

## Rule 712

### CHARACTER AND FITNESS QUALIFICATIONS

- (a) **Applicant's Burden.** Before an applicant may be admitted to the Kansas bar under Rule 716, 717, 719, 720, or 721 or receive a temporary permit under Rule 718, the applicant must establish by clear and convincing evidence that the applicant possesses the requisite good moral character and current mental and emotional fitness to engage in the active and continuous practice of law.
- (b) **Good Moral Character.** Good moral character includes the qualities of honesty, fairness, responsibility, trustworthiness, integrity, respect for and obedience to the laws of Kansas and the nation, and respect for the rights of others and for the judicial process.
- (c) **Current Mental and Emotional Fitness.** Current mental and emotional fitness to engage in the active and continuous practice of law means the competence, diligence, and stability necessary for the practice of law and the performance of an attorney's duties to clients, courts, and the legal profession.
- (d) **Further Inquiry.** Any evidence of the following may result in the admissions attorney, the Attorney Admissions Review Committee, and the Board of Law Examiners conducting further inquiry:
  - (1) unlawful conduct;
  - (2) academic misconduct;
  - (3) employment misconduct;
  - (4) an act involving dishonesty, fraud, deceit, or misrepresentation;
  - (5) an act that demonstrates disregard for the rights or welfare of others;
  - (6) abuse of legal process, including the filing of a vexatious or frivolous lawsuit;
  - (7) neglect of a financial responsibility;
  - (8) violation of a court order, including a child support order;
  - (9) making a false or misleading statement or omitting relevant information, including any false or misleading statement or omission on a law school or bar application in any jurisdiction;
  - (10) denial of admission to the bar in another jurisdiction on character and fitness grounds;
  - (11) disciplinary action by any organization or entity that licenses or controls the practice of a profession or occupation in any jurisdiction;
  - (12) unauthorized practice of law in Kansas or any other jurisdiction;
  - (13) conduct that exhibits mental or emotional instability that may impair the applicant's ability to practice law;

- (14) drug or alcohol dependency or abuse or other addictive behavior that may impair the applicant's ability to practice law; or
  - (15) other conduct that reflects adversely on the applicant's character or fitness.
- (e) **Other Considerations.** In evaluating any evidence under subsection (d), the admissions attorney, the Review Committee, and the Board must also consider any of the following:
- (1) the applicant's age at the time of the conduct;
  - (2) the recency of the conduct;
  - (3) the reliability of the information concerning the conduct;
  - (4) the seriousness of the conduct;
  - (5) the factors underlying the conduct;
  - (6) the cumulative effect of the conduct or information;
  - (7) evidence of rehabilitation or treatment;
  - (8) the applicant's societal contributions since the conduct;
  - (9) candor in the admission process; and
  - (10) the materiality of any omission or misrepresentation.

**[History:** New rule adopted effective July 1, 2022.]