

MEMBERS OF THE BOARD  
JONATHAN A. AZRAEL, CHAIRMAN  
JOHN F. MUDD  
ROBERT H. REINHART  
MAURENE EPPS WEBB  
LINDA D. SCHWARTZ  
DAVID E. RALPH  
MATTHEW T. MILLS



SECRETARY  
BEDFORD T. BENTLEY, JR.  
DIRECTOR, CHARACTER & FITNESS  
BARBARA L. GAVIN  
CLERK TO THE BOARD  
ROSE E. BERG

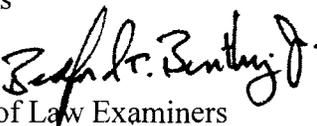
**STATE BOARD OF LAW EXAMINERS**

2011-F COMMERCE PARK DRIVE  
ANNAPOLIS, MARYLAND 21401  
(410) 260-3640  
[www.mdcourts.gov](http://www.mdcourts.gov)

MARYLAND RELAY SERVICE  
(TT/VOICE)  
1-800-735-2258

**MEMORANDUM**

**To:** First Year Law Students

**From:** Bedford T. Bentley, Jr.   
Secretary, State Board of Law Examiners

**Subject:** Importance of Candor in Law School and in the Bar Admissions Process

**Date:** May 18, 2009

The Court of Appeals of Maryland, the State Board of Law Examiners, and the Character Committees that investigate the character of bar candidates all regard candor as a fundamental requirement of the good moral character and fitness necessary for admission to the Bar of Maryland. An applicant who demonstrates a lack of candor is likely to be denied admission to the Bar of Maryland.

As you embark on your legal education, you should revisit your responses to the questions on the law school application and confirm that you have candidly disclosed to the law school any misconduct which should have been known by the school when it made the decision to admit you. If you have reason to believe that your original disclosure was inadequate, you should amend your application as soon as possible. If you have any doubts about what should have been disclosed or how to amend your application, you should seek advice from the admissions office.

An applicant's failure to make a candid disclosure to his or her law school is regarded very seriously in the investigation of the applicant's character for bar admission. It is customary for the Board to inquire whether misconduct disclosed to the Board was also disclosed to the law school in those cases in which the misconduct preceded law school attendance or occurred in law school.

The Maryland bar application requires disclosure of a number of specific types of misconduct (including academic infractions, traffic violations, arrests and charges not expunged pursuant to law, criminal convictions, termination of employment for cause, etc.). There is a catchall question on the application requiring disclosure of any matter which reflects adversely on character and not called for specifically by other questions on the application. You may well find that there are matters which you will have to disclose in response to questions on the bar application which you had no

obligation to disclose on the law school application because the questions on the bar application are more comprehensive and more detailed.

An applicant's lack of candor coupled with misconduct is the most common scenario resulting in applicants being denied admission to the Maryland Bar. The underlying misconduct, in many cases, would not have been a sufficient reason, alone, for denying admission to the Bar. However, candor is regarded as so essential to a lawyer's integrity that a lack of candor has been the principal reason for denial of bar admission for a number of candidates. The importance of candor on the law school application, as well as on the bar application, cannot be over emphasized.

The following cases illustrate the fatal effects of a lack of candor on an applicant's prospects for bar admission:

*Attorney Grievance Commission v. Jeffrey Thomas Joehl*, 335 Md. 83, 642 A.2d 194 (1994)

The State Board of Law Examiners discovered, shortly after this applicant was admitted to the bar, that he had failed to disclose some criminal matters on his bar application. The Board notified the Attorney Grievance Commission, which investigated. The Court of Appeals concluded that disbarment was the appropriate sanction for the applicant's dishonesty.

*Application of Hyland*, 339 Md. 521, 663 A.2d 1309 (1995)

The applicant disclosed that he had been convicted of 15 counts of failure to file state sales tax returns and failed to pay applicable federal payroll withholding taxes arising from his operation of a restaurant. The Court of Appeals concluded that the applicant had not demonstrated an appreciation for the fiduciary responsibility incumbent upon an attorney when entrusted with the monies of another person. The applicant's lack of candor and misleading or evasive answers contributed to the Court's decision to deny him admission.

*In the Matter of the Application of Emsean L. Brown for Admission to the Bar of Maryland*, 392 Md. 44, 895, 895 A.2d 1050 (2006)

The applicant disclosed in his bar application that he had been convicted of bank fraud in 1991. He did not disclose the conviction in his application for admission to law school in 1999, but disclosed it in the first semester of his second year in law school. He also did not disclose to the law school that the bank had terminated his employment. The Court of Appeals found that the applicant exhibited a lack of candor in his law school application. The Court rejected the applicant's argument that he was rehabilitated and denied him admission.