



Frequently Asked Questions: Moral Character Determinations

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GENERAL INFORMATION

- 1. What do I need to know before beginning the online Application for Determination of Moral Character or Application for Extension of Determination of Moral Character? Is there a checklist?**

Please read the information regarding [Moral Character](#), including the [Instructions for Application for Determination of Moral Character](#) and Application for Extension of Determination of Moral Character.

- 2. Where can I find general information about the standards for making moral character determinations?**

Please review the Moral Character Statement.

- 3. My situation does not appear on the Moral Character Determination Guidelines. Does that mean I do not need to disclose it?**

No. Please carefully read the questions on the Application for Determination of Moral Character and answer accordingly.

The guidelines are not an exhaustive list of issues and examples relevant to a moral character determination. Applicants are unique and will be considered on their individual merits. Accordingly, these guidelines neither bind nor limits the discretion of the decision-makers and it is for informational purposes only. The severity of an act of misconduct, length of time since the act, and the frequency with which the act occurred will be taken into consideration.

4. What if I don't know all of the answers to complete a form for the moral character application?

When filling out a form, the applicant should provide as much requested information as possible. If an applicant is unable to obtain requested information after diligently searching for records and contacting prior legal counsel when appropriate, the applicant should note this fact on the form. Applicants should be aware that a lack of requested information may delay the processing of a moral character application.

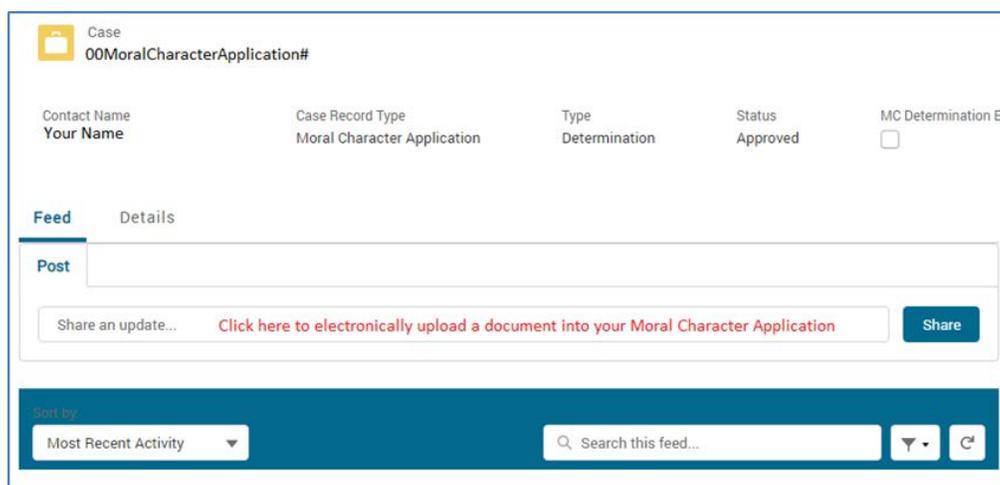
5. Why does it take so long to complete the processing of my moral character application?

Background investigations related to moral character determinations are conducted in the order in which applications are submitted and received. The State Bar is unable to expedite applications. The duration of a moral character investigation varies due to factors such as the volume of applications received in a given time period and whether timely responses to requests for information are received from the applicant or others. Generally, it takes a minimum of approximately 180 days, or six months, to process a moral character application.

6. The instructions state that applicants for admission to practice law in California have a continuing duty to update their responses. What is the best way to update my application?

Log in to the [Admissions Applicant Portal](#) and access the moral character case. Use the feed on your moral character case page to post an update or upload a document.

Figure 1: Posting an update or document to one's Moral Character case



7. Is there a preferred file type and file size limit when posting?

Yes, PDF documents are preferred as Word documents may display and print differently than intended depending on the application version. There is a 25 MB upload limit per post.

8. I filed my moral character application at the same time my classmate submitted their application. Why was their application approved quickly, while my application remains pending?

Each application is considered on its individual merits. Processing times for applications are affected by variables such as the relative complexity of an applicant's history. It may take 180 days or more from the filing date to complete the processing of a moral character application. It is advised that an applicant file a moral character application soon after the applicant meets the eligibility requirements by commencing the study of law and registering with the State Bar as a law student or an attorney applicant. Applicants are encouraged to file a moral character application at the beginning of their last year of law study.

CIVIL ACTIONS AND ADMINISTRATIVE PROCEEDINGS

1. Do I have to disclose my divorce or dissolution? Do I have to disclose a class action suit to which I was a party?

Yes. The moral character application requires disclosure of all civil actions, including but not limited to divorce, dissolution, and class action cases.

2. Do I have to disclose an administrative matter, such as a Department of Motor Vehicles hearing involving a driver's license suspension or a notice of hearing before the Employment Development Department?

Yes. Administrative matters to which an applicant is a party must be disclosed.

3. If I reported an incident of sexual assault or sexual harassment to an educational institution (undergraduate, graduate, or law school), do I have to disclose the matter on my moral character application as a civil action or administrative proceeding to which I was party?

No. If you reported an incident of sexual assault or sexual harassment to an educational institution, you are not required to disclose the matter on your moral character application as a civil action or administrative proceeding to which you were a party.

However, if a complaint was filed against you and you were formally or informally dropped, suspended, warned, placed on disciplinary probation, expelled, or requested to resign or allowed to resign in lieu of discipline from the educational institution, this information must be disclosed on the moral character application in response to the question about scholastic discipline.

CRIMINAL MATTERS

1. Can I take the California Bar Examination if I have a criminal record?

Yes. Eligibility to sit for the California Bar Examination is based upon the applicant's legal education. An applicant's criminal history is addressed in the moral character application, which is separate and distinct from the bar exam application.

2. Can I receive a moral character determination before enrolling in law school?

No. An individual is not eligible to file a moral character application until they commence the study of law and register as a law student with the State Bar.

3. Do I have to disclose my criminal history on my law school application?

Possibly. The State Bar is unable to provide advice concerning the completion requirements of law school applications, including whether disclosure of certain offenses is required by law. An applicant should consult the law school concerning the completion requirements of its application.

4. I disclosed an arrest that was not prosecuted on my law school application. If the moral character application does not require that I disclose this arrest, how does the discrepancy affect the review of my application?

If an arrest is discovered during the processing of a moral character application, the applicant may be asked to provide a narrative of the events and supporting documentation. If the arrest was not required to be disclosed on the moral character application, the nondisclosure will not impact the determination.

5. Do I have to disclose a pending criminal matter in my moral character application? Do I have to disclose a criminal conviction that was dismissed pursuant to section 1203.4 of the California Penal Code?

Yes. Pending criminal matters and convictions dismissed pursuant to section 1203.4 must be disclosed.

6. Do I have to disclose a criminal matter that was expunged pursuant to, for example, a pre-trial diversion agreement?

An applicant is not required to disclose an arrest that did not result in a misdemeanor or felony conviction or if a plea of guilty or nolo contendere was not entered, or for which the applicant is not awaiting final adjudication at the time of filing the moral character application. Additionally, an applicant is not required to disclose any arrest, conviction, or other proceeding the record of which has been ordered or is required to be sealed, obliterated, dismissed, or destroyed pursuant to sections 851.7, 1203.4a, 1203.45, 1000 to 1000.11, 1001 to 1001.11, or 1001.20 to 1001.35 of the California Penal Code, section 781 of the California Welfare and Institutions Code, section 11361.5 of the California Health and Safety Code, or pursuant to a similar statute of another jurisdiction which provides in substance and effect that upon entry of an order, such arrest, conviction, or

other proceeding shall be deemed not to have occurred or that the person to whom the proceeding relates, in answering any related question, may state it did not occur. If an applicant is not required to disclose a criminal matter pursuant to an out-of-state statute, as explained above, the applicant must submit a copy of the applicable statute.

7. How do I obtain law enforcement and court records that I am required to submit with my application?

The applicant should contact the citing or arresting agency to obtain a copy of a law enforcement report, and contact the court where the related proceedings were held to obtain a copy of the criminal complaint, court docket, and judgment (please see [Form 2](#) for the complete list of required documents). The identity of the citing or arresting agency sometimes may be found in related court documents. The prosecutor's office may be able to assist in identifying the court in which certain proceedings were held.

8. What do I do if I have a disclosable criminal offense, but I am unable to obtain the required law enforcement or court records?

An applicant who is unable to obtain law enforcement or court records should submit letters from the relevant entities reflecting the applicant's requests and the entities' responses. The written response will help confirm that the agency is the custodian of record and will often include a case number. An applicant may also seek to obtain records from the applicant's former counsel.

9. Are there criminal offenses that are an absolute bar to a positive moral character determination? Will a misdemeanor or felony conviction prevent me from obtaining a positive moral character determination?

No. There is no act of misconduct that automatically disqualifies an applicant from obtaining a positive moral character determination. The State Bar makes moral character determinations on a case-by-case basis, considering each applicant's history, and it is the applicant's burden to establish the requisite moral character. When an applicant has a criminal history, the State Bar will determine whether sufficient rehabilitation has occurred to warrant a positive moral character determination. Please review the review the Moral Character Statement for additional related information.

10. What are the criteria for disclosing violations of the Vehicle Code? Do I have to disclose speeding tickets and other moving violations? Do I have to disclose all driving violations, no matter when they occurred?

Vehicle Code violations that are misdemeanors or felonies must be disclosed on the moral character application. For example, a failure to appear in court, driving without a license, driving with a suspended license, an reckless driving are disclosable violations. Disclosable violations must be disclosed in the moral character application regardless of how many years have passed since the violation occurred.

DEBT

1. Am I required to disclose a disputed debt on my moral character application? Am I required to disclose student loan defaults?

Yes. The moral character application requires disclosure of all debt that is delinquent at the time the application is filed. Applicants must also disclose all incidents of student loan default even if the loan is current at the time the moral character application is filed.

2. Do I need to provide a credit report with my moral character application?

Applicants who disclose a student loan default or delinquent debts on the moral character application must also provide a current and original credit report.

3. Will I be denied admission solely because I owe money on my credit card or declared bankruptcy?

No. Indebtedness alone is not considered by the State Bar as relevant to moral character. Similarly, the fact that an applicant has exercised rights under the federal bankruptcy laws does not necessarily reflect on the applicant's moral character. However, if indebtedness is being handled irresponsibly or if bankruptcy was resorted to in an effort to defraud creditors, moral character issues may arise.

DISCIPLINARY HISTORY: MILITARY, PROFESSIONAL, AND ACADEMIC

1. Do I have to disclose undergraduate and law school discipline on the moral character application?

Yes. If an applicant has been found to have violated a college, university, or law school honor code; or has been dropped, suspended, warned, placed on disciplinary probation, expelled, or requested to resign or allowed to resign in lieu of discipline by any college, university, or law school; or otherwise has been subjected to discipline by any such institution or has been requested or advised by any such institution to discontinue their studies, the applicant must disclose the incident on the moral character application.

2. How will a military discharge "under" or "other than" honorable conditions, or a "dishonorable" discharge affect a moral character determination?

A nonjudicial punishment, court-martial, resignation in lieu of court-martial, administrative discharge, or a discharge other than honorable may be relevant to a moral character determination, but it does not automatically exclude an applicant for admission to practice law in California.

3. Am I eligible to file a moral character application if I was disciplined or disbarred from the practice of law in another jurisdiction?

Rule 4.41(b) of Title 4, Division 1, Chapter 4 of the *Rules of the State Bar of California (Admissions Rules)* provides that attorneys who are, "suspended, disbarred, or

otherwise not in good standing in any jurisdiction may not submit a [moral character] application.” In order to be eligible to file a moral character application, an applicant must submit a Certificate of Good Standing (CGS) from each jurisdiction in which the applicant is admitted to practice law. Or, in lieu of a CGS, the applicant may submit a letter from the jurisdiction(s) indicating that the applicant has never been disciplined and that the applicant’s ineligibility to practice law in the jurisdiction is not due to disciplinary action.

DRIVING RECORD

1. Do I need to submit a copy of my non-California driving record?

Yes. The moral character application prompts an applicant to disclose the driver’s license number for each jurisdiction in which the applicant has been issued a driver’s license. The applicant must then upload a certified copy of the applicant’s driving record from each jurisdiction.

If a driving record is in a language other than English, a certified translation must be provided with the driving record. If the foreign jurisdiction that issued the driver’s license will not provide a copy of a driving record, a letter from the agency stating that no record will be provided may be submitted in lieu of the driving record.

2. My out-of-state driving record will take two to four weeks to obtain. Should I wait to file my moral character application until I can submit the record?

Yes. A certified copy of each out-of-state driving record must be uploaded to the moral character application prior to submission. An application received without the out-of-state driving record(s) will be considered incomplete and will delay the processing of the moral character application.

EDUCATION

1. I have attended some colleges multiple times, and some schools many years ago. For what historical period must I disclose the schools I attended, and do I have to list the same college multiple times for each separate period of matriculation?

Applicants must account for all periods of their education after high school. Applicants must disclose each school attended regardless of the length of matriculation. Also, applicants who attended a school over various periods of time may disclose the school once and indicate each period of matriculation at the school.

PROFESSIONAL APPLICATIONS AND CREDENTIALS

1. Do I have to disclose my applications for admission to practice law in other jurisdictions?

Yes. The moral character application requires the disclosure of applications to any

jurisdiction for admission to practice law including, but not limited to, applications to be admitted by examination, on motion, or on diploma privilege; applications for reinstatement to the State Bar; and applications for determination of moral character.

2. I have a government security clearance. Do I have to report my security clearance certification in the moral character application?

Yes. The moral character application requires the disclosure of all professional licenses that include a character determination component (e.g., questions concerning convictions or disciplinary matters), including security clearance certifications. Examples of professional licenses that typically include a character determination component include licensure as a Certified Public Accountant, Patent Practitioner, Real Estate Salesperson or Broker, Notary Public, or Teacher.

REFERENCES: PERSONAL AND EMPLOYMENT

1. Can I use a family member as a personal reference on the moral character application?

No. Family members related to the applicant by blood or marriage do not qualify for submission as personal references.

2. Who qualifies as an attorney reference?

The moral character application requests that at least one of the personal references be a California attorney. Family members do not qualify for submission as attorney personal references. If the applicant does not know a California attorney who knows the applicant well enough to comment about the applicant's character, the applicant may submit the name and contact information of an attorney from another jurisdiction, or a nonattorney who knows the applicant well enough to complete a questionnaire concerning the applicant's character. The attorney or personal reference must not be related to the applicant by blood or marriage, and cannot be an individual reported as a supervisor under the employment section of the moral character application or as a verifying reference under the self-employment section of the moral character application.

3. Do I have to disclose a potential place of employment in the moral character application?

No. The moral character application requires that the applicant disclose any job lasting more than six months and any law-related job, regardless of the length of time employed, where the applicant is either employed at the time the moral character application is filed or has been employed.

If an applicant obtains new employment during the processing of the applicant's moral character application, or prior to admission to practice law, the applicant must provide the new employment information to the State Bar within 30 days.

4. What is the protocol for disclosing the appropriate supervisor in the employment section of the moral character application?

Applicants must provide the name of the individual who supervised the applicant. If the applicant was supervised by more than one individual, the applicant must disclose the name of the individual most familiar with the applicant's work conduct.

5. Do I have to disclose my previous employment at a business that is no longer in operation?

Yes. An applicant must indicate all reportable employment, regardless if the business is currently in operation. If the applicant knows the current mailing address or email address of a former supervisor at the business, the applicant should provide the former supervisor's contact information. If the business is defunct, the applicant does not have to provide an email address for the previous employer.

6. Does the State Bar contact the employers identified on the moral character application?

Yes. Current and past employers reported on the moral character application are contacted during the moral character investigation. Applicants submit the moral character application with the understanding that the applicant is willing to have each employer contacted.

7. How do I properly report my enlistment and job in the military?

An applicant may report military enlistment in the Current/Previous Employment section and the Military Services section of the moral character application. The applicant should identify the last duty station, supervisor, date of enlistment, and the date of discharge (or date the applicant left active duty if they are currently on inactive status). An applicant who is discharged from active duty must also provide a DD-214 military discharge document that clearly indicates the type of discharge received.

8. Some of my references told me they never received a questionnaire, should I be worried?

No. Some references may not be contacted. An applicant may remind references to check their spam folder periodically and to use the Chrome browser, if possible, when submitting the questionnaire.

RESIDENCE

1. Do I have to disclose all past residences, no matter how long ago I resided at a location?

No. Applicants are required to disclose addresses of past and present residences, including college and law school residences, for the past eight years. Extended travel abroad may be further explained in the "Accounting for Gaps in Residence History" section of the moral character application if a gap is identified or an addendum,

which may be uploaded to the online application.

2. How long must an applicant reside at a particular location for the residence to be reportable on the moral character application?

An applicant must disclose all residences regardless of the amount of time the applicant resided at the residences.

3. I travel a lot, including overseas, and I cannot recall every location in which I have resided. How do I appropriately respond to the “Residence” section of the moral character application?

Some applicants have traveled extensively in the past eight years and have numerous addresses to report on the moral character application. Applicants are encouraged to provide as much information pertaining to each residence as can be reasonably recalled. Applicants are responsible for the complete and accurate reporting of information on the application, and the failure to provide complete responses could result in a delay in the processing of the application.

ADMISSIONS APPLICANT PORTAL

1. I cannot log in to my account on the Admissions Applicant Portal. What do I do?

First, try to reset the password. Second, contact the Office of Admissions and request a password reset email. Please do not register with another email address as doing so will create a duplicate account.

2. Which email address should I indicate as my preferred email?

Please use a personal email address as your preferred email. If you use a law school or work email address you will not receive communications from the Office of Admissions if you lose access to the email address.

3. Incorrect or incomplete information migrated to my new moral character application in the Admissions Applicant Portal, or, I entered placeholder information and now want to edit my application prior to submitting it. What should I do?

Certain fields, such as “date to,” may be edited by clicking on “View.” This will take the applicant to another page and “Edit” must be selected to make the applicable fields editable.

If the information is in a locked section, please provide the updated information either in the “Accounting for Gaps in Residence/Activity” section, if gaps exist, or upload a document (Word, PDF, etc.) with the correct information to any file upload section.

4. How do I delete documents that I accidentally uploaded to the application?

Applicants are unable to delete documents after uploading them. If a document was uploaded in error, applicants may upload a statement describing the corrections to be made to the application or indicate if the document needs to be deleted. The statement must clearly identify the applicable document.

5. Can I view my application after I have submitted it?

No. After an application has been submitted, applicants will not be able to access the application or make any edits to it. Applicants may submit updates or amendments by posting the information to the moral character case feed.

6. Can I request a copy of my application?

Yes. A copy of the Admissions Applicant Portal application can be requested by submitting a [Service Request Form](#). Please allow approximately 30–45 days to process your request.

7. How do I upload my live scan form after I submitted my application?

Post a completed live scan form to the moral character case feed. Do not submit the live scan form as a General Request or as a Fingerprint request.

8. I clicked “Share an Update” but my post disappeared. Will I receive confirmation that my post was received?

No.

9. Is it possible to access my previous moral character application that was submitted before the Admissions Applicant Portal was implemented?

Yes. Applications that were submitted prior to implementation of the Admissions Applicant Portal can be reviewed by accessing the [National Application Center](#). The CalBarXAP.com login credentials can be used for up to two years from February 18, 2019. Applications may only be printed for informational purposes and no edits can be made.

10. When should I submit a General Request?

A General Request may be submitted to ask questions, request FD-258 fingerprint cards, or to request assistance with the application. General Requests are answered in the order received and it may take some time before the General Request is addressed as volume of requests varies.

11. My application is in draft status and I am experiencing technical issues. What is the best way to resolve the issue?

Please call 800-843-9053 and ask to speak with the moral character person of the day. Please be prepared to email a screenshot of the error if the issue cannot be resolved over the phone. Some issues may take more time to resolve if technical assistance is necessary.

MORAL CHARACTER DETERMINATIONS AND COVID-19

1. Have any changes been made to the moral character determination process due to the Coronavirus?

Yes. With the permission of the Committee of Bar Examiners, some [deadlines](#) have been extended and may be further extended for good cause.

2. Can I submit a moral character application without fingerprints?

No. Applicants have 90 days from the date of submission of a moral character application to provide fingerprints. If fingerprints cannot be obtained within 90 days, the applicant must post a statement to the moral character case feed detailing the applicant's efforts to locate a provider. For good cause, the Program Manager for Moral Character Determinations may extend the deadline.