*, *supra* note 18, at 643.

30. 353 U.S. 252 (1957).

31. *Id.* at 263; *cf. Debate*, *supra* note 2:

Some have objected that good moral character is hard to define; but no one questions that it means at least one who does not lie to clients or courts, does not steal, does not practice fraud. Hopefully it means the lawyer will not forge instruments, will not conspire with criminals, nor use the weaknesses in the machinery of justice as levers for his gain.

Id. at 19.

32. *Schwartz v. Board of Bar Examiners*, 353 U.S. 232, 239 (1957).

33. See Note, *supra* note 18, at 1014.

34. See *Law Students Civil Rights Research Council, Inc. v. Wadmond*, 401 U.S. 154 (1971); *In re Stolar*, 401 U.S. 23 (1971); *Baird v. State Bar*, 401 U.S. 1 (1971); *In re Anas-*

These cases have arisen because bar applications and character investigating authorities have often inquired into an applicant's political beliefs in order to determine whether the applicant has any "nonconformist political commitments."³⁵ Such inquiries have been found to have a chilling effect upon the exercise of constitutional freedoms,³⁶ and states have been warned by the Court that the freedom to select their own bars must not be exercised in such a way as to "impinge on the freedom of political expression or association."³⁷

Other constitutional objections to character investigation arise in the context of due process because the pursuit of one's chosen profession has long been recognized as one of the liberties afforded protection by the due process clauses of the fifth and fourteenth amendments.³⁸ To avoid due process violations, it is essential that any character certification procedure satisfy the requirements of specificity and regularity required by due process.³⁹ Furthermore, any inquiry must bear a rational connection to the standard of good moral character and fitness to practice law.⁴⁰

Many of the recent constitutional challenges to the bar admission process have resulted from the intrusive and probing nature of both the bar applications and character investigations. In these cases, the conflict is between the applicant's right of privacy with regard to personal matters and the state's interest in regulating the character of members of the bar.

Although it is firmly established that a state does have a legitimate interest in assuring that only persons of good moral character are admitted to the practice of law,⁴¹ it may be argued that it is "unnecessary to sacrifice vital freedoms" in order to determine good moral character.⁴² Indeed, it may be asserted that *no* intrusion into the purely private matters of an applicant's life is warranted and that information which is irrelevant to an applicant's ability to practice law should not be included within the scope of a state's inquiry.⁴³

taplo, 366 U.S. 82 (1961); *Konigsberg v. State Bar*, 366 U.S. 36 (1961); *Konigsberg v. State Bar*, 353 U.S. 252 (1957). For an excellent analysis of the constitutional aspects of the bar admissions process, see Special Project, *supra* note 15; *cf.* Rhode, *supra* note 17, at 566-84.

35. Rhode, *supra* note 17, at 566.

36. See *Law Students Civil Rights Research Council, Inc. v. Wadmond*, 401 U.S. 154 (1971); *Konigsberg v. State Bar*, 353 U.S. 252 (1957); *Schwartz v. Board of Bar Examiners*, 353 U.S. 232 (1957). One author observed that such decisions have not daunted character committees, which continue to pry unlawfully into the constitutionally protected affairs of the applicants. Theagle, *supra* note 27, at 11.

37. *Konigsberg*, 353 U.S. at 273.

38. Rhode, *supra* note 17, at 570.

39. *Id.*

40. *Schwartz*, 353 U.S. at 239; see also Comment, *National Survey*, *supra* note 18, at 659. See *supra* notes 32-33 and accompanying text.

41. See *Baird*, 401 U.S. at 7; see also *supra* notes 18-19 and accompanying text.

42. *Konigsberg*, 353 U.S. at 273.

43. Florida Bd. of Bar Examiners Re: Applicant, 443 So. 2d 71, 77 (Fla. 1983) (Adkins, J., dissenting).

The problem with drawing such clear boundaries around the scope of an investigation is that all aspects of an applicant's life may be relevant to a determination of good moral character.⁴⁴ Any determination of character is clearly discretionary,⁴⁵ and bar examiners charged with judging a person's character and projecting it into possible future legal responsibilities⁴⁶ must be "the judge[s] of what part of the applicant's past history is relevant."⁴⁷ In fulfilling their duties, bar examiners have resorted to the general accumulation of data about the applicant.⁴⁸ If a general accumulation of data regarding purely private aspects of an applicant's life is to be allowed, such an investigation must be limited in scope. Because unbridled discretion should not be tolerated,⁴⁹ there are several concerns which should be addressed to assure that the least intrusive means are being used to achieve the goal of a credible and trustworthy bar.

First, questions on bar applications should provide guidance as to what is considered relevant. Inquiries which are not restricted to a specific topic, but which inquire generally concerning any incident which has "any favorable or detrimental bearing" on good moral character,⁵⁰ require an applicant to reveal any and all information about his private life.⁵¹ Because the applicant has no guide as to what will be found to be necessary and relevant to the determination of good moral character, the applicant must relinquish his right of privacy and frame an answer at the peril

44. See *supra* text accompanying note 31.

45. Note, *supra* note 18, at 1008. See generally *Ex parte Minor*, 280 So. 2d 217, 221 (La. 1973) ("Satisfaction of the requirement of good moral character undoubtedly involves the exercise of delicate judgment . . ."); Special Project, *supra* note 15, at 665 (a large amount of discretion is accorded to the investigatory body).

46. Comment, *National Survey*, *supra* note 18, at 643.

47. Florida Bd. of Bar Examiners Re: Applicant, 443 So. 2d at 75-76. This idea seems to be based on the theory that "the more one knows about an applicant, the better one can predict the kind of lawyer he will be." Brief for Appellant at 13, *Law Students Civil Rights Research Council, Inc. v. Wadmond*, 401 U.S. 154 (1971). However, it is questionable whether such information has any value in the hands of a lawyer acting as an amateur psychologist/sociologist, especially in light of the difficulty and questionable accuracy of judging a person's character from past behavior and projecting this judgment into future legal responsibilities. See *id.*; Comment, *National Survey*, *supra* note 18, at 643.

48. See Comment, *National Survey*, *supra* note 18, at 643.

49. See Florida Bd. of Bar Examiners Re: Applicant, 443 So. 2d at 74 (construing *Roe v. Wade*, 410 U.S. 113 (1973)); see also Comment, *National Survey*, *supra* note 18, at 640 (The character investigation is an "unnecessarily detailed invasive barrage of questions concerning all facets of the [applicant's] life").

50. *Law Students Civil Rights Research Council, Inc. v. Wadmond*, 299 F. Supp. 117, 131 (S.D.N.Y. 1969), *aff'd*, 401 U.S. 154 (1971).

51. Limitations on the scope of the investigation have been recognized by the United States Supreme Court. The court in *Wadmond* stated that bar examining authorities "should be able to frame specific questions adequate to elicit the information they need." 299 F. Supp. at 132.

of being rejected from his chosen profession.⁵² The boards of bar examiners should not inquire into and investigate private information unless it is clearly relevant and essential to a decision concerning good moral character.

Second, the fact that the time periods to be covered by the answers may not rationally relate to the determination of good moral character and fitness raises the problem of a lack of specificity.⁵³ Many applications contain questions which require an applicant to reveal any pertinent information since birth.⁵⁴ Questions should not require "soul searching" which invades the right to privacy.⁵⁵

Third, more than one-half of the states require an applicant to sign some variation of an authorization and release (waiver) form.⁵⁶ By signing such a form, the applicant is placed in a vulnerable position because he is required to authorize the release of highly private information *before* there is any reasonable cause to believe that his past may indicate questionable moral character.⁵⁷ These waiver forms afford a "considerable potential for abuse,"⁵⁸ and represent "an unreasonable and excessive intrusion through authority of government into the privacy of individuals."⁵⁹ However, "few applicants refuse to sign the waivers, no matter how broad or invasive they are, because the penalty for the assertion of the applicant's constitutional right to privacy is total rejection."⁶⁰

Finally, the processing of applications may also present questions re-

52. "The threat of rejection from one's chosen profession is a powerful form of compulsion." Comment, *National Survey*, *supra* note 18, at 644. An unsuccessful bar applicant cannot seek alternative legal employment once excluded from the bar—he is denied all opportunity to practice law within the state and possibly in other states as well. See Special Project, *supra* note 15, at 668.

53. See Florida Bd. of Bar Examiners Re: Applicant, 443 So. 2d at 77 (Adkins, J., dissenting); Comment, *National Survey*, *supra* note 18, at 644.

54. See Comment, *supra* note 18, at 640 (an applicant is "forced to open every file in existence pertaining to him").

55. *Wadmond*, 299 F. Supp. at 132.

56. See generally Comment, *National Survey*, *supra* note 18, at 650-54 (the applications of twenty-nine states contain an authorization and release form). Typically, these forms authorize the release from employers, doctors, clergy members, educational institutions, law enforcement agencies, and branches of the military of all documents and information pertaining to the applicant. These forms also require the applicant to waive the confidentiality of the information and to release the agencies from any liability arising from the furnishing of such information.

57. See Comment, *National Survey*, *supra* note 18, at 640; see also *Ex parte Minor*, 280 So. 2d at 218 (Tate, J., dissenting) (requirement that the applicant "give his consent in advance to such intrusion, without further notice to him, is intolerable in a free society").

58. See Note, *Constitutional Law—Bar Admissions—Challenge to Bar Admissions Committee's Implementation of Good Moral Character Requirement*, 48 TUL. L. REV. 155, 159 (1973).

59. *Ex parte Minor*, 280 So. 2d 217, 218 (La. 1973).

60. Comment, *National Survey*, *supra* note 18, at 652 n.70.

garding intrusion upon the applicant's right of privacy. The applications and accompanying instructions are vague and uninformative about the processing of an application. Specifically, a bar applicant is not informed of, and has no control over, who has access to the application and whatever private information that is released pursuant to the application.⁶¹ Moreover, once the character investigation is complete and the applicant has passed the bar examination, the accumulated information and documents are usually not destroyed within a reasonable time, nor are they permanently sealed.⁶² The investigatory body should assume the responsibility of disposal of such information.⁶³

II. VIRGINIA CHARACTER CERTIFICATION PROCEDURES

A. *Statutory Provisions and their Application*

It has been held that the Commonwealth of Virginia has a legitimate state interest in regulating the legal profession to assure that the bar is composed of lawyers of good moral character.⁶⁴ Pursuant to this interest, the state provides that before a person is granted a license to practice law in the state, it must appear that he is a person of good moral character and honest demeanor.⁶⁵ The Virginia Code provisions governing the character certification procedure are contained in section 54-60,⁶⁶ which requires a bar applicant to file both an application to take the bar examination and a certificate of character, age, and residence.⁶⁷ Persons enrolled in one of the American Bar Association approved law schools in Virginia at the time of filing the application must obtain the character and resi-

61. See *id.* at 654; see also D. O'BRIEN, *PRIVACY, LAW, AND PUBLIC POLICY* 19 (1979) ("[N]otwithstanding the inability to control the access or disclosure of information, an individual may still have legitimate privacy expectations.").

62. One of the abuses inherent in the collection of personal and private information kept in permanent files is that the information will be retained longer than is necessary or justifiable. See generally Gerety, *Redefining Privacy*, 12 HARV. C.R.-C.L. L. REV. 233, 287 (1977).

63. See Comment, *National Survey*, *supra* note 18, at 654.

64. See *Goldfarb v. Virginia State Bar*, 421 U.S. 773, 792 (1975) (challenge of state bar rate scale for title insurance); *Woodard v. Virginia Bd. of Bar Examiners*, 420 F. Supp. 211, 214 (E.D. Va. 1976) (quoting *Goldfarb*) (civil rights action against Virginia Board of Bar Examiners).

65. See VA. CODE ANN. § 54-60 (Repl. Vol. 1982); see also *Cord v. Gibb*, 219 Va. 1019, 254 S.E.2d 71 (1979) (unorthodox living arrangement of applicant was found to bear no rational relation to the Virginia requirement of good moral character or fitness to practice law); *Campbell v. Third Dist. Comm. of the Va. State Bar*, 179 Va. 244, 249, 18 S.E.2d 883, 885 (1942) ("[A] lawyer must possess high moral character before he or she can obtain a license to practice law . . .").

66. VA. CODE ANN. § 54-60 (Repl. Vol. 1982).

67. *Id.* The residency requirement of § 54-60 has been declared unconstitutional by the United States District Court for the Eastern District of Virginia, Alexandria Division. *Giller v. Virginia Bd. of Bar Examiners*, Civil Action No. 83-1282-A (E.D. Va. Feb. 8, 1984). The case is on appeal to the United States Fourth Circuit Court of Appeals.

dence certificate from the dean of their law school, while all others must obtain the certificate from a judge of the circuit court of the county or city where the applicant resides.⁶⁸ Before such judge issues the certificate, the name of the applicant is submitted to a panel of three attorneys, who conduct a thorough investigation of the character of the applicant.⁶⁹

The Virginia Board of Bar Examiners essentially disclaims responsibility for the character investigation of an applicant and delegates that important duty to the deans of the law schools or the judges of the circuit courts.⁷⁰ The investigation carried out by the dean of a Virginia law school consists of a relaxed and cursory review of the applicant's past.⁷¹ Unless affirmative evidence of questionable character is apparent to the dean,⁷² the certificate of good moral character will be signed. Due to a lack of investigatory power and resources, the dean does not conduct a detailed investigation into an applicant's past.⁷³

To obtain a character certificate from the circuit court, an applicant supplies the names of three character references,⁷⁴ and a panel of three attorneys personally interviews each of these references.⁷⁵ The questions asked in these interviews seek to establish whether the reference knows the applicant well enough to be able to render an intelligent opinion regarding the applicant's good moral character.⁷⁶ In neither of these character review procedures does the applicant appear personally before the law school dean or the circuit court judge.

B. *Adequacy of Virginia Procedures*

For purposes of protecting society and assuring a credible and trustworthy bar, these methods are deficient. This deficiency was recognized twenty years ago by William H. King, a former member of the Virginia Board of Bar Examiners. King described Virginia's character investiga-

68. VA. CODE ANN. § 54-60 (Repl. Vol. 1982).

69. *Id.*

70. Interview with Thomas Edmonds, Dean, T.C. Williams School of Law, University of Richmond, Virginia (Oct. 4, 1984).

71. *Id.*

72. Examples include evidence of some type of misconduct revealed at the time of entrance to law school or an honor code violation during law school. *Id.*

73. *Id.*

74. See Appendix I, Virginia Board of Bar Examiners Application for Examination and for License to Practice Law, Question 10.

75. Telephone interview with Charles Chambliss, panel member, Circuit Court for the City of Richmond, Virginia (Oct. 16, 1984). Ordinarily the applicant is not interviewed personally. *Id.*

76. The panel inquiries concern the nature of the reference's relationship with the applicant, the length of the relationship, the reference's opinion of the character of the applicant, and any other aspects of the relationship which the reference believes may be relevant. *Id.*

tion methods as "often-abbreviated,"⁷⁷ but noted that because the bar of Virginia included such illustrious forefathers as Wythe, Marshall and Jefferson, "there is still some degree of expectancy that any boy who comes to the bar must bring a spark of this tradition with him."⁷⁸ Yet in spite of demands for change, Virginia continues to use these too-often-abbreviated and inadequate character investigation methods.³

There are additional reasons for concluding that the methods employed in Virginia are inadequate. First, it is the view of the current Board of Bar Examiners⁷⁹ that confidence should be placed in the limited amount of information received from the applicant and the character certification authority.⁸⁰ Once an applicant has gone so far as to commit himself to the practice of law by investing three years and thousands of dollars in a legal education, the Virginia Board is reluctant to reject the applicant on character grounds and suggest the withdrawal of the character certificate by the dean or judge issuing it.⁸¹ Moreover, because the Virginia Board believes that the character investigation of applicants is beyond the scope of its statutory duties,⁸² it is not primarily concerned with such investigations.

The Virginia procedures are also inadequate because neither the law school deans nor the circuit court judges have the requisite power and resources to conduct an adequate character investigation.⁸³ In the case of a student applicant, unless the dean becomes aware of a possible character problem,⁸⁴ no actual investigation of any sort is carried out; the certif-

77. King, *Character Investigations in Virginia and Neighboring States*, 34 B. EXAMINER 112, 113 (1965).

78. *Id.* This expectancy appears to have its roots in the fact that many bar admission rules date back to an era "when the population was small, the lawyers were few, and prospective applicants were known individually to . . . [the certification authority] or their friends and family were known." Shafroth, *supra* note 12, at 197.

79. Hereinafter referred to as "Virginia Board."

80. Interview with W. Scott Street, III, Secretary, Virginia Board of Bar Examiners (Oct. 2, 1984).

81. *Id.*; see also Kempner, *Current Practices of Law Schools with Respect to Character Qualifications of Students*, 34 B. EXAMINER 106, 110-11 (1965); Rhode, *supra* note 17, at 516.

In Virginia, the Board has no power to deny an application to the bar once the judge or dean has issued the character certification. Therefore, when a problem later arises, the Virginia Board must send the new evidence of bad character back to the judge or dean, and suggest that the certification be withdrawn. If the certification is not withdrawn, the applicant must be permitted to take the examination and, if successful, be admitted to the bar. See King, *supra* note 77, at 115.

82. See VA. CODE ANN. § 54-57.1 (Repl. Vol. 1982).

83. Interview with Thomas Edmonds, Dean, T.C. Williams School of Law, University of Richmond, Virginia (Oct. 4, 1984). This problem has been widely recognized. See HANDBOOK, *supra* note 3, at 135; Kempner, *supra* note 81, at 110; Rhode, *supra* note 17, at 512-13.

84. See, e.g., *supra* note 72 and accompanying text.

icate is signed automatically. Further investigation, beyond merely talking with the applicant, is not possible due to a lack of subpoena power and other resources.

In the case of non-student applicants, the three character references chosen to appear before the three-attorney panel will obviously be favorable to the applicant, since they were chosen by him. The recommendations of the panel are relied on by the circuit court judge, who conducts no independent investigation.⁸⁵ Because the panel is "not equipped to unearth moral deficiencies which may have occurred at a far distant place,"⁸⁶ there is little likelihood that this procedure will reveal persons of bad moral character.

Finally, the inadequacy of the character certification process in Virginia is compounded by the fact that the phrase "good moral character" is not susceptible to universal definition.⁸⁷ "The plain truth of the matter is that 'good moral character' is an elusive, ill-defined concept often playing to the hearts as well as the minds of those whose task it is to make such a judgment about others."⁸⁸ Due to the lack of any unified concept, the judgment of moral character depends largely upon the "arbitrary and changing personal values of individual examiners."⁸⁹ Therefore, the *individual* that makes the character determination is of paramount importance. Due both to the amount of investigation required to form a true picture of the applicant and the importance of the character requirement, the investigating authority must be vested with the power and resources necessary to conduct a sound and thorough review.

C. *Suggested Changes in Virginia Character Certification Procedures*

1. By Law School Deans

The proposition that the Virginia procedures are in need of revision is not a new idea. As early as 1965, William King⁹⁰ noted that "there is a growing need for more modern procedures for evaluating character" in Virginia.⁹¹

85. Interview with Ronald R. Belton, Chief Deputy Clerk, Circuit Court for the City of Richmond (Oct. 10, 1984).

86. King, *supra* note 77, at 114.

87. Carothers, *supra* note 12, at 26; *see supra* text accompanying notes 23-31. There have been numerous judicial attempts to define the concept. One court concluded that good moral character consisted of certain traits—"honesty and truthfulness, trustworthiness and reliability, and a professional commitment to the judicial process and the administration of justice." Application of Matthews, 94 N.J. 59, 77, 462 A.2d 165, 174 (1983).

88. Carothers, *supra* note 12, at 25.

89. Comment, *National Survey*, *supra* note 18, at 660.

90. *See supra* note 77 and accompanying text.

91. King, *supra* note 77, at 113.

The deans of the Virginia law schools have continually called for change, but with limited success. However, recent meetings between the deans and the Virginia Board have resulted in the development of a detailed questionnaire⁹² to be completed under oath by the applicant at the time character certification is sought from the dean. The questions concern a wide variety of subjects, including military history, professional experience, felonies and misdemeanors, drug addiction and mental illness.⁹³

The questionnaire states that the "certifying officials are required to make a thorough investigation of the moral character and fitness of each applicant," and that it is "designed to assist the certifying officials in the performance of their duties."⁹⁴ According to the Virginia Board, the questionnaire is a "dean's form" and is not intended to be a part of the application filed with the Virginia Board.⁹⁵ In fact, the Board will never see a candidate's answers, and the full responsibility for the character investigation remains with the law school deans.

2. Character Committees

Although this questionnaire seems to be a step in the right direction, it will not completely solve the problems. The form does little more than allow the law school dean to feel more comfortable and confident when certifying the character of an applicant.⁹⁶ If the form indicates a problem with an applicant's moral character, the dean is still powerless to conduct further investigation beyond a personal interview with the applicant. It will still be difficult for the dean to be able to obtain any objective, unbiased information concerning an applicant.

It is clear that the responsibility for character certification in Virginia needs to be vested in a separate committee on character and fitness,⁹⁷ as currently is done in a number of states. Although the structure and operation of these committees vary, there are certain standard requirements which could be applied in Virginia. There should be a character committee for each of the judicial circuits in the state, comprised of members

92. See Appendix II, Questionnaire and Affidavit. The form is modeled on a similar questionnaire developed by the National Conference of Bar Examiners. See HANDBOOK, *supra* note 3, at 146-53.

93. See Appendix II, Questionnaire and Affidavit.

94. *Id.*

95. Interview with W. Scott Street, III, Secretary, Virginia Board of Bar Examiners (Mar. 5, 1985).

96. *Id.*

97. See Shafroth, *supra* note 12, at 199. The National Conference of Bar Examiners recommends the use of a separate committee in Standard 11 of the Code of Recommended Standards for Bar Examiners. See HANDBOOK, *supra* note 3, at 128.

appointed by the court.⁹⁸ The size of the committee will vary depending upon the population of the circuit. While the character committee should be an arm of the Virginia Board, its duties should be separate and distinct from those of the Board.⁹⁹ This autonomy will emphasize the importance of the committee's work.¹⁰⁰ Moreover, the Board already has the onerous task of examining mental ability and technical competence, and it would be both unfair and burdensome to give them such additional duties.¹⁰¹

In order for the committees to investigate an applicant's character, the application should consist of a character questionnaire,¹⁰² designed to elicit any information bearing a "rational connection"¹⁰³ to the standard of good moral character. The questionnaire should be forwarded to the character committee in the circuit where the applicant resides. It should be the duty of each character committee to verify the facts in the questionnaire, contact the references given, and make any further investigation deemed desirable or necessary.¹⁰⁴ In this respect, it is necessary to vest each committee with the power to subpoena witnesses and to give the committees necessary finances and manpower.¹⁰⁵ In addition, each committee, through one or more of its members, should personally interview each applicant referred to it.¹⁰⁶ Each committee would then consider the character and fitness of the applicant and transmit to the Board a report of its investigation and its recommendation as to the applicant's character, fitness and standing to be admitted to the bar.¹⁰⁷ The Board would ultimately determine whether the applicant is of good moral character and whether the applicant should be admitted.¹⁰⁸

Obviously, the utilization of character committees is not a flawless method of character investigation. Committee members in Maryland, where such a system is used, have expressed frustration at the lack of guidelines, standards and precedent to aid in arriving at consistent results.¹⁰⁹ Such deficiencies can be addressed with specific solutions. In

98. See, e.g., RULES GOVERNING ADMISSION TO THE BAR OF MARYLAND, Rule 4(a), MD. ANN. CODE (Repl. Vol. 1985) [hereinafter cited as MD. ADMISSION RULES].

99. See Shafroth, *supra* note 12, at 199.

100. *Id.*

101. *Id.* In addition, this Committee structure would comport with the Virginia Board's view of its duties. See *supra* note 82 and accompanying text.

102. MD. ADMISSION RULES, *supra* note 98, Rule 2.

103. *Schwartz v. Board of Bar Examiners*, 353 U.S. 232, 239 (1957).

104. MD. ADMISSION RULES, *supra* note 98, Rule 4(b); see also Powers, *Admission to the Bar in Maryland*, 8 U. BALT. L. REV. 70, 75 (1978).

105. See Shafroth, *supra* note 12, at 205.

106. *Id.*

107. *Id.*

108. This responsibility would probably require an increase in the Board's manpower. See, e.g., King, *supra* note 77, at 115.

109. Powers, *supra* note 104, at 76.

Mississippi, for example, the Bar Admission Rules include a section entitled "Standards for Disqualification of Applicant,"¹¹⁰ detailing various types of conduct considered grounds for denial of admittance.¹¹¹

If an applicant is denied admittance because of an apparent lack of good moral character, the applicant should be promptly notified of the specific reasons for denial and afforded an opportunity to appear before the Committee to answer or explain the asserted grounds.¹¹² Finally, the names of all the applicants should be published¹¹³ prior to the bar examination¹¹⁴ so that all members of the bar are aware of who is applying for admission.

3. Problems Associated with Modification

Although modification and revision of the Virginia procedures are required, there are problems associated with the adoption of new methods. First, conversations with members of the Virginia Board reveal that they do not perceive any problems with the current procedures, and consequently they do not favor any modification. Because additional expense, time and manpower are required for a character investigation by a character committee, the Virginia Board does not look favorably upon this idea.¹¹⁵ Some Board members are of the opinion that the formation of character committees would be "overkill" at this time because they do not view the character certification problem as a serious one, especially in light of the promulgation of the new questionnaire and affidavit.¹¹⁶ Moreover, the Board believes that because of the difficulties inherent in ascertaining a person's moral character, disqualification from practice based on any conduct or evidence other than a conviction or judgment, or a proceeding involving due process, would be unfair and too heavily based on innuendo or insinuation.¹¹⁷

110. 1984 RULES GOVERNING ADMISSION TO THE MISSISSIPPI STATE BAR, Rule VII, § 6.

111. Examples of such conduct include dishonesty, disloyalty, irresponsibility, advocating or supporting overthrow of the U.S. Government, and mental or emotional instability. *Id.* The statute also describes the consideration to be given to evidence of convictions of a felony or misdemeanor under state or federal law. *Id.*

112. MD. ADMISSION RULES, *supra* note 98, Rule 4(c).

113. Shafroth, *supra* note 12, at 207. For example, publication could be made in the Virginia State Bar News.

114. In Virginia, these names are published after the bar examination is taken. However, it would not require much effort to publish these names before the exam.

115. Telephone interviews with members of the Virginia Board of Bar Examiners (Mar. 4-7, 1985).

116. *Id.*

117. *Id.*

III. CONCLUSION

A final question must be confronted: Should the character certification process be dispensed with altogether? Recently, several scholars have advocated the abolition of the good moral character requirement,¹¹⁸ urging the legal profession to "dispense with the hocus pocus which is a part of the admission price at the gates of the great temple."¹¹⁹ It is also argued that increased emphasis should be given to strengthening and enforcing disbarment procedures.¹²⁰ There are those who believe that graduation from law school should be regarded as sufficient certification of a bar applicant's good moral character.¹²¹ The successful completion of both a law school education and the bar examination require a high degree of persistence and self-discipline, and these events in and of themselves are certainly character builders.¹²²

Yet, completion of law school and success on the bar examination are not enough. The reputation of the profession is "more likely to suffer from abuses of professional opportunities and sharp practice than from ignorance of legal principles or lack of skill in their application."¹²³ Because the profession of law is such a vital part of the American justice system, it should not be an open market.¹²⁴ An enormous amount of power and trust is placed in the hands of an attorney, and opportunities for unscrupulous activities are boundless. It is therefore essential that only those who demonstrate good moral character be admitted to the bar, so as to ensure that both clients and justice will be served honorably and responsibly.¹²⁵

Because it is clear that good moral character should be an indispensable requirement for bar admission, it is important that the procedures employed to determine character are thorough and complete. Character committees should be formed and given the requisite power and resources to investigate the moral character of each applicant. Blind faith accept-

118. See Rhode, *supra* note 17, at 585; Comment, *National Survey*, *supra* note 18, at 658.

119. Theagle, *supra* note 27, at 10.

120. See Rhode, *supra* note 17, at 585; Comment, *National Survey*, *supra* note 18, at 658.

121. See Kempner, *supra* note 81, at 109.

122. See Shafroth, *supra* note 12, at 196.

123. *Id.* at 208.

124. Besharov & Hartle, *Here Come the Mediocre Lawyers*, Wall St. J., Feb. 22, 1985, at 30, col. 4.

125. See Application of Matthews, 94 N.J. 59, 77, 462 A.2d 165, 173 (1983); see also Shafroth, *supra* note 12, at 206:

[T]he . . . group which has control of admission to the bar should be encouraged to continue a study of the problem with the view of obtaining better cooperation in setting up the necessary machinery, and after the necessary machinery has been set up with the view of getting the proper cooperation between the group which determines the requirements for admission to the bar and those appointed to inquire into the character and fitness of applicants.

ance of information given by an applicant should no longer be tolerated as an appropriate method of character investigation. As lawyers we are taught to question all that we read and hear; such inquisitiveness should apply to the investigation of good moral character. Even if only one question is asked to determine good moral character, the power and resources should be available to further investigate the applicant's answer. The time is ripe for the Virginia Board of Bar Examiners and the Virginia General Assembly to realize that a more thorough system of character examination is an essential step towards a more ethical and credible bar.

Kristine M. Trevino

Appendix I

VIRGINIA BOARD OF BAR EXAMINERS

Suite 611, Mutual Building
9th and Main Streets
Richmond, Virginia 23219

APPLICATION

FOR EXAMINATION AND FOR LICENSE TO PRACTICE LAW

(PLEASE PRINT)

FULL NAME (NO INITIALS) First Middle (and/or) Maiden Last (Jr., etc.)

ADDRESS Number and Street City State Zip

I, the above named Applicant, hereby apply to the Virginia Board of Bar Examiners for permission to sit for the Virginia Bar Examination to be held in (Month) _____, 19 _____, and for a license to practice law in the Commonwealth of Virginia. Pursuant to such request, I submit the following:

1. I am currently employed by _____ located at (Full Mailing Address) _____ Telephone Number (Area Code) _____

2. My Social Security Number is _____

3. My home telephone number is (Area Code) _____

4. I comply with the academic requirements listed in Section II of the Rules of the Virginia Board of Bar Examiners as follows:

(Complete ONLY one.)

(A) I was graduated from _____ School of Law on (Date) _____ 19 _____. I enclose a certificate of graduation (Yes _____).

Do not write in this box

App. _____ OK _____
Fee _____ By _____
C&R/NCBE Report _____
Edc. _____ Grd. _____
_____ C.E. _____
_____ S.I. _____
_____ / _____
Deg. _____ Lic. _____
F.P. _____ C.C. _____
Essay _____
M.B.E. _____

(B) I am enrolled at _____ Law School at the time of filing this Application, and I expect to complete all degree requirements on (Date) _____ 19 _____. I will submit a Certificate of Graduation, signed by my Dean or proper official, before the date of the upcoming Virginia Bar Examination. (Yes _____).

(C) I received my legal education in the office of _____, Attorney at Law, and I submitted my Final Attorney's Certificate on (Date) _____, 19 _____, OR I enclose such Certificate (Yes _____).

(D) I received a portion of my legal education at a foreign law school. I enclose the following documents: _____

5. Character and Residence Certificate or National Conference of Bar Examiners Report. (Complete ONLY one).

(A) I currently reside in Virginia in the _____ City/County of _____

and I have applied for a Character and Residence Certificate as required in Section III of the Rules of the Virginia Board of Bar Examiners on (Date) .

(B) I do not currently reside in Virginia. I have submitted to the Virginia Board of Bar Examiners a completed "Applicant's Questionnaire and Affidavit" on the form prescribed by the Board. I have included a fee (certified check, cashier's check or money order ONLY) of \$175.00 made payable to "National Conference of Bar Examiners" to cover the cost of the required investigation. I acknowledge that the Board's receipt of a satisfactory investigation report from the National Conference of Bar Examiners is a prerequisite to my eligibility to sit for the Virginia Bar Examination. (Yes _____).

6. (A) I attach hereto a list of all criminal offenses, including moving traffic violations, of which I have ever been convicted (Yes _____). If none, so state: _____

If yes, attach statement giving complete details of all facts which caused each charge to be made, and complete details as to the disposition of each

charge. (D.M.V. transcripts not accepted).

(B) I attach hereto one set of fingerprints, making certain that the personal history data is listed on the card. (Yes _____).

7. (A) I list below ALL jurisdictions to which I have ever applied for examination and/or admission to practice law, specifying the date of application and the results: (If application was made and withdrawn, so state and give reasons for withdrawal. If none, so state. Use additional sheets if necessary.) _____
-

(B) I attach hereto a certificate of good standing from a judge, or the clerk, of the court of last resort of each of the jurisdictions listed above where I was admitted to practice law (Yes _____).

8. (A) I have taken the following Multistate Bar Examinations within [sic] two years immediately preceding the examination for which I am applying: [Give jurisdiction(s) and date(s)] _____

(B) I request the Board to accept my prior score pursuant to Section I, Rule 4 of the Rules of the Board of Bar Examiners, and file herewith an M.B.E. Request and Release Form for each appropriate score. (Yes _____).

(Note: The M.B.E. Request and Release Form may be obtained from the Office of the Secretary, Suite 611, Mutual Building, 9th and Main Streets, Richmond, Virginia 23219. Applicants who wait until the filing deadline should expect delays in notification of the acceptability of their prior scores.)

9. I list, on a separate sheet of paper, all of my residences (including all school residences) for the past ten years, giving addresses and dates of residence at each address.
10. Character References: (List on a separate sheet of paper the names and addresses of two or more persons not related to you and who have known you intimately for more than five years. If possible, list also the names of one or more attorneys at law practicing in your community who are acquainted with you.)
11. I enclose the required fee of \$110.00. Such fee is paid ONLY by certified check, cashier's check or money order made payable to The Virginia Board of Bar Examiners (Yes _____).

*ATTACH
PHOTOGRAPH
HERE*

(Use glue; Do Not Staple)

12. I attach to this application, over the square outlined, an unmounted photograph of myself taken within the preceding twelve months (Yes _____).
13. I understand that if all questions contained in this application are not answered fully and completely on its initial submission, the application will not be considered as being timely filed.
14. By filing this application I hereby:
 - (A) Authorize and request every person, firm, corporation, association and agency having control of any documents, records or other writing, or having other information pertaining to me to furnish to the Board any such writings and information the Board believes will relate to my moral character and/or fitness to engage in the practice of law, and to permit the Board and any of its agents or representatives to inspect and make copies of such documents, records, and other writings.
 - (B) Agree that all information provided by this application, and all other information received by the Board and believed by it to have a bearing upon my moral character and/or fitness to engage in the practice of law, may be released by the Board at any time, and without liability to the Board, its members, agents, or other representatives, to any judicial, executive or legislative official, or to any investigatory or regulatory body or agency, when the Board considers such release to be reasonably needed by such official, body or agency in response to his or its inquiry relating to my moral character and/or fitness to engage in the practice of law.

(C) Agree that the foregoing shall remain in effect for any future examinations for which I may make application to the Board.

(Signature of Applicant)

STATE OF _____

COUNTY (CITY) OF _____

I, a Notary Public of such County (City), certify that this day personally appeared before me in such County (City)_____

who thereupon made oath that the statements made in this application are true and complete.

Given under my hand this _____ day of _____, 19 _____.

Notary Public

My commission expires

_____, 19 _____

NOTICE
FILE APPLICATIONS AND PAY FEE
FOR FEBRUARY EXAMINATION—ON OR BEFORE
DECEMBER 15th
FOR JULY EXAMINATION—ON OR BEFORE MAY
15th

* * * * *

MANY COURTS REQUIRE THAT THE APPLICATION FOR THE CHARACTER-RESIDENCE CERTIFICATE BE FILED NOT LATER THAN NOVEMBER 15, WHEN APPLYING FOR THE FEBRUARY EXAMINATION, AND NOT LATER THAN APRIL 15, WHEN APPLYING FOR THE JULY EXAMINATION. APPLICANTS SHOULD CONSULT RULES OF LOCAL COURTS TO DETERMINE THE REQUIREMENTS.

* * * * *

March 15, 1984

Appendix II

DRAFT

TO ALL APPLICANTS FOR THE VIRGINIA BAR EXAMINATION:

Section 54-60 of the Code of Virginia requires each applicant for the Virginia Bar Examination to furnish certification that he or she is a person of honest demeanor and good moral character. Applicants who are regularly enrolled students at an approved Virginia law school may obtain this certificate from the dean and a professor of the law school. The certifying officials are required to make a thorough investigation of the moral character and fitness of each applicant before issuing such certificates. This conforms to the Code of Professional Responsibility's requirement that "[b]efore recommending an applicant for admission, a lawyer should satisfy himself that the applicant is of good ethical character." The following questions are designed to provide information to assist the certifying officials in the performance of their duties. Answer all questions completely and make your answers as specific as possible. Use additional pages if necessary.

QUESTIONNAIRE AND AFFIDAVIT

1. (a) Full Name: _____

Soc. Sec. No. _____ Age _____ Sex _____

(b) Have you ever been known by any other name or surname? _____ If so, list all such other names and the dates and places they were used. _____

(c) Current (school) address: _____

(d) Permanent address: _____

2. Have you ever been a member of the Armed Services? _____ If so, were you ever the subject of any military disciplinary proceedings? _____ If your answer is yes, give complete details. _____

If you received other than an honorable discharge, state the type of discharge, the circumstances surrounding your release, where the record can be obtained, your service number and rank, and branch and dates of active service. _____

3. (a) Were you ever suspended or expelled from a college or university? _____ If so, state the facts fully. _____

(b) Have you ever been disciplined by the Honor Council, Judiciary Committee, or any other similar body of any college or university? _____ If so, state the facts fully. _____

4. If you have ever applied for admission to the bar of any jurisdiction, give all details of each such application and the results of each. _____

5. (a) Have you ever held a license, other than as an attorney at law, the procurement of which required proof of good character (e.g., CPA, patent attorney, real estate broker, etc.)? _____ As to each license, state the date it was granted and the name and address of the issuing authority. _____

(b) If any such license has ever been denied, suspended or revoked, give the date of denial, suspension or revocation, and the name and address of the authority in possession of the record thereof. _____

6. (a) Have you ever been disbarred, suspended, reprimanded, censured or otherwise disciplined or disqualified as an attorney, or as a member of any other profession, or as a holder of any public office? _____ If so, state the dates and the name and address of the authority in possession of the record thereof. _____

(b) Are any charges or complaints now pending concerning your conduct as a member of any profession or as a holder of any public office? _____ If so, state the name and address of the authority in possession of the record thereof.

7. Are there any unsatisfied judgments or court orders of continuing effect against you? _____ If so, state the facts fully, giving the names and addresses of creditors, amounts, dates and the nature of debts, judgments or court orders, and the reason for nonpayment of unsatisfied judgments. _____

8. (a) Have you ever been convicted of or pled guilty or no contest to a felony charge, or to a misdemeanor charge, other than a minor traffic charge, but including any charge of operating a motor vehicle under the influence of intoxicants or other self administered drugs? _____

(b) Have you ever been adjudicated liable in a civil action or proceeding involving a claim of fraud, conversion, breach of fiduciary duty or professional malpractice? _____

(c) Have you ever been adjudicated a bankrupt or insolvent? _____

(d) Are any of the charges, actions or proceedings listed in 8(a), (b), and (c) pending against you? _____

GIVE FULL DETAILS for all affirmative responses to any part of this question,

including dates, names and locations of any courts, names of counsel involved, and the facts and disposition of each matter. _____

9. Are you now, or have you been, addicted to, or have you undergone treatment during the last five (5) years for the use of, narcotics or drugs or the excessive use of intoxicating liquors? _____ If so, state the facts fully. _____

10. Are you now undergoing, or have you within the last five (5) years undergone, treatment for any mental illness? _____ If so, state the facts fully. _____

I have read the foregoing document and have answered all questions fully and frankly. The answers are complete and true of my own knowledge. I authorize and request every person having any information pertaining to me to furnish to the Dean of my law school any such information which the dean believes may relate to my moral character and/or fitness to practice law. I acknowledge that the information I have furnished will be relied upon in certifying my qualifications to the Virginia Board of Bar Examiners, and that a false answer hereon may constitute reason to deny me admission to the bar or, if I am admitted, may constitute grounds for my disbarment.

Signature of Applicant

Subscribed and sworn to before me this _____ day of _____, 19 _____, in the City/County of _____, State of Virginia.

Notary Public

My commission expires: / /

