

# COMMITTEE OF BAR EXAMINERS OPEN SESSION AGENDA ITEM

**AGENDA ITEM:** June 2014 – O-500

**DATE:** June 16, 2014

**TO:** Subcommittee on Moral Character

**FROM:** Debra Lawson, Director, Moral Character Determinations

**SUBJECT:** **Committee Rehabilitation Policy**

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## BACKGROUND

Applicants who have engaged in misconduct in the past must demonstrate that they have been rehabilitated before the Committee of Bar Examiners (“Committee”) will grant them a positive moral character determination. The Committee’s bulletin, “*Factors that May be Taken into Consideration When Evaluating the Rehabilitation of an Applicant Seeking a Moral Character Determination*,” (“*Rehabilitation Policy*”) explains the Committee’s policy on the rehabilitation of moral character applicants. This policy is posted on the State Bar’s website, and it is distributed to applicants who have questions about rehabilitation and those invited to attend informal conferences.

## DISCUSSION

In the California Supreme Court’s January 27, 2014 decision *In re Stephen Glass*, 58 Cal.4th 500, the Court provided additional explanation concerning what constitutes rehabilitation for an applicant. At its April 2014 meeting, the Committee considered revising the *Rehabilitation Policy* to include guidance from the *In re Glass* decision. During that meeting, the Committee decided to seek input on revisions from the Office of the Chief Trial Counsel as that Office is responsible for representing the Committee before the State Bar Court.

Suggested revisions which incorporate the Office of the Chief Trial Counsel’s advice are attached.

## RECOMMENDATION

It is recommended that the Committee’s policy, “*Factors that May be Taken into Consideration When Evaluating the Rehabilitation of an Applicant Seeking a Moral Character Determination*,” be revised to take into account the California Supreme Court’s decision in *In re Stephen Glass*.

## **PROPOSED MOTION**

If the Subcommittee agrees, the following motion is suggested:

Move that the revised "*Factors that May be Taken into Consideration When Evaluating the Rehabilitation of an Applicant Seeking a Moral Character Determination*" in the form attached hereto, be adopted.