

NOTICE TO THE BAR

SUPREME COURT CLARIFIES INQUIRIES ABOUT RESTRAINING ORDERS AND TITLE IX ACTIONS ON THE CHARACTER AND FITNESS QUESTIONNAIRE

On February 2, 2024, the Supreme Court adopted changes to the Character and Fitness Questionnaire to make clear that the scope of inquiry into a candidate's prior filing of restraining orders or Title IX actions during the bar admissions process is narrow.

The question asks whether a candidate has been a party to a civil, administrative, or other enumerated proceeding, including petitions for protection from abuse, restraining orders, and Title IX proceedings (Section 8A). With regard to petitions for protection from abuse, restraining orders, and Title IX proceedings, the question is designed to ascertain whether a candidate has been accused of serious conduct that might bear on the candidate's character and fitness to practice law, or has abused court processes through the repetitive, frivolous, or vexatious filing of civil actions more broadly. The question is not intended to probe into the sensitive details of proceedings that involve victims of abuse or assault.

A new addendum to the question more clearly states that candidates who disclose that they filed petitions for protection from abuse, restraining orders,

or Title IX actions are not asked to provide a description or documentation, which is required in connection with other types of actions. Rather, candidates disclosing petitions for protection from abuse, restraining orders, and Title IX proceedings need only provide the case caption and the outcome.

The modifications take effect immediately, and a revised Character and Fitness Questionnaire will be posted to the Board of Bar Examiners website expeditiously so that those currently seeking admission will have the benefit of this change.


Heather Joy Baker
Clerk of Court

Date: February 2, 2024

APPENDIX

SECTION 8 - LEGAL PROCEEDINGS

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A - Civil, Administrative, Governmental, Arbitration or Disciplinary Proceedings

Have you **EVER** been a named party (e.g., plaintiff/defendant) in any civil proceeding, regardless of the age of the matter or whether the final disposition was a dismissal or a settlement? This includes, but is not limited to, malpractice, negligence actions, intentional torts, landlord/tenant matters, contract matters, or domestic relations matters, including divorce, custody, visitation, support, petitions for protection from abuse, restraining orders and/or peace orders and expungement proceedings. Have you ever been a party, complainant or participant in or to an administrative, governmental, investigative, judicial, arbitration or disciplinary proceeding, including but not limited to workers' compensation, unemployment, pension, disability, licensing boards, welfare, child protection, Title IX proceedings, conservatorship, fee arbitration or attorney disciplinary/grievance proceedings? NOTE: Simple receipt of benefits does NOT trigger an affirmative response if no proceedings were held.

If you were the child in question in a custody proceeding, you were not considered a named party.

If you answered "yes" to this question, you are required to provide full details and a chronological explanation of the legal proceeding and provide information concerning the parties, when filed, where the proceeding was venued, docket or case number and status of the proceeding. For each proceeding resolved within the last ten (10) years, you must also provide the documents listed below.

NOTE, however, that if you answered "yes" to this question based on your filing of a petition for protection from abuse, a restraining order, or a complaint under Title IX, you need only provide the case caption and the outcome; you need not provide a description or documentation related to the proceedings.

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Key = Bold in original; underlining is new language