

How to Answer the Character and Fitness Questions in the Law School Application

In order to be a lawyer, a person must graduate from law school, pass the bar exam, and have the moral character and fitness to practice law. This last component – character and fitness – is assessed by the Texas Board of Law Examiners (BLE) before, during, and after law school. Every jurisdiction in the U.S. ensures that lawyers possess appropriate character and fitness to practice law. As a result, the Admissions Office and faculty members on the Admissions Committee are required to assess the character and fitness of each applicant during the admissions process.

Each law school requires applicants to disclose incidents related to academic discipline, arrests, and criminal convictions through character and fitness questions that appear in the law school application. A person applying to law school must read the questions **carefully** and provide **honest** and **complete** answers and **explanations** to any “yes” answers to these questions. Failure to do so may result in the applicant being expelled from law school, having the law school diploma revoked, or being denied admission to practice law by the State Bar. An applicant who lies, withholds or omits information, or otherwise fails to provide full, honest answers may be viewed as having poor character and fitness.

What happens when applicants withhold information or falsely answer the questions?

- (1) The Admissions Committee, made up of full-time faculty members, must ensure that every applicant who answers “yes” to any of the three character and fitness questions provide a detailed explanation in the application. When an applicant fails to do so, the Committee members notify the Admissions Office to request that the applicant provide a detailed, written explanation. Failure to provide this information or follow instructions carefully means the application’s review is delayed or admission is denied.
- (2) All post-enrollment application amendments are reviewed by a group of Deans, Assistant Deans, and faculty members. If those individuals believe the failure to disclose the amended information reflects poor character or fitness to practice law, or that a timely disclosure would have resulted in denial of admission, they will request a hearing with the student. This may result in the student facing academic discipline, expulsion, or revocation of the law school diploma.
- (3) The BLE has access to every student’s law school application and does a thorough background check into every applicant’s employment background, criminal history, and personal life. The BLE requires students to fill out additional documents to assess the character and fitness of every law student who seeks to practice law in Texas. Because its review is so exhaustive, the BLE seeks to find every applicant who lies, omits, or withholds information at any Texas law school. Any applicant who

does these things risks being deemed unfit to practice law and denied admission to practice law in the State of Texas.

So what should you do? Be honest. Provide details when required. If you do not provide a detailed account of what happened and how you were disciplined or punished, the Admissions Committee will cease reviewing your application until you do. If the Committee is not satisfied with the details or has questions about your explanation, you will be asked to provide more details.

When in doubt, err on the side of full disclosure. Academic discipline and criminal histories do not necessarily bar a student from being admitted to law school, but a student who lies or omits information will face discipline by either the law school or the BLE. If you have questions or concerns about how to respond to a question, you may speak anonymously to someone in the Admissions Office. Do not rely on the advice of any other person, including attorneys, judges, college advisors, family members, or friends. Instead, call the Admissions Office at 713-646-1810.

In order to avoid problems that may arise from incomplete or false answers to the character and fitness questions, consider carefully the language of each question.

Question 1: Have you ever been disciplined in any way for any matter by any college, university, law school, or other institution of higher learning, or by any professor, administrator, employee, or entity representing any college, university, law school, or other institution of higher learning, or have you been allowed to withdraw from such an institution to avoid such discipline, whether or not the record of such action was retained in your file? (Discipline includes, without limitation, a letter or other written notice of reprimand or warning, suspension, expulsion, adjustment of grade, assignment of community service, any form of probation, or any other adverse action.) (Entity includes, without limitation, residential facilities or other facilities owned or managed by a college, university, law school, or other institution of higher learning.)

- This question applies to academic discipline (*e.g.*, being placed on academic probation for having low grades, being accused of plagiarism, failing a class due to cheating on an exam, *etc.*) and non-academic discipline (*e.g.*, being suspended or expelled, facing discipline for dorm room violations, *etc.*) in any of the listed institutions.
- If you answer “yes” to this question, you must provide a detailed explanation. This is a broad question without limitations or exceptions.
- If you answer “yes,” we will independently seek records of the incident and discipline from the college, university, or other learning institution. If the school’s records and your

account vary, we may deem this a character and fitness concern and deny admission. It does not matter whether there is a lasting record of the discipline, you must disclose it.

- It does not matter how old you were when the incident or discipline happened as long as it happened at any of the above types of learning institutions. However, this question does not require you to disclose discipline you faced in elementary or secondary schools.

Question 2: Have you ever been arrested, cited, or ticketed for, or charged with any violation of the law? You may exclude minor traffic violations. You must report any offenses involving alcohol or drugs, any failure to maintain motor vehicle financial responsibility (also known as No Insurance or No Motor Vehicle Liability Insurance), and any offenses in which there was an attempt, whether successful or not, to suspend or revoke your driver's license. You must report any failure-to-appear charges resulting from the offense.

- This question applies to any criminal law violation that you were arrested, cited, or ticketed for or charged with committing. Please note the exception for minor traffic violations (*e.g.*, speeding, running a red light, failure to signal a lane change) is very limited in scope. Most criminal offenses do not fall within this exception. Also, please note there is no time limit on this question or geographic restriction; in other words, you must disclose if you have *ever* been arrested, cited, ticketed, or charged *anywhere* with a law violation described above. Read the question carefully and answer it honestly.
- If you answer “yes” to this question, you must provide a detailed explanation. You must disclose and explain regardless of your plea (guilty, no contest or nolo contendere, or not guilty) and regardless of the outcome (dismissal, acquittal, plea of any kind, probation, deferred adjudication, *etc.*). If you were not guilty or the police engaged in misconduct, you still must disclose and explain to the Admissions Committee what happened.
- Expunged or sealed arrests, tickets, or citations need not be disclosed. However, it is your responsibility to ensure that the offense was indeed expunged. To confirm it was, you should obtain a copy of the court order expunging or sealing the record. Failure to reveal an offense that was not in fact expunged or sealed raises character and fitness concerns. Orders of non-disclosure are not the same as an expunction; consequently, the underlying offense must be disclosed.
- Citations given for violations that show a disregard for the law or for one’s financial responsibilities, such as failure to provide proof of insurance, must be disclosed. A warrant issued for failure to appear in court must be reported, even if the underlying offense was a minor traffic violation because failure to appear is a separate offense.

Question 3: Have you ever been convicted of an offense, placed on probation, or granted deferred adjudication or any type of pretrial diversion in any jurisdiction?

You may exclude minor traffic violations. You must report any offenses involving alcohol or drugs, any failure to maintain motor vehicle financial responsibility (aka No Insurance or No Motor Vehicle Liability Insurance), and any offenses in which there was an attempt, whether successful or not, to suspend or revoke your driver's license. You must report any failure-to-appear charges resulting from the offense.

- This question applies to criminal offenses that you were convicted of or punished for committing, regardless of the type of punishment. Again, please note the exception for minor traffic violations (*e.g.*, speeding, running a red light, failure to signal a lane change) is very limited in scope. Furthermore, there is no time limit on this question nor are there geographic boundaries to this question. You must disclose if you have *ever* been punished for a criminal offense *in any jurisdiction*.
- If you answer “yes” to this question, you must provide a detailed explanation. You must answer "yes" if you meet any of the criteria of this question regardless of your plea (guilty, no contest or nolo contendere, or not guilty) and regardless of the outcome (dismissal, acquittal, guilty plea, plea of no contest or nolo contendere, probation, deferred adjudication, *etc.*), unless it was expunged or sealed. If you were not guilty of the offense or the police engaged in misconduct, you still must disclose and explain.
- Expunged or sealed convictions, probations, deferred adjudications, or pretrial diversions need not be disclosed. However, it is your responsibility to ensure that it was indeed expunged. To confirm it was, you should obtain a copy of the court order expunging or sealing the record. Failure to reveal an offense that was not in fact expunged or sealed raises character and fitness concerns. Orders of non-disclosure are not the same as an expunction and therefore, the underlying offense must be disclosed.

Additional Advice:

- If you do not remember details, search for them by contacting the school, the court, or local law enforcement agencies. The BLE will do a thorough investigation once you are in law school, and in so doing, will learn about the incident, and will compare your account on the application with their findings. Discrepancies may raise character and fitness concerns.
- Choosing not to disclose something within the scope of the questions is unacceptable; when in doubt, disclose and explain the circumstances. It is better to do so now than to explain later why you did not initially disclose the details.
- You have a continuing duty to notify the Admissions Office or Dean of Academic Assistance of any matters required to be disclosed after you submit your application, after you are enrolled, during law school, and up until you take the bar exam. Failure to do so may result in discipline by the law school and/or the BLE.