

IN THE SUPREME COURT OF THE STATE OF KANSAS

RULES RELATING TO THE ADMISSION OF ATTORNEYS

RULE 707

**CHARACTER AND FITNESS QUALIFICATIONS FOR
ADMISSION TO THE BAR**

FILED

AUG 31 2016

**DOUGLAS T. SHIMA
CLERK OF APPELLATE COURTS**

Rule 707 is hereby amended, effective the date of the order.

(a) Before an applicant shall receive a license to practice law pursuant to Rules 708, 709, 709A, ~~or 712,~~ or 712A or a temporary permit pursuant to Rule 710, 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 includes, but is not limited to, the qualities of honesty, fairness, responsibility, trustworthiness, integrity, respect for and obedience to the laws of the state and nation, and respect for the rights of others and for the judicial process.

(c) In determining whether an applicant possesses good moral character, the office of the Disciplinary Administrator, the Review Committee, and the Board shall consider evidence of the following:

- (1) unlawful conduct;
- (2) academic misconduct;
- (3) misconduct in employment;
- (4) acts involving dishonesty, fraud, deceit, or misrepresentation;
- (5) acts which demonstrate disregard for the rights or welfare of others;

- (6) abuse of legal process, including the filing of vexatious or frivolous lawsuits;
- (7) neglect of financial responsibilities;
- (8) violation of a court order, including child support orders;
- (9) the making of false or misleading statements or omission of relevant information, including any false or misleading statement or omission on law school or bar applications in this state or any jurisdiction;
- (10) denial of admission to the bar in another jurisdiction on character grounds;
- (11) disciplinary action by any professional disciplinary agency of any jurisdiction;
- (12) any other conduct which reflects adversely on the character of the applicant.

(d) Current mental and emotional fitness to engage in the active and continuous practice of law involves an assessment of conduct that affects the applicant's competence to practice law and carry out duties to clients, courts, and the profession. An applicant may be of good moral character but unable to discharge his or her duties as an attorney as evidenced by conduct arising from a mental or emotional illness or condition.

(e) In determining whether an applicant is currently mentally and emotionally fit to engage in the active and continuous practice of law, the office of the Disciplinary Administrator, the Review Committee, and the Board shall consider:

- (1) evidence of conduct that exhibits mental or emotional instability that may impair the applicant's ability to practice law; and
- (2) evidence of drug or alcohol dependency or abuse or other addictive behaviors that may impair the applicant's ability to practice law.

(f) In determining whether an applicant possesses good moral character and current mental and emotional fitness to engage in the active and continuous practice of law, the office of the Disciplinary Administrator, the Review Committee, and the Board shall also consider:

- (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;
- (8) the applicant's social contributions since the conduct;
- (9) candor in the admissions process; and
- (10) materiality of any omissions or misrepresentations.

BY ORDER OF THE COURT this 31st day of August, 2016.

FOR THE COURT

A handwritten signature in black ink, appearing to read 'Lawton R. Nuss', written over a horizontal line.

Lawton R. Nuss
Chief Justice