THE BOARD OF ADMISSIONS TO THE BAR
AND
THE COMMITTEES ON CHARACTER AND FITNESS
OF THE
SUPREME COURT OF ILLINOIS

RULES OF PROCEDURE

RULE 1. CHARACTER AND FITNESS COMMITTEES

Rule 1.1. Appointment and term. The appointment and terms of the members of the Committees on Character and Fitness for the five Judicial Districts shall be as provided by Supreme Court Rule 708 (a). Any member whose term has expired and who has an uncompleted assignment as a member of an Inquiry Panel or a Hearing Panel may, at the discretion of the Committee Chair, continue to serve until conclusion of the assignment.

Rule 1.2. Mandatory annual meeting. In January or February of each year, the members of each Committee shall meet in person to consider and review all pending matters and the objectives and work of the Committee for the ensuing year. The meeting shall be scheduled in advance by the Chair of the Committee with assistance from the Board's staff in Springfield.

Rule 1.3. Expenses of the Committees Subject to the prior approval of the Board, all reasonable costs and expenses of the Committees shall be reimbursed by the Board.

RULE 2. DIRECTOR OF ADMINISTRATION

Rule 2.1. Director of Administration. The Illinois Board of Admissions to the Bar (Board) shall appoint a Director of Administration (Director), who, subject to the supervision of the Board, shall oversee the administration of all aspects of bar admissions, including the character and fitness process. The Director shall receive such compensation as the Board authorizes.

Rule 2.2. Duties of Director. Subject to the direction of the Board, the Director shall: (1) conduct examinations on academic qualification and professional responsibility in accordance with Supreme Court Rule 704; (2) receive, process, investigate, and review all materials, documentation, and information submitted by and concerning all law student registrants (registrants), and all applicants for admission, including limited admission, to the bar (applicants), pursuant to Supreme Court Rules 704, 705 , 712, 713, 715, 716, and 717; (3) maintain the records of the Character and Fitness Committees and assist each Committee in its investigation and evaluation of registrants and applicants; (4) employ, at such compensation as may be authorized by the Board, such administrative, clerical, investigative, and legal personnel as may be necessary for the efficient conduct of the office; (5) discharge any such personnel whose performance is unsatisfactory; and (6) maintain such records, make such reports, and perform such other duties as may be required by the Board.

RULE 3. CHARACTER AND FITNESS REGISTRATION

Rule 3.1. Character and fitness registration by law students prior to and apart from a bar examination

Rule 3.1a. Timely Registration by First Year Law Students. Every student attending law school who intends to take the Illinois bar examination shall file with the Board at its office in Springfield a character and fitness registration application in the form prescribed by the Board and thereby become a "law student registrant" or "registrant." Such application may be timely filed no later than the first day of March following the law student's commencement of law school; provided, however, that a student who commences law school after the first day of January and before the first day of March in any calendar year may timely file such application no later than the first day of July following the student's commencement of law school. A character and fitness registration application timely filed by a law student shall be accompanied by the nominal timely filing fee provided by Supreme Court Rule 706(a).

Rule 3.1b. Late Registration by First and Second Year Law Students. A character and fitness registration application may also be filed after the applicable filing deadline, upon payment of the late filing fee provided by Supreme Court Rule 706(a), by any first or second year law student seeking to initiate the character and fitness process prior to and separate from his or her registration for an Illinois bar examination.

Rule 3.1c. Restricted Late Registration by Third Year Law Students. Third year law students and others likely eligible to register for one of the next two succeeding bar examinations may not

file a character and fitness registration application apart from an application to take a bar examination application without the prior written authorization of the Board on the basis of recently occurring or recently discovered matters of significant character and fitness concern. Any such authorized late registration application shall be accompanied by the late filing fee provided by Supreme Court Rule 706(a).

Rule 3.1d. Separate bar examination application is required. A law student registrant's character and fitness application is not an application to take the Illinois bar examination or for admission to the Illinois bar unless and until the registrant files a separate application to take the bar examination in the form prescribed by the Board. Any such application to take the bar examination shall be accompanied by the filing fee provided by Supreme Court Rule 706(b)

Rule 3.2. Character and fitness registration by other applicants. At the time of making application to take the bar examination, application for admission on motion, application for limited admission under Rule 717, or application on any other basis permitted by these Rules, any applicant who has not previously filed a character and fitness registration application shall file with the Board at its office in Springfield a character and fitness registration application in the form prescribed by the Board together with such additional proofs and documentation as the Board may require; any such application shall be accompanied by the appropriate filing fee(s) provided by Supreme Court Rule 706.

Rule 3.3. Attorneys' Questionnaire. Every applicant for admission on examination, admission on motion, or limited admission under Rule 717, who has been admitted to the bar of another jurisdiction shall file, in addition to all other proofs required, an Attorneys' Questionnaire in the form prescribed by the Board, together with documentary evidence as to the standing of the applicant in each jurisdiction in which the applicant has been admitted to practice.

Rule 3.4. Continuing obligation to report. Every law student registrant and applicant for admission on examination, admission on motion, limited admission under Rule 717, or application on any other basis permitted by these Rules has a continuing obligation to report promptly to the Board any change or addition to the information provided in his or her character and fitness questionnaire including without limitation changes in address, email address, phone number(s), and employment, as well as criminal charges, disciplinary proceedings, traffic violations, parking violations not paid on receipt, and any other occurrence or event that could bear upon character and fitness or the ability of the Board to communicate with the registrant, the applicant, or any person or entity named in his or her application.

Rule 3.5. Additional Questionnaire. Every law student registrant and applicant for admission on examination, admission on motion, limited admission under Rule 717, or application on any other basis permitted by these Rules shall file an Additional Questionnaire in the form prescribed by the Board as a supplement to the character and fitness questionnaire most recently filed upon the request of the Board or the Committee as well as under the following circumstances:

a. When 9 or more months have elapsed between the date a registrant or applicant was recommended for certification by the Committee and the date the registrant or applicant is otherwise eligible for admission to the bar;

b. when 9 or more months have elapsed between the date a registrant or applicant filed his or her most recent character and fitness questionnaire and the date the registrant or applicant submits a written request for reactivation of his or her application pursuant to Rule 10.2;

c. when a registrant or applicant requests a hearing pursuant to Rule 9.2g;

d. when a registrant or applicant is notified that his or her petition for new hearing has been granted pursuant to Rule 13; and

e. when an applicant who previously registered for an Illinois bar examination makes application for a subsequent bar examination;

provided, however, that if 3 or more years have elapsed since the registrant or applicant last filed a long form Character and Fitness Questionnaire, such registrant or applicant shall file a current long form Character and Fitness Questionnaire rather than an Additional Questionnaire.

RULE 4. APPLICATION TO TAKE THE BAR EXAMINATION

Every applicant for the Illinois bar examination shall file with the Board at its office in Springfield an application to take the bar examination in the form prescribed by the Board. Applications shall be filed, and fees paid as provided in Supreme Court Rule 706.

RULE 5. PROCESSING OF CHARACTER AND FITNESS REGISTRATION APPLICATIONS

With regard to each character and fitness registration application, Additional Questionnaire, and Attorneys' Questionnaire received, the Director shall cause a character investigation and report to be prepared by the transmittal of requests for pertinent information to appropriate persons and entities, including but not limited to employers, former employers, colleges and universities, law schools, other bar admitting authorities,

courts, law enforcement agencies, creditors, credit reporting agencies, former spouses and character references.

RULE 6. CHARACTER AND FITNESS REQUIREMENTS

Rule 6.1. The Committee shall determine whether to recommend to the Board that a law student registrant or applicant presently possesses the requisite character and fitness for admission to the practice of law. If the Committee deems it necessary or appropriate under the circumstances, it shall conduct further investigation of the registrant or applicant before ascertaining his or her character and fitness. The registrant or applicant has the burden to prove by clear and convincing evidence that he or she has the requisite character and fitness for admission to the practice of law.

Rule 6.2. A registrant or applicant may be recommended for certification to the Board if the Committee determines that his or her record of conduct demonstrates that he or she meets the essential eligibility requirements for the practice of law and justifies the trust of clients, adversaries, courts and others with respect to the professional duties owed to them. A record manifesting a failure to meet the essential eligibility requirements, including a deficiency in the honesty, trustworthiness, diligence, or reliability of a law student registrant or applicant may constitute a basis for denial of admission.

Rule 6.3. The essential eligibility requirements for the practice of law include the following: (1) the ability to learn, to recall what has been learned, to reason, and to analyze; (2) the ability to communicate clearly and logically with clients, attorneys, courts, and others; (3) the ability to exercise good judgment in conducting one's professional business; (4) the ability to conduct oneself with a high degree of honesty, integrity, and trustworthiness in all professional relationships and with respect to all legal obligations; (5) the ability to conduct oneself with respect for and in accordance with the law and the Illinois Rules of Professional Conduct; (6) the ability to avoid acts that exhibit disregard for the health, safety, and welfare of others; (7) the ability to conduct oneself diligently and reliably in fulfilling all obligations to clients, attorneys, courts, creditors, and others; (8) the ability to use honesty and good judgment in financial dealings on behalf of oneself, clients, and others; (9) the ability to comply with deadlines and time constraints; and (10) the ability to conduct oneself properly and in a manner that engenders respect for the law and the profession.

Rule 6.4. The revelation or discovery of any of the following should be treated as cause for further detailed inquiry before the Committee decides whether the law student registrant or applicant possesses the

requisite character and fitness to practice law: (a) unlawful conduct; (b) academic misconduct; (c) making false statements, including omissions; (d) misconduct in employment; (e) acts involving dishonesty, fraud, deceit or misrepresentation; (f) abuse of legal process; (g) neglect of financial responsibilities; (h) neglect of professional obligations; (i) violation of an order of a court; (j) evidence of conduct indicating instability or impaired judgment; (k) denial of admission to the bar in another jurisdiction on character and fitness grounds; (l) disciplinary action by a lawyer disciplinary agency or other professional disciplinary agency of any jurisdiction; (m) acts constituting the unauthorized practice of law; (n) failure to comply with the continuing duty of full disclosure to the Board and the Committee subsequent to the date of registration or application.

Rule 6.5. In determining whether to recommend to the Board that the present character and fitness of a registrant or applicant qualifies him or her for admission to the practice of law, the Committee shall consider the following factors in assigning weight and significance to prior misconduct (a) age at the time of the conduct; (b) recency of the conduct; (c) reliability of the information concerning the conduct; (d) seriousness of the conduct; (e) factors underlying the conduct; (f) cumulative effect of the conduct; (g) ability and willingness to accept responsibility for the conduct; (h) candor in the admissions process; (i) materiality of any omissions or misrepresentations; (j) evidence of rehabilitation; and (k) positive social contribution since the conduct.

Rule 6.6. Provided that all other conditions for admission have been met, upon receipt from the Committee of a recommendation for certification pursuant to these Rules, the Board shall transmit such certification to the Supreme Court together with any additional information or recommendation the Board may deem appropriate. A copy of the Board's recommendation, if any, shall be mailed to the applicant, his or her counsel, if any, and to the Committee Chair.

Rule 7. CONDITIONAL ADMISSION

Rule 7.1. Conditional Admission. In its sole discretion, the Committee on Character and Fitness may recommend to the Board that an applicant be admitted to the bar on a conditional basis in accordance with these Rules. The terms and conditions of a recommendation for conditional admission shall be set forth in a written Consent Agreement signed by the Committee, the applicant, and the Director. An applicant may be considered or recommended for conditional admission at the discretion of the Committee.

Rule 7.2 Limited Purpose of conditional admission. As provided by Rule 7.3, conditional admission may be employed to permit an applicant who currently satisfies character and fitness requirements to practice law while his or her continued participation in an ongoing course of treatment or remediation for previous misconduct or unfitness is monitored to protect the public. Conditional admission is neither to be used as a method of achieving fitness nor as a method of monitoring the behavior of all applicants who have rehabilitated themselves from misconduct or unfitness. Conditional admission may be employed only when an applicant has been engaged in a sustained and effective course of treatment or remediation for a period of time sufficient to demonstrate his or her commitment and progress but not yet sufficient to render unlikely a recurrence of the misconduct or unfitness.

Rule 7.3. Limited circumstances under which conditional admission may be considered.

The Committee on Character and Fitness may recommend that an applicant be admitted to the bar conditioned on the applicant's compliance with relevant conditions prescribed by the Committee if the applicant currently satisfies all requirements for admission to the bar and possesses the requisite good moral character and fitness for admission, *except that* he or she is engaged in a sustained and effective course of treatment for or remediation of

a. substance abuse or dependence;

b. a diagnosed mental or physical impairment that, should it reoccur, would likely impair the applicant's ability to practice law or pose a threat to the public; or

c. neglect of financial affairs,

that previously rendered him or her unfit for admission to the bar, *and* the applicant has been engaged in such course of treatment or remediation for no fewer than 6 continuous months, if the subject of treatment is substance abuse or dependence or mental or physical impairment, and no fewer than 3 continuous months if the subject of remediation is neglect of financial affairs. Absent recent lapses, recent failures, or evidence that a lapse or failure is presently likely to occur, an applicant who has engaged in such sustained and effective course of treatment or remediation for at least 24 continuous months may not be conditionally admitted.

Rule 7.4. Recommendation of Inquiry Panel or Hearing Panel

Rule 7.4a. A recommendation that an applicant be admitted to the bar on a conditional basis can be made only after the applicant has personally met with all members of a 3 person Inquiry Panel appointed in accordance with these Rules. A majority of the Inquiry Panel shall constitute a quorum, and the concurrence of a majority shall be necessary to a recommendation.

Rule 7.4b. A recommendation for conditional admission may also be made by the members of a Hearing Panel; provided, however, that the applicant did not decline to consider or consent to conditional admission at the Inquiry Panel level. A majority of the Hearing Panel shall constitute a quorum, and the concurrence of a majority shall be necessary to a recommendation.

Rule 7.5. Report of recommendation of Inquiry Panel to full Committee. In the event that a majority of the members of an Inquiry Panel votes to recommend the conditional admission of an applicant, the Inquiry panel shall report to the full Committee the vote, the matters of concern, the nature, substance, and duration of the course of treatment or remediation in which the applicant is engaged, complete and detailed information regarding the applicant's progress in connection therewith including any lapses or failures, the panel's general recommendation regarding the terms and conditions of admission, any additional facts relevant to the recommendation, and confirmation of the applicant's consent to admission on a conditional basis. The full Committee shall then determine whether the recommendation of the Inquiry Panel should be affirmed or denied.

Rule 7.6. Review of recommendation of Inquiry Panel by full Committee and preparation of written report

Rule 7.6a. If the report to the full Committee is made and discussed at a meeting of the full Committee, members of the Inquiry Panel may participate in the discussion of the matter, but shall not be entitled to vote. Five members of the Committee who were not members of the Inquiry Panel shall constitute a quorum, and the concurrence of a majority of the members who are present and entitled to vote shall be necessary to a decision. If the recommendation of the Inquiry Panel is affirmed, within 21 days after such affirmation the Chair of the Inquiry Panel shall prepare and submit to the Director a written report containing all of the information required by Rule 7.5.

Rule 7.6b. If the report to the full Committee is not made and discussed at a meeting of the full Committee, within 21 days after the vote of the Inquiry Panel, the Chair of the Inquiry Panel shall prepare and submit to the Director a written report containing all of the information required by Rule 7.5.

The Director shall then forward the report to all remaining members of the Committee, along with a request for the vote of each member as to whether the recommendation of the panel should be affirmed or denied. The concurrence of a majority of the remaining members of the Committee shall be necessary to a decision.

> **Rule 7.6c.** If the recommendation of the Inquiry Panel is denied by the full Committee, within 21 days of such denial, the Chair or Vice Chair of the full Committee shall prepare and submit to the Director a brief written report containing the reason for the denial. The application shall thereafter be further considered in accordance with Rules 9.2f *et seq*.

Rule 7.7. Preparation and execution of Consent Agreement. Upon receipt of the written report and recommendation of an Inquiry Panel for conditional admission and its affirmation by the full Committee as hereinabove provided, or upon receipt of the written report and recommendation for conditional admission of a Hearing Panel, the Director shall prepare and submit to the Chair of the panel that recommended conditional admission the Consent Agreement setting forth the terms and conditions of admission. The original Consent Agreement shall be signed by the Chair of the Inquiry Panel or Hearing Panel that recommended conditional admission, the applicant, and the Director.

Rule 7.8. Authorized conditions of admission. An applicant's admission may be conditioned on the applicant's submitting to specified alcohol, drug, or mental health treatment; medical, psychological, or psychiatric care; participation in group therapy or support; debt management counseling; random chemical screening; and supervision, monitoring, mentoring, or other conditions deemed appropriate by the Committee on Character and Fitness. The conditions shall be tailored to deter and detect conduct or conditions that pose a risk to clients or the public, to ensure continued abstinence, payment, treatment, counseling, and other support and shall, when appropriate, take into consideration the recommendations of qualified professionals regarding treatment and remediation.

Rule 7.9. Length of conditional period. The period of conditional admission shall not exceed 24 months, unless the Court orders otherwise. The filing of a petition to extend the period or a petition to revoke admission shall extend the period of conditional admission until the Court enters a final order on the petition.

Rule 7.10. Submission of recommendation, report, and Consent Agreement to Supreme Court. The

Director shall submit to the Court copies of the recommendation and report of the Committee, the executed Consent Agreement, the Board's certification that the applicant is otherwise qualified for admission to the bar, relevant information from the applicant's character and fitness file, and any additional information or recommendation the Board deems appropriate. A copy of the executed Consent Agreement and the Board's recommendation, if any, shall be mailed to the applicant.

Rule 7.11. Supreme Court review of recommendation, report and Consent Agreement

Rule 7.11a. If the Court determines that the applicant qualifies for admission on the terms and conditions set forth in the Consent Agreement, the Court shall enter an Order requiring the applicant to comply with such terms and conditions for the period specified immediately following the date of his or her admission to the bar. In this event, copies of the Court Order, the signed Consent Agreement, and the recommendation and report of the Committee shall be mailed to the Attorney Registration and Disciplinary Commission (ARDC).

Rule 7.11b. If the Court denies the recommendation for conditional admission, 6 months after the date of the denial the applicant may file with the Board a supplement to his or her previous character and fitness questionnaire in the form prescribed by the Board along with his or her personal affidavit describing the extent, if any, to which s/he has in the interim engaged in a course of treatment for, or remediation of, the misconduct or unfitness that was the basis of the recommendation. Following Investigation and report of the supplemental materials, the application shall be considered further in accordance with these Rules by the Inquiry Panel or Hearing Panel that previously recommended conditional admission.

Rule 7.12. Monitoring compliance with Consent Agreement following conditional admission. If the applicant is conditionally admitted to the bar, the Administrator of ARDC shall monitor his or her compliance with the terms and conditions of the Consent Agreement throughout the period of conditional admission. The Administrator may take such action as is necessary to monitor compliance with the terms of the Consent Agreement, including without limitation referral for monitoring by a lawyer assistance program or other monitoring authority, requiring the conditionally admitted lawyer to make periodic appearances before a monitoring agent or entity, requiring the lawyer to submit physical or written evidence or other verification of compliance with the Consent Agreement, and requiring the lawyer to submit to an assessment by a

medical professional.

Rule 7.13. Reporting changed circumstances or noncompliance with Consent Agreement

Rule 7.13a. When the Administrator or the conditionally admitted lawyer identifies a change in circumstances that impacts the efficacy of the terms and conditions of the Consent Agreement, the Administrator or the conditionally admitted lawyer may report the change to the Court and petition the Court to modify the terms or conditions affected by the changed circumstances.

Rule 7.13b. When a conditionally admitted lawyer fails to comply with the Consent Agreement, the Administrator shall, where warranted, file with the Court a report of the noncompliance and a petition for revocation, modification, or extension of conditional admission. The petition shall be served upon the lawyer, who shall file a response within 21 days following service of the petition. If the Court determines there is a material dispute of fact, the Court shall refer the case to a panel of the ARDC Hearing Board, which shall set the matter for hearing on a date within 90 days of the Order referring the case to the panel. The Administrator must prove the violation(s) of the Consent Agreement by a preponderance of the evidence. The Hearing Board panel shall resolve all disputes of fact and file its findings with the Court within 45 days of the date the hearing concludes. Upon consideration of the pleadings and, where applicable, the findings of the Hearing Board panel, the Court shall determine whether to continue or revoke the lawyer's conditional admission license and, if not revoked, whether to modify conditions or extend the period of conditional admission.

Rule 7.14. Reapplication following revocation of conditional admission license. An applicant whose conditional admission license has been revoked may reapply for admission to the bar, but not within 2 years of the order revoking the conditional admission license, unless the Court orders otherwise. The applicant shall file a character and fitness registration application in the form prescribed by the Board together with such additional proofs and documentation as the Board may require and his or her personal affidavit describing the extent, if any, to which he or she has in the interim engaged in a course of treatment for, or remediation of, the misconduct or unfitness that was the basis of revocation of the conditional admission license. Following preparation of a character and fitness investigation and report in accordance with these Rules, the reapplication and materials shall be assigned for character and fitness review directly to an Inquiry Panel, if the original recommendation for conditional admission was made at the Inquiry Panel level,

or to a Hearing Panel, if the original recommendation for conditional admission was made by a Hearing Panel. To the extent possible, the original Inquiry Panel or Hearing Panel shall be reconstituted; any unavailable member of the original panel shall be replaced by another member of the Committee.

Rule 7.15. Costs of conditional admission The applicant shall promptly pay directly or reimburse the Board for costs incurred for evaluation and testing in connection with Committee consideration of substance abuse or dependency, diagnosed mental impairment, or diagnosed medical disorder prior to the submission of a recommendation for conditional admission to the Court. The Board may agree to postpone reimbursement for such costs on the basis of compelling evidence of inability to pay; provided, however, in that event the repayment of such costs shall be incorporated into the Consent Agreement as a condition of compliance. Costs incurred after the applicant is conditionally admitted to the bar shall be defined and paid in accordance with Supreme Court Rule 773.

Rule 7.16. Confidentiality All information related to the conditional admission of an applicant including without limitation the fact of conditional admission and the existence and terms of the written Consent Agreement shall be confidential. An Order of the Court revoking a conditional admission license, however, shall be a matter of public record.

RULE 8. INITIAL REVIEW OF CHARACTER AND FITNESS REGISTRATION APPLICATIONS

Rule 8.1. If the character and fitness application, investigation, and report of a law student registrant or an applicant for admission or limited admission to the bar raise no character and fitness concerns, as determined by the Director after review of said application and materials, the Director may recommend to the Board the interim approval of the law student registrant or the certification of the applicant**;** in this event, upon the request of any Character and Fitness Committee, the Director shall provide monthly notice to the Committee of all such recommendations.

Rule 8.2. If the character and fitness application, investigation, and report of a law student registrant or an applicant for admission or limited admission to the bar raise character and fitness concerns, the Director shall forward the application and materials for evaluation in accordance with Supreme Court Rules 708 and 709 to a member of the Committee in the District in which the registrant or applicant receives mail or as otherwise determined by the Board; *provided, however*, that a character and fitness registration application

falling within the purview of Supreme Court Rule 704(b) or otherwise containing matters of significant character and fitness concern shall instead be assigned directly to an Inquiry Panel, the members and Chair of which may be appointed by the Committee Chair of that District or by the Director, for evaluation and review as provided in Rule 9.2a *et seq*. Character and fitness registration applications that have been assigned to a member of the Character and Fitness Committee or to an Inquiry Panel in one District shall not be reassigned to another District.

RULE 9. CONSIDERATION OF CHARACTER AND FITNESS REGISTRATION APPLICATIONS

Rule 9.1 Consideration of application by Committee member. Each character and fitness registration application assigned to a Committee member shall be reviewed by the member, and the law student registrant or applicant shall be required to appear in person before the member to discuss the application and the materials submitted and gathered in connection therewith. The registrant or applicant shall provide to the member any further information or documentation requested and shall cooperate with any further investigation undertaken by the member.

Rule 9.1a. Recommendation for interim certification of a law student registrant. The Director, as provided in Rule 8.1, or the Committee member who has received assignment of an application and completed a review thereof, as hereinabove provided, may recommend to the Board the interim certification of the law student registrant, in which case the registrant shall be so notified in writing. Any such interim approval shall be tentative and subject to withdrawal on the basis of new information disclosing facts existing or conduct engaged in by the registrant prior to the registrants's admission to the bar including the cumulative effect of such new information or conduct.

Rule 9.1b. Recommendation for certification of other applicants. The Director, as provided in preceding Rule 8.1, or the member of the committee who has reviewed the application of an applicant for admission on examination, for admission on motion, for limited admission under Rule 717, or for admission on any other basis permitted by these Rules may recommend to the Board the certification of the applicant. The applicant may thereafter be recommended by the Board for admission to the bar if all other requirements for admission have been met.

Rule 9.2. Appointment of Inquiry Panel. If a member is not prepared to recommend the interim certification of a law student registrant or the certification of an applicant, then the Chair of the Committee shall assign the application to an Inquiry Panel for further review and examination. The Inquiry Panel shall

consist of the member to whom the matter was originally assigned, as panel Chair, and two additional members of the Committee appointed by the Committee Chair. A majority of the Inquiry Panel shall constitute a quorum, and the concurrence of a majority shall be necessary to a decision.

Rule 9.2a. Inquiry Panel Review. Each member of the Inquiry Panel shall review the application and the registrant or applicant shall be required to appear in person before all members of the panel to discuss the application and the materials submitted and gathered in connection therewith. The registrant or applicant shall provide to the panel any further information or documentation requested and shall cooperate with any further investigation undertaken by the panel.

Rule 9.2b. Declination to certify. In the event that a majority of the members of an Inquiry Panel votes to withhold the certification of a registrant or an applicant, within 21 days after such vote the Chair of the Inquiry Panel shall prepare and submit to the Director a written report advising the Inquiry Panel vote, the matters of concern, and the basis for the declination to certify.

Rule 9.2c. Report of Inquiry Panel recommendation for certification to full Committee. In the event that a majority of the members of an Inquiry Panel votes to recommend the interim certification of a registrant or the certification of an applicant to the Board, the panel shall report the vote, the matters of concern, and the basis for the recommendation for certification to the full Committee. The full Committee shall then determine whether the recommendation of the Inquiry Panel should be affirmed or denied.

Rule 9.2d. Review of recommendation of Inquiry Panel by full Committee and preparation of written report

Rule 9.2d.i. If the report to the full Committee is made and discussed at a meeting of the full Committee, members of the Inquiry Panel may participate in the discussion of the matter, but shall not be entitled to vote. Five members of the Committee who were not members of the Inquiry Panel shall constitute a quorum, and the concurrence of a majority of the members who are present and entitled to vote shall be necessary to a decision. If the recommendation of the Inquiry Panel is affirmed, within 21 days after such affirmation the Chair of the Inquiry Panel shall prepare and submit to the Director a written report advising the matters of concern, the basis for the recommendation for certification, and the full Committee's affirmation of the recommendation of the panel.

Rule 9.2d.ii. If the report to the full Committee is not made and discussed at a meeting of the full Committee, within 21 days after the vote of the Inquiry Panel, the Chair of the Inquiry Panel shall prepare and submit to the Director a written report advising the Inquiry

Panel vote, the matters of concern, and the basis for the recommendation for certification. The Director shall then forward the written report to all remaining members of the Committee, along with a request for the vote of each member as to whether the recommendation of the Panel should be affirmed or denied. The concurrence of a majority of the remaining members of the Committee shall be necessary to a decision.

Rule 9.2d.iii. If the recommendation of the Inquiry Panel is denied by the full Committee, within 21 days after such denial, the Chair of the full Committee shall prepare and submit to the Director a written report advising the matters of concern and the basis for the declination to certify.

Rule 9.2e. Upon receipt by the Director of the written report and recommendation of an Inquiry Panel for the interim certification of a registrant and its affirmation by the full Committee as hereinabove provided, the registrant shall be accorded interim approval and so advised in writing. Upon receipt by the Director of such report and recommendation and such affirmation for the certification of an applicant, the applicant may thereafter be recommended by the Board for admission to the bar if all other admission requirements have been met.

Rule 9.2f. Upon receipt by the Director of a written report advising an Inquiry Panel's vote to withhold certification or a written report advising a vote of the full Committee to deny an Inquiry Panel's recommendation for certification, the registrant or applicant shall thereafter be notified in writing of the Committee's declination to certify and provided with a copy of the report of the Inquiry Panel or of the Committee. The notice shall also advise the right of the registrant or applicant to submit a written request for hearing within 21 days of the date of the mailing of the notice and include instructions for doing so. If the registrant or applicant fails properly to request a hearing within 21 days of the date of the mailing of the notice, his or her application shall be placed on inactive status and made subject to the requirements of Rule 10.2.

Rule 9.2g. In the event the registrant or applicant properly requests a hearing, he or she shall also promptly complete and file an Additional Questionnaire pursuant to Rule 3.5c. Upon receipt of the written request for hearing and the properly completed and filed Additional Questionnaire, the Director shall cause a supplemental character investigation and report to be prepared pursuant to Rule 5. The Director shall then notify the Chair of the Committee of the request for hearing and request the appointment of a Hearing Panel.

Rule 9.3. **Appointment of Hearing Panel.** The Chair of the Committee shall appoint a Hearing Panel from the remaining members of the Committee, none of whom have been members of the Inquiry Panel, to consider formally the application. A hearing will thereafter be scheduled on a date certain no fewer than 75 days after receipt of the properly completed and filed Additional Questionnaire. The Chair of the Committee shall chair the Hearing Panel or shall designate a member of the panel as Chair. The Hearing Panel shall consist of five members of the Committee, and four members of the panel shall constitute a quorum. Following the hearing, the Hearing Panel shall prepare or cause to be prepared Findings and Conclusions together with a recommendation for or against the certification of the registrant or applicant.

Rule 9.3a. Notice of hearing.. No fewer than 21 days prior to the hearing to be conducted by the Hearing Panel, the Panel shall cause a Notice to be sent to the registrant or applicant by mail containing:

1. the date, time, and place of such hearing;

2. the disclosure of matters adverse to the registrant or applicant;

3. if such matters were based in full or in part upon statements from other persons, the names of such persons;

4. confirmation of the right of the registrant or applicant to be represented by counsel, at his or her own expense, to examine and cross-examine witnesses, to adduce evidence bearing upon the aforesaid adverse matters and upon his or her character and fitness, and for such purposes to make reasonable use of the Committee's subpoena powers under Rule 9.3c;

5. confirmation of the right of the registrant or applicant or of his or her counsel, if any, to inspect prior to the hearing his or her character and fitness file; and

6. a copy of these Rules.

Rule 9.3b. The hearing before the Hearing Panel shall be private unless the registrant or applicant requests that it be public. Subject to the approval of the Board, the Director shall appoint counsel from among the members of the bar to prepare and present the matters adverse to the law student registrant or applicant. The Hearing Panel shall not be bound by the formal rules of evidence. It may in its discretion take evidence in other than testimonial form, having the right to rely upon records and other materials furnished to the Hearing Panel in response to its requests for assistance in its inquiries pursuant to these Rules and Supreme Court Rule 709. It may further in

its discretion determine whether any evidence to be taken in testimonial form shall be taken in person at the hearing or upon deposition, but all testimonial evidence shall, in either event, be taken under oath. The matters to be considered by the Hearing Panel need not be limited to the matters of concern set forth in the notice to the law student registrant or applicant of the matters adverse to the law student registrant or applicant. A complete stenographic record of the hearing shall be kept, and a transcript may be ordered by the law student registrant or applicant at his or her expense.

Rule 9.3c. The Committee shall, upon request of any member or of the law student registrant or the applicant, apply to the Clerk of the Supreme Court for the issuance of subpoenas or writs for the taking of testimony at its hearings or upon evidence depositions and shall, upon like request, report to said Court the failure or refusal of any person to attend and testify in response to any such subpoena or writ. The taking of depositions shall be limited to evidence depositions where permitted by the Committee under the criteria set forth in Supreme Court Rule 212(b).

Rule 9.3d. The Hearing Panel members shall confer and deliberate among themselves at the conclusion of the hearing and subsequent thereto as necessary. The Panel may vote at the conclusion of the hearing or may defer the vote to a later date not more than 45 days after conclusion of the hearing or 45 days after the record of the hearing is closed, whichever shall later occur, at which time a vote of the Hearing Panel shall be taken. The members may vote by mail, email, fax, or telephone. The registrant or applicant shall be recommended for certification to the Board only upon receiving at least three affirmative votes.

Rule 9.3e. If the Hearing Panel shall vote to recommend the certification of the registrant or applicant to the Board, within 45 days thereafter, or, in the event of special circumstances, within such additional period of time as may be approved by the full Committee, the Chair of the Hearing Panel shall cause to be prepared and submitted to the Director for transmittal to the Court the Findings and Conclusions of the Committee. The Findings and Conclusions shall contain a synopsis of the contents of the application, a full and fair explication of each of the matters of concern, and, with regard to each such matter, the basis for the recommendation of certification; if the vote of the panel is less than unanimous, the Findings and Conclusions shall include a clear and concise statement of the concern(s) and conclusion(s) of the minority. The Director shall thereafter transmit such Findings and Conclusions to the Court together with any recommendation and information the Board may deem appropriate to submit. A copy of the report and the Board's recommendation, if any, shall be mailed to the law student registrant or applicant and to his or her

counsel if any; a copy of any Board recommendation shall also be submitted to the Committee.

Rule 9.3f. If the Hearing Panel shall vote not to recommend the certification of the law student registrant or applicant, within 45 days thereafter, or, in the event of special circumstances, within such additional period of time as may be approved by the full Committee, the Chair of the Hearing Panel shall cause to be prepared and submitted to the Director for transmittal to the law student registrant or applicant the Findings and Conclusions of the Committee. The Findings and Conclusions of the Committee shall thereafter be served on the law student registrant or applicant by mail to the address designated by the law student registrant or applicant for receipt of notices, and the date of service shall be the date of mailing; a copy of the Findings and Conclusions of the Committee shall also be mailed to counsel for the registrant or applicant, if any.

Rule 9.3g. Prior to the mailing of the written Findings and Conclusions of the Committee to the law student registrant or applicant, the deliberation and decision of the Hearing Panel shall remain confidential.

RULE 10. STATUS OF CERTAIN CHARACTER AND FITNESS REGISTRATION APPLICATIONS

Rule 10.1. Each recommendation for the certification of an applicant for admission on examination prior to the announcement of the results of such examination shall be a tentative recommendation. At the discretion of the Committee, in the event an applicant for admission upon examination has failed to pass the examination, no further action as to such applicant need be taken thereafter by the Committee or any Panel thereof until such time as the Committee shall be advised that the applicant has passed a subsequent examination.

Rule 10.2. The character and fitness registration application of a registrant or applicant who without reasonable explanation has failed to provide requested information or documentation for a period of more than 90 days shall be placed on inactive status. Such application may be returned to active status only upon the written request of the registrant or applicant, which request shall include all previously requested information and documentation and satisfactorily address all previously outstanding matters of character and fitness concern, and the registrant or applicant shall be so advised in writing. If 9 or more months have passed since the date the registrant or applicant filed his or her most recent character and fitness

questionnaire, the registrant or applicant must also properly complete and file an Additional Questionnaire pursuant to Rule 3.5b.

RULE 11. CONFIDENTIALITY

All information received by the Board or a Committee on Character and Fitness or any agent of the Board or Committee pertaining to a law student registrant or applicant is subject to a quasi-judicial privilege. Such information shall be held in confidence and shall not be disclosed except as follows: (a) The name, date of birth, and Social Security number of a law student registrant or applicant and the date of his or her application, may be made available for placement in a national data bank operated by or on behalf of the National Conference of Bar Examiners; (b) Information requested by the Attorney Registration and Disciplinary Commission in connection with disciplinary proceedings, reinstatement proceedings, or investigations regarding the unauthorized practice of law shall be released by the Board in response to a subpoena issued by that agency; (c) Reports to the Supreme Court or any information required by the Supreme Court at any time shall be filed with the Court; (d) Information shall be released in response to a written request from the National Conference of Bar Examiners or from other bar admitting authorities when accompanied by an authorization for the release of such information duly executed by the person about whom such information is sought; (e) Information concerning a law student registrant or applicant shall be released by the Board in response to a subpoena issued in connection with the criminal investigation or prosecution of such law student registrant or applicant; (f) matters of concern raised by a law student registrant's or applicant's investigation and report may be disclosed to the registrant or applicant upon consideration of the registrant's or applicant's file pursuant to Rules 9.1 or 9.2 by a Committee member or an Inquiry Panel; (g) except as provided in preceding subparagraph (f), the Committee shall disclose to the law student registrant or applicant the contents of his or her character and fitness file only as provided by Rule 9.3a and Rule 9.3b, which documents shall thereafter become a part of the record before the Supreme Court in the event the law student registrant or applicant files a petition for review pursuant to Supreme Court Rule 708(e).

RULE 12. APPEALS

Any law student registrant or applicant who has received an unfavorable recommendation from the Committee may file an appropriate petition for review by the Supreme Court with the Clerk of the Court in

Springfield in accordance with Supreme Court Rule 708(e).

RULE 13. NEW HEARINGS

Rule 13.1. Any law student registrant or applicant who has been denied certification as hereinabove provided may petition the Character and Fitness Committee issuing the denial for a new hearing, but not within two years of the date the Committee mailed its Findings and Conclusions to the law student registrant or applicant, unless a shorter time is allowed by the decision of the Committee. If the registrant or applicant petitions the Supreme Court for relief from such denial pursuant to Rule 12, and the Court denies the petition, the foregoing two year period shall commence on the date of the Order of the Court, unless a shorter time is allowed by the Court. If the Committee recommends the certification of a registrant or applicant who is subsequently denied interim certification or admission by the Supreme Court, the registrant or applicant may petition the Committee that conducted the original hearing for a new hearing but not within two years of the date of the order of denial, unless a shorter time is allowed by the Court.

Rule 13.2. No petition for a new hearing will be considered unless it shall include a showing of the activities and conduct of the law student registrant or applicant since, and the circumstances and conditions arising after, the last action of the Committee or of the Court, all of which must be fully set forth in the petition for new hearing.

Rule 13.3. The Committee may deny the petition for new hearing without hearing testimony of witnesses, if the petition does not meet the foregoing requirements of this Rule and if the petition does not set forth substantial new matter which would *prima facie* overcome the reasons for the previous denial and establish that the law student registrant or applicant now has the good moral character and general fitness to practice law which would justify certification. If the Committee determines that the petition complies with this Rule and sets forth such substantial new matter, the petition shall be granted. Such determination shall be made by majority vote of the full Committee at a meeting conducted in person or by telephone conference at which a quorum is present within 45 days after service of the petition for new hearing upon the Committee. The members present at the meeting may also vote by mail, email, fax, or telephone.

Rule 13.4 In the event the petition is granted, the registrant or applicant shall be so notified by mail, and he or she shall promptly complete and file an Additional Questionnaire pursuant to Rule 3.5d. Upon receipt of the properly completed and filed Additional Questionnaire, the Director shall cause a supplemental character investigation and report to be prepared pursuant to Rule 5. A new hearing shall thereafter be scheduled and held pursuant to the requirements of Rules 9.3 *et seq.* To the extent possible, the original Hearing Panel shall be reconvened for the purpose of the new hearing. Any unavailable member of the original panel shall be replaced by another member of the Committee.

RULE 14. SERVICE

All notices, reports, and other documents and items, including Findings and Conclusions of the Committee, required to be mailed or delivered under these Rules, may be sent by United States mail, postage prepaid, or by any private courier or delivery service approved by the Board, costs prepaid by the sender. The date of service is the date of depositing such items in the United States mails or tendering to the courier or delivery service as appropriate.