MEMORABLE QUOTES FROM BAR ADMISSION CASES

"The attorney and counselor . . . clothed with his office, does not hold it as a matter of grace and favor. The right which it confers upon him . . . is something more than a mere indulgence. . . ."

Ex Parte Garland, 4 U.S. (Wall) 333 (1866)

"The practice of law is not a matter of grace, but of right for one who is qualified by his learning and his moral character."

Baird v. State Bar of Arizona, 401 U.S. 1 (1971)

"The lawyer's role in the national economy is not the only reason that the opportunity to practice law should be considered a "fundamental right."

Supreme Court of New Hampshire v. Piper, 470 U.S. 274 (1985)

"If Ex Parte Garland stood for, or stands for, anything, it must be that the admission to practice is a federally-protected constitutional right."

Character and Fitness Investigations and Constitutional Rights of Individuals, The Bar Examiner, Vol. 43, 1974; Pg. 5, By Honorable Roy Wilkinson, Jr. Chairman NCBE

"The term "good moral character" has long been used as a qualification for membership in the Bar. . . However, the term, by itself, is unusually ambiguous. It can be defined in an almost unlimited number of ways for any definition will necessarily reflect the attitudes, experiences and prejudices of the definer. Such a vague qualification, which is easily adapted to fit personal views and predilections, can be a dangerous instrument for arbitrary and discriminatory denial of the right to practice law."

Konigsberg v. State Bar of California, 353 U.S. 252 (1957)

"The mere fact that a man has been arrested has very little, if any, probative value in showing that he has engaged in any misconduct. . . ."

Schware v. Board of Bar Examiner, 353 U.S. 232 (1957)

"The judgment of the Supreme Court of Oregon is vacated and the case is remanded for reconsideration in light of Konigsberg v. State Bar of California . . . and Schware v. Board of Bar Examiners of New Mexico"

U.S. Supreme Court Order, May 13, 1957

"We . . . adhere to our former opinion."

318 P.2d 907 (1957) (Oregon Supreme Court Decision After Remand)

"Thus, we are neither bound nor relieved of our own duty in the matter by the United States Supreme Court's prior estimations of the proper ethical course of action. . . ."

State v. Balfour, 311 Or. 434 (1991) (NOT A BAR ADMISSION CASE)

"The right to practice law is a "fundamental right". . . ."

620 P.2d 640 (1980)

"The foregoing matters raise significant doubts about the fairness of the Committee's proceedings."
741 P.2d 1138 (1987)

"I think the contempt conviction is too unimportant to stand in the way of his admission—especially when this court (over two dissents, including mine) saw fit to admit three convicted felons—a murderer, a bank robber, and a drug pusher. . . ."
579 A.2d 668 (1990) (Dissent)

"Petitioner's jury acquittal . . . has special significance with regard to the Board's conclusion that petitioner lied three times in asserting her innocence.
397 So.2d 673 (1981)

"Thus, the Board has presented <Applicant> with the ultimate Catch-22: by maintaining her innocence, <Applicant> can never meet the Board's standard of candor."
650 So.2d 35 (1995)

"A hearing to determine character and fitness should be . . . for the purpose of acquainting the court with the applicant's innermost feelings and personal views on those aspects of morality . . . ."
282 S.E. 2d 298 (1981)

"The current administration of moral character criteria is, in effect a form of Kadi justice with a procedural overlay. . . . Politically nonaccountable decisionmakers render intuitive judgments, largely unconstrained by formal standards. . . . This process is a costly as well as empirically dubious means of securing public protection. . . . . non-routine cases yield intrusive, inconsistent and idiosyncratic decision-making. . . .Only a minimal number of applicants are permanently excluded from practice, and the rationale for many of these exclusions is highly questionable. . . ."
780 P.2d 112 (1989)

"By its opinion the majority has significantly changed the admissions process without first notifying applicant. . . law students, the bar, and the public.
518 N.E. 2d 981 (1987) (Dissent)

"It would be unconstitutional according to the court, "to read literally the language of the rule". . . ."
518 N.E. 2d 981 (1987) (Dissent)

"The only way this court could have been advised . . . therefore, was through an informal communication. The possibility that this unusual proceeding was initiated on the basis of rumors and gossip turns the entire admission process into a sham. . . ."
518 N.E. 2d 981 (1987) (Dissent)

". . . <Applicant> will not be permitted to practice law in this State, not because he has failed to follow the rules, but because we have."
518 N.E. 2d 981 (1987) (Dissent)

"In support of this contention, petitioner notes that only one member of the seven-member panel was present throughout the entire course of the two-day hearing. . . ."
561 N.E. 2d 614 (1990)

". . .lawyers are continually being reinstated, after disbarment, for conduct which any character committee would have unquestionably held to preclude their original admission. Instances of this kind, often manifestly unjustified, are most injurious to the reputation of the bar in the eyes of the public."

316 A.2d 246 (1974)

". . . I had no reason to believe that the U.S. Federal Penitentiary was a residence of mine. I never considered it a residence. . . ."

Applicant's Statement, 439 A.2d 1107 (1982)

"Moreover, once admitted to the bar, an attorney is subject to far less intense official scrutiny concerning his character than that which occurs during the application process. . . ."

439 A2d 1107 (1982) (Dissent)

"In denying petitioner's admission, we are not being consistent or fair. If petitioner were currently admitted to practice law in Minnesota and was subject to discipline for the same acts for which we now deny him admission, I do not believe the result would be as harsh as here. . . ."

502 N.W. 2d 53 (1993) (Dissent)

"I believe . . . that this applicant to the bar should not be subject to a far more harsh sanction than licensed attorneys who have, in addition to breaking the trust of their clients, committed forgery, perjury, or misappropriated client funds."

502 N.W. 2d 53 (1993) (Dissent)

"Until today, . . . being obnoxious . . . and being hard to get along with were not grounds for the extreme sanction of denial of admission to the Nebraska bar. The majority reaches far beyond the current rules governing admission. . . ."

LLR 1996.NE.137 (1996) (Versuslaw) (Dissent)

"While I do not approve of such characteristics, there are no bar admission rules for excluding an applicant on such grounds."

LLR 1996.NE.137 (1996) (Versuslaw) (Dissent)

"This brings us to the focal point: either we abide by the minimum standards we have set up or we disregard them for everyone and suffer the consequences. Credibility is a partner of justice. Disregarding the minimum standards previously approved will not enhance the credibility of the bar, the bar board, or the judiciary."

342 N.W. 2d 393 (1983)

"Applicant is never to be admitted to the practice of law in Ohio."

No. 97-407 2/18/98 1998.OH.36 (1998) (Versuslaw)

"He does not outright lie about such matters when questioned, but he is inclined to attempt to pass them off with glib, equivocal answers which put him in the best light. . . ."

541 P.2d 1400 (1975)

"I don't want to be admitted to the Bar so badly that if I felt my son was being mistreated and abused by my wife, ex-wife, I would not take him again. If I were informed and had reason to believe that she was doing something to him that was so harmful to him that a change of custody would be better for him . . . then I would take him."

Applicant's Statement to Oregon Bar, 610 P.2d 270 (1980)

"It is patently clear that the applicant still has no understanding of the legal or moral implications of his extra-legal conduct."

610 P.2d 270 (1980) (Oregon Supreme Court commenting on Applicant's Statement Above)

"An orderly examination is made difficult by the fact that the Board's record appears higgledy-piggledy. . . ."

No. 3-90-097-CV 7/24/90 1990.TX.1127 (Versuslaw)
Court of Appeals of Texas, Third District, Austin

". . . the Board claims that it was empowered to deny his application, not for the content of his answers, but instead, "for the way he answered. . . .""

No. 3-90-097-CV 7/24/90 1990.TX.1127 (Versuslaw)
Court of Appeals of Texas, Third District, Austin

"Our efforts at review are hindered because the record appears haphazardly. . . ."

No. 3-92-005-CV 1992.TX.2207 December 23, 1992
Court of Appeals of Texas, Third District, Austin

"We find it hard to imagine how anyone could overcome the stigma of chemical dependency under the Board's concept. . . . Furthermore, the Board places appellant in an impossible catch-22 situation: the Board lists involvement in AA as a condition of appellant's probationary license and yet attempts to use appellant's compliance with that condition as evidence of a present chemical dependency. . . ."

No. 03-97-00720-CV 1998.TX.42344 November 13, 1998
Court of Appeals of Texas, Third District, Austin

"The counsel for the bar association never notified <Applicant> that this would be an issue. <Applicant> had no opportunity to rebut charges that he was not qualified to practice based on this incident. The Board of Governors made no finding on this issue. . . . The majority has raised this issue for the first time on appeal, and then decided it without a fair hearing."

690 P.2d 1134 (1984) (Dissent)

"Finally, respondents maintain that they are allowed to question applicants about any matter which they deem relevant to good moral character. The implication is that respondents have absolute discretion in determining what is relevant to good moral character."

266 S.E. 2d 444 (1980)

"Justice Black, in Baird, and Stolar, recognized questions similar to those posed here as "relics of a turbulent period known as the "McCarthy era". . . ."

266 S.E. 2d 444 (1980) Footnote 12