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THE STATE BAR'S SO-CALLED "GOOD MORAL CHARACTER" STANDARD HAS BEEN A COMPLETE, TOTAL, ABJECT FAILURE - By Evan Gutman CPA, JD

It has been approximately 70 years since the National Conference of Bar Examiners had its first meeting. The purpose for adopting irrational character standards was delineated in their magazine "The Bar Examiner." It was to enhance the economic interests of the profession, while simultaneously promoting racism. In 1957, the U.S. Supreme Court responding to the pervasive McCarthyism which still thrives in the State Bars today, recognized the danger to American values presented by the so-called "good moral character" standard and dealt a major blow to its legitimacy stating :

"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 operative phrase is "dangerous instrument." The U.S. Supreme Court was issuing a stern warning to the State Bars. The Court was making it clear that if the power given to the Bars was abused, it would be taken away. The State Bars foolishly failed to heed the warning. They did precisely and exactly what the Court warned them not to do. They used the "good moral character" standard as their fulcrum for arbitrary denial of a law license when faced with an Applicant who does not support their financial interests, or irrational political and societal beliefs. Applicants are regularly denied admission by ludicrous Bar Committees for being glib, facetious, arrogant, flippant, and a wide host of other mere personality traits on the false ground that such demonstrated they lacked "good moral character." The best evidence of the complete, total, abject failure of the "good moral character" standard however, rests in the opinions of the general public. Since the NCBE's inception the public's view of attorneys has not improved in the slightest degree. The typical Nonattorney American justifiably regards lawyers as deceptive, slimy, cheats, crooks, and scoundrels. It is by far the worst regarded profession in the nation, even though no other profession has adopted such irrational character standards. Doctors, engineers, accountants, architects, and in fact even used car salesmen are all better regarded by the general public than attorneys. No profession is viewed more contemptibly than the legal profession. That alone demonstrates the complete, total, abject failure of the so-called "good moral character" standard.

Appellate opinions consistently falsely characterize the legal profession as a "learned profession," a "time-honored profession," and a "respectable profession." They fail the State Bar's "good moral character" standard in doing so, since such false assertions fail to disclose the true nature of the profession. The legal profession has historically never been respected. At best, it is a necessary evil that society requires to function. It is often compared to prostitution and not even viewed as favorably as that also "time-honored" profession. Even those individuals such as myself, who pass the character review without the need for a personal interview are embittered by the process and resent having been required to divulge highly personal information to the State Bar. The State Bars have in fact alienated their only possible supporters. The attorneys. It's been a failure.