

September 23, 2018

Journal and Blog Article

Preparing for an Investigative Hearing for the Board of Bar Examiners

The Florida Board of Bar Examiners has just notified you that you are set to undergo an investigative hearing. It is essential to understand what an investigative hearing is and how you became subject to undergo the hearing.

Back at the turn of the last century, these screenings aimed to prevent anyone who wasn't in the mainstream from becoming an attorney. People were denied entrance due to race, class or ethnicity. During the 1950s and 1960s, people were denied if they were affiliated with the Communist Party. At this time, the bar of examiners focuses on conduct.

In Florida, investigative hearings determine whether an applicant should be admitted to the bar, notwithstanding past conduct. Disqualifying conduct includes the following:

- a. unlawful conduct;
- b. academic misconduct;
- c. making or procuring any false or misleading statement or omission of relevant information, including any false or misleading statement or omission on the Bar Application, or any amendment, or in any testimony or sworn statement submitted to the board;
- d. misconduct in employment;
- e. acts involving dishonesty, fraud, deceit, or misrepresentation;
- f. abuse of legal process;

- g. financial irresponsibility;
- h. neglect of professional obligations;
- i. violation of an order of a court;
- j. evidence of mental or emotional instability;
- k. evidence of drug or alcohol dependency;
- l. denial of admission to the bar in another jurisdiction on character and fitness grounds;
- m. disciplinary action by a lawyer disciplinary agency or other professional disciplinary agency of any jurisdiction; or
- n. any other conduct that reflects adversely on the character or fitness of the applicant.

The most damaging mistake is not acting with complete candor. This includes not acting with honesty on the bar application but also things such as a law school application, a driver's license form or other forms of legal information-gathering tools. During a background investigation, make no mistake: the bar of examiners will uncover dishonesty. Behavior without candor will get an applicant pulled in front of an investigative hearing.

Before you submit your application, it's a good idea to do an extensive background on yourself. Talk to as many friends, acquaintances old and new, family and employers past and present.

You can check your employment history through the social security administration's office. This will help you put your timelines in order.

Pull your credit reports from all three reporting agencies. Be sure there aren't any nasty surprises that will cause the board of examiners to take a closer look.

Make sure you are upfront and honest with creditors or put those issues in order before submitting your application. It should be noted that you can have debt; just don't be dishonest with your creditors is the key.

To avoid an investigative hearing before the board of examiners, disclose everything, even the most remote, seemingly trivial information. Far better to over-prepare than being caught short.

If you find yourself in an investigative hearing, prepare for it as if it is your first trial. Again, being overly prepared is much better than not being as prepared as possible. Three things can happen at the end of the board of examiner's investigative hearing: denial of entrance into the bar, a formal hearing or the imposition of proposed settlements such as community service hours. It is best to perform these hours and write a brief before the investigative hearing to show your commitment to righting past wrongs.

As the question of bringing in character witnesses to testify in front of the board of examiners, it is customary to submit letter support of affidavits instead. This takes up less time during the hearing, for which the board of examiners will be grateful.

Once called before the board of examiners for an investigative hearing, gather all pertinent documents. This may be documents in your possession, the board of examiner's possession or a third party's possession. Analyze each document for the past actions of the board of examiners to determine how they handled similar issues.

If you've been called before the board for an investigative hearing, determine the issues that caused the board to have a problem with you, correct as much as possible the error that you made, and show remorse in the form of volunteer community services hours and an extensive legal brief. You want to be sure the board is clear that you have become an honorable citizen who will make a fine addition to the Florida bar regardless of your past.

