



## Arizona Supreme Court Committee on Character and Fitness Guidelines

### Guidelines on Substance Abuse

1. Rule 36(g) provides “An applicant who has engaged in conduct that could have previously rendered him or her unfit to practice law may be conditionally admitted if the applicant shows ***meaningful and sustained rehabilitation*** and otherwise satisfies the eligibility requirements for admission...”
2. Meaningful and sustained rehabilitation means sobriety for at least 6 months prior to the application for admission. Sobriety must be verified by an independent medical professional or through evidence provided by a licensed and treating medical professional.
3. These Guidelines apply to applicants with a history of substance abuse, whether disclosed by the applicant or revealed during an investigation, and are in addition to fitness evaluation factors contained in Rule 36(b)(4).
4. If the evidence or indication of substance abuse occurred within the past 24 months, an independent evaluation will be conducted. If the conduct did not occur within the past 24 months, staff or the Committee may request an independent evaluation.
5. If Committee decides to modify or otherwise not follow the recommendation of the independent evaluator, the reason(s) must be in writing.
6. An informal hearing is required:
  - a) If the applicant has less than 24 months of sobriety;
  - b) If there is evidence of alcohol or drug-influenced criminal behavior (regardless of conviction) within the past 7 years, regardless of what the independent evaluator says about current dependence or lack thereof;
  - c) If there is disagreement between the independent evaluator and applicant’s evaluator on issue of sustained remission or dependence; or
  - d) If the applicant has a pattern of abstinence and relapse.
7. An applicant who has been sober for at least 24 months prior to application can provide proof of sobriety during this period of time, and otherwise has been determined fit to practice by the Committee, may be recommended for admission without conditions.

8. An applicant who has been sober for more than 6 months but less than 24 months prior to application as determined by an independent medical professional, and otherwise has been determined fit to practice by the Committee, may be considered for conditional admission.
9. If the applicant has been sober for less than 24 months, as determined by an independent medical professional and otherwise has been determined fit to practice by the Committee, conditional admission for the period of time necessary to total 24 months of sobriety may be recommended with conditions to include no alcohol, drug, or criminal activity of any kind. Rule 36(g) shall apply for monitoring and supervision of the admittee and acting on any violation of the conditions.
10. An applicant is not eligible for admission or, absent extraordinary circumstances, conditional admission, if the applicant:
  - a) Cannot prove sobriety for a period of 6 months prior to application; or
  - b) Has a pattern of abstinence and relapse, and applicant cannot demonstrate full sustained remission for a period of 24 consecutive months; or
  - c) Applicant fails to demonstrate that substance abuse will not affect his ability to practice law.

**Arizona Supreme Court  
Committee on Character and Fitness  
Guidelines**

**Guidelines on Neglect of Financial Responsibilities**

1. Rule 36(d) requires further investigation and an informal inquiry in any case in which the investigation reveals and investigating member determines that there are allegations of serious misconduct by the applicant that involve “***neglect of financial responsibilities*** due to circumstances within the control of the applicant...”
2. Neglect of financial responsibilities means a pattern of failure to pay debt as due when such failure is not attributable to lack of employment, current underemployment, or an unusual event such as an accident or medical issues.
3. Rule 36(g) provides “An applicant who has engaged in conduct that could have previously rendered him or her unfit to practice law may be conditionally admitted if the applicant shows ***meaningful and sustained rehabilitation*** and otherwise satisfies the eligibility requirements for admission...”
4. Meaningful and sustained rehabilitation for purposes of demonstrating financial responsibility means the applicant has a plan for repayment of debt and is current in making payments for at least 3 months prior to the application for admission.
5. Student debt, regardless of amount, absent delinquency (not deferral or forbearance) does not create, by itself, a basis for a hearing or denial.
6. An informal hearing is required when:
  - a) Consumer debt is in excess of \$20,000, and repayment is not current;
  - b) Bankruptcy filed or approved within the last 5 years; or
  - c) Foreclosure within the last 5 years.
7. Conditional admission may be recommended provided:
  - a) Terms shall require that State Bar may monitor any trust account for which applicant has signature authority; and
  - b) Terms shall require applicant to make timely debt payments for no less than 24 months.
8. An applicant is not eligible for admission if the applicant is not current in making payments for at least 3 months and such failure is not attributable to lack of employment, current underemployment, or an unusual event such as an accident or medical issues.