

A hand in a dark suit jacket holds a glowing, translucent brain. The background is dark blue with faint digital lines and icons. Text overlays include 'BRAIN STORM NETWORK', '8143', 'BRAIN DOWNLOAD', '49868', '608', '5320', and '58768'.

# **The Impact, Legality, Use and Utility of Mental Disability Questions on the New York State Bar Application**

A Report Issued by the Working  
Group on Attorney Mental Health of  
the New York State Bar Association

Approved by the New York State Bar Association  
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**NEW YORK STATE  
BAR ASSOCIATION**

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## **INTRODUCTION**

The evolution of legal, clinical and societal perspectives towards people with mental disabilities has led many to question the legality, efficacy and morality of screening Bar applicants for mental disability. In February 2019, the Conference of Chief Justices passed a resolution “urging its members and state and territorial bar admission authorities to eliminate from applications required for admission to the bar any questions that ask about mental health history, diagnosis or treatment” and instead use questions that only focus on an applicant’s conduct. Thereafter, New York State Bar Association President Henry M. Greenberg appointed a Multi-Disciplinary Working Group to Review the New York Bar Admission Questionnaire to advise on whether certain questions on the New York bar application character and fitness questionnaire comport with the recommendations found in the Conference of Chief Justices’ resolution.

Although statistics indicate a high incidence of mental health issues among law students that increase exponentially after matriculation, students still fear that seeking treatment would ultimately prohibit bar admission. Being between the proverbial rock and hard place, some law students forego needed treatment entirely. Some of them “self-medicate” with alcohol and other substances, leading to greater difficulties. Others simply crash and burn under the pressure of law school without feeling able to access necessary support and treatment. This is tragic and unnecessary.

Nationally, many states already do not include mental health inquiries on their applications. Alaska, Arizona, California, Connecticut, Illinois, Iowa, Massachusetts, Mississippi, Pennsylvania and Washington currently do not have

questions on their applications that ask about a mental health diagnosis or impairment. In response to law student demands for change, just this year, Virginia has modified their question to focus on behavior, and has included a clarifying statement regarding the question. Florida has recently included clarification with their mental health question which includes the statement, “the Board supports applicants seeking mental health treatment.”<sup>1</sup> Michigan is currently considering changes to their questions regarding applicant’s mental health.

The Working Group recognizes the importance of focusing on a bar candidate’s behavior and conduct to evaluate fitness to practice law and expects that to continue to be the focus of determining an applicant’s fitness to practice law.

The Working Group is comprised of representatives from the Young Lawyers Section, the Committee on Disability Rights, the Lawyer Assistance Committee, and the Committee on Legal Education and Admission to the Bar. Each of these entities have a unique interest and expertise in the subject of this report, and each have contributed a section to it. The Working Group has collectively concluded that:

1. Law students today feel more stress and experience more mental health issues than ever before as a result of crushing student debt and an uncertain job market, in addition to the demands of law school.

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<sup>1</sup> See Bazelon Center for Mental Health Law *Bar Admissions Questions Pertaining to Mental Health, School/Criminal History, and Financial Issues* (February 2019) attached as Appendix III.

2. The Americans with Disabilities Act, and regulations promulgated thereunder, prohibit the screening of candidates on the basis of mental disability.
  
3. There is “compelling evidence that Question 34 is unnecessary, even if it were not also ineffective, in accomplishing the goal of identifying applicants whose mental conditions make them candidates for special scrutiny by the Character & Fitness Committees.”

Accordingly, questions related to mental disability should be eliminated from the bar application.

# I. THE IMPACT OF QUESTION 34

## A. Introduction

As all attorneys recall, law school is a time marked by extreme stress, anxiety, overwhelming expectations, and financial uncertainty. Recent studies have shown that today's law school students are experiencing these issues at alarming rates.<sup>2</sup> Moreover, they are not seeking the help needed to manage difficult personal challenges. Many students admit they are not seeking help because they are concerned that doing so will negatively impact their bar admission.

A 2014 *Survey of Law Student Well-Being* sponsored by the American Bar Association reported that 42% percent of surveyed law students believed they needed help for emotional or mental health issue in the past year, but only half sought assistance.<sup>3</sup> 63% of the respondents feared that seeking help for a substance abuse

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<sup>2</sup> A recent e-survey conducted by Kaplan Bar Review between February and March 2019 of 303 law school graduates who took a Kaplan bar preparation course found that 29% of participants felt that their law school did enough in the area of mental health to assist students experiencing increased levels of academic-related stress, while 40% reported that their law school does not do enough. Kaplan, *Kaplan Bar Review Survey: Only 29 Percent of Law Student Graduates Think Their Alma Mater Does Enough to Help their Students in the Area of Mental Health* (May 1, 2019), available at <https://www.kaptest.com/blog/press/2019/05/01/kaplan-bar-review-survey-only-29-percent-of-law-school-graduates-think-their-alma-mater-does-enough-to-help-their-students-in-the-area-of-mental-health/>. Additionally, survey takers demonstrated an acute lack of awareness of the resources available at their law schools, as 31% of participants reported being unsure of whether their school does enough to support students. *Id.* See also David B. Jaffe, *The Key to Law School Student Well-Being? We Have to Love Our Law Students* (Feb. 2018), available at <https://www.wcl.american.edu/impact/lawwire/the-key-to-law-student-well-being-we-have-to-love-our-law-students/article/> (suggesting changes that can be implemented for a variety of law school stakeholders to improve the experiences of law students); Jordana Alter Confino, *Where Are We on the Path to Law Student Well-Being?: Report on the ABA CoLAP Law Student Associate Committee Law School Wellness Survey* (2018), available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3374976](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3374976) (discussing the findings of the 2018 Law School Wellness Survey, which reports on the well-being initiatives reported by 103 law schools).



issue could pose a threat to their bar admission, and 45% said the same thing regarding seeking mental health treatment. The perceived negative impact on bar admission was a primary factor in not seeking help.<sup>4</sup>

## **B. Stress Related to Exams, Grades, Debt and Other Issues**

Law students are under extreme pressure prior to their admission to the bar. Some actually experience physical illness from bar exam stress.<sup>5</sup> Bar exam study may also lead to relationship breakdown,<sup>6</sup> and isolation leading to clinical depression.<sup>7</sup> These challenges may be further compounded in instances where law students' experiences do not align with their expectations for law school and the legal profession, which can lead to overwhelming feelings of loss.<sup>8</sup> Not surprisingly, students are frequently on Twitter, Facebook, LinkedIn and other social media platforms expressing worry about exam grades, the bar exam, work/life balance, and the job market.

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<sup>3</sup> A.B.A., *Survey of Law Student Well-Being* (Jan. 18, 2019), available at [https://www.americanbar.org/groups/lawyer\\_assistance/research/law\\_student\\_survey/](https://www.americanbar.org/groups/lawyer_assistance/research/law_student_survey/).

<sup>4</sup> *Id.*

<sup>5</sup> Tara Weiss, *Your Worst Career Anxiety, Bar None*, FORBES (July 25, 2007, 09:14 AM), available at [https://www.forbes.com/2007/07/25/law-bar-exam-lead-careers-cx\\_tw\\_0725barexam.html#647f5728cddb](https://www.forbes.com/2007/07/25/law-bar-exam-lead-careers-cx_tw_0725barexam.html#647f5728cddb).

<sup>6</sup> *Relationship Stress and the Bar Exam*, BAR EXAM MIND, excerpt available at <https://www.barexammind.com/relationship-stress-bar-exam/> (last visited July 3, 2019).

<sup>7</sup> JD ADVISING, n.d., available at <https://www.jdadvising.com/feeling-lonely-suicidal-depressed-bar-prep/> (last visited July 3, 2019).

<sup>8</sup> See Erika Craven, *A Necessary Look at Mental Health in Law School* (Oct. 10, 2018), available at <https://bclawimpact.org/2018/10/10/a-necessary-look-at-mental-health-in-law-school/>.

In addition, many law students and young attorneys find themselves to be in debt by amounts that far exceed those of attorneys who entered the job market a few decades ago. For example, in 2009, the New York Times reported that a Bar applicant was denied admission<sup>9</sup> based on his debts of nearly half a million dollars.<sup>10</sup> While this applicant had a larger debt than the average student, it is not uncommon for recent graduates from law school and newly admitted attorneys to experience debts of a quarter of a million dollars.

As student debt is rising and the consequences of it are becoming greater, the job market has less to offer, particularly for entry level positions according to a report released by the ABA based on 2017 data.<sup>11</sup> With the federal government proposing a cap on student loans and cutting repayment options, law students also face the possibility of losing key programs that reduce debt and, in turn, stress.<sup>12</sup>

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<sup>9</sup> In the Matter of Anonymous, an Applicant for Admission to the Bar, N.Y. App. Div. 3d. (March 6, 2009), available at <http://decisions.courts.state.ny.us/ad3/Decisions/2009/D-11-09Anonymous.pdf> (the applicant was later admitted to practice in 2012 and is currently registered with no history of public discipline).

<sup>10</sup> Jonathan D. Glater, *Finding Debt a Bigger Hurdle Than Bar Exam*, N.Y. TIMES (July 1, 2009), available at [https://www.nytimes.com/2009/07/02/business/02lawyer.html?\\_r=1](https://www.nytimes.com/2009/07/02/business/02lawyer.html?_r=1).

<sup>11</sup> Stephanie Francis Ward, *Fewer entry-level positions in most job categories for 2017 law grads, new ABA data shows*, A.B.A. JOURNAL (Apr. 20, 2018, 05:14 PM CDT), available at [http://www.abajournal.com/news/article/fewer\\_entry-level\\_positions\\_in\\_most\\_job\\_categories\\_for\\_2017\\_law\\_grads\\_new\\_a](http://www.abajournal.com/news/article/fewer_entry-level_positions_in_most_job_categories_for_2017_law_grads_new_a); see also A.B.A., *Employment Outcomes as of April 2018 (Class of 2017 Graduates)*, n.d., available at [https://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_t\\_o\\_the\\_bar/statistics/2017\\_law\\_graduate\\_employment\\_data.authcheckdam.pdf](https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_t_o_the_bar/statistics/2017_law_graduate_employment_data.authcheckdam.pdf).

<sup>12</sup> Abigail Hess, *Trump administration proposes capping student loans, cutting repayment options—here's what that means for borrowers*, CNBC (Mar. 19, 2019, 04:06 PM EDT), available at <https://www.cnbc.com/2019/03/19/trump-proposes-capping-federal-student-loans-cutting-repayment-options.html>.

Challenges faced by students in navigating the law school environment also impact the levels of stress experienced during the academic process. These challenges can include psychosocial factors, as well as stressors inherent to law school and academic environments.<sup>13</sup> For example, students often discontinue their employment, put off other jobs, and move away from (or move) their families to pursue this education.<sup>14</sup> Additionally, law students are well known for living lives that are considered “unbalanced,” where law school takes over the vast majority of the student’s life, and leads to failed relationships and disconnects from the people, things, and activities the student enjoys.<sup>15</sup> Finally, the pressure to succeed can lead to additional stress, and can be worsened when students allow their law school-related success to impact and define their own beliefs about their personal worth and value.<sup>16</sup> This focus on success and fear of failure has also been found to impact whether law students seek help: “It can be unbelievably daunting to ask for help. An environment where competition is paramount and the drive for success is all-

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<sup>13</sup> For example, a 1986 survey of students at the University of Florida, College of Law, found the following 15 stressors to be the most commonly reported by survey participants: (1) lack of feedback/examination system; (2) personal relationships; (3) other; (4) classes; (5) time pressure; (6) worry about future professional success; (7) competitive environment-GPA; (8) finances; (9) heavy academic demands; (10) writing assignments; (11) social isolation; (12) professors; (13) adjusting to law school; (14) feelings of inadequacy; and (15) public speaking. James Archer, Jr., & Martha M. Peters, *Law Student Stress*, 23 NASPA J. 48, 50 (Spring 1986), available at [http://www.elon.edu/docs/e-web/academics/law/development/student\\_stress.pdf](http://www.elon.edu/docs/e-web/academics/law/development/student_stress.pdf).

<sup>14</sup> ABA Law Student Division, ABA Commission on Lawyer Assistance Programs, & Dave Nee Foundation, *Substance Abuse & Mental Health Toolkit for Law School Students and Those Who Care About Them* (2015), at 5, available at [https://www.americanbar.org/content/dam/aba/administrative/lawyer\\_assistance/ls\\_colap\\_mental\\_health\\_toolkit\\_new.authcheckdam.pdf](https://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/ls_colap_mental_health_toolkit_new.authcheckdam.pdf).

<sup>15</sup> *Id.* at 6. Notably, many of the actions that constitute an “unbalanced” life are seen as positive and admirable during law school. *Id.* (“A student’s actions, especially in the first year, are seen not as the beginning stages of burnout but rather as the signs of a hard worker.”).

<sup>16</sup> *Id.* at 6-7.

encompassing makes help-seeking seem risky and shameful. Fear often paralyzes and dissuades so that many individuals do not pursue help they need.”<sup>17</sup>

Moreover, as law schools around the country, and the legal profession generally, attempt to recruit more diverse candidates, the intersectionality between the stresses already experienced by law students and those experienced by minority-identified individuals cannot be ignored. A 2014 study of students at Yale Law School found that students who identify as women, as lesbian, gay, or bisexual, students of color, and students considered “low income” were more likely to experience mental health issues during law school than their counterparts.<sup>18</sup> Students of color were also less likely to seek mental health treatment than white students, and students from lower incomes were significantly less likely to seek services than high income students.<sup>19</sup>

The phenomenon of imposter syndrome—“a psychological term referring to a pattern of behavior where people doubt their accomplishments and have a persistent, often internalized fear of being exposed as a fraud”<sup>20</sup>—is an additional stressor experienced by minority-identified students, which can impact mental health. As minority students often already perceive prejudices and bias against them,

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<sup>17</sup> Craven, *supra* note 7.

<sup>18</sup> Yale Law School Mental Health Alliance, *Falling Through the Cracks: A Report on Mental Health at Yale Law School* (Dec. 2014), at 6, available at [https://law.yale.edu/system/files/falling\\_through\\_the\\_cracks\\_120614.pdf](https://law.yale.edu/system/files/falling_through_the_cracks_120614.pdf).

<sup>19</sup> *Id.*

<sup>20</sup> Megan Dalla-Camina, *The Reality of Imposter Syndrome*, Psychology Today (Sep. 3, 2018), available at <https://www.psychologytoday.com/us/blog/real-women/201809/the-reality-imposter-syndrome>.

the feelings associated with imposter syndrome can lead to increased levels of anxiety and depression.<sup>21</sup>

### C. The Impact of Question 34 on Law Students

When developing question 34, there was little or no consideration of its impact on law students. New data suggests that an inquiry into mental disability, in and of itself, may have harmful effects on law students seeking to be admitted to the Bar.<sup>22</sup>

Nearly half of the participants in 2018 ABA survey of law students believed it would be better if mental health obstacles remained private, noting a fear of delayed admission to the bar.<sup>23</sup> Furthermore, a majority of respondents preferred to

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<sup>21</sup> Jeremy Bauer-Wolf, *Feeling Like Imposters*, Inside Higher ED (Apr. 6, 2017), available at <https://www.insidehighered.com/news/2017/04/06/study-shows-impostor-syndromes-effect-minority-students-mental-health>.

<sup>22</sup> Margaret Hannon, *Why the character and fitness requirement shouldn't prevent law students from seeking mental health treatment*, A.B.A. (Jul. 29, 2018), available at <https://abaforlawstudents.com/2018/07/09/character-fitness-requirement-and-seeking-mental-health-treatment/> ([I]nquiries into mental health are just one piece of the character and fitness application. Character and fitness inquiries vary by state, but typically include questions about educational, employment, and financial background, along with questions about criminal and civil misconduct and mental health. Because the character and fitness inquiry is a holistic one, your responses to questions about your mental health won't be considered in a vacuum but rather in the context of the other information you disclose.).

<sup>23</sup> Jerome M. Organ et al., *Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns*, 66 J. Legal Educ. 116, 142 (2016); see Brian Cuban, *When Bar Examiners Become Mental Health Experts*, Above the Law (Jan. 10, 2018, 10:03 AM), available at <https://abovethelaw.com/2018/01/when-bar-examiners-become-mental-health-experts/> (“The question that may be phrased in a way requiring an applicant to disclose mental health issue(s) that may only be known to the applicant and his/her therapist or other treatment provider. A question which, if answered in the positive, can have substantial ramifications on when and if the applicant will be allowed to sit for the bar exam or obtain a license if the exam has already been taken and passed.”).

seek health professional, instead of the dean of students or Lawyers Assistance Program for any such mental health concerns, including drug or alcohol abuse.<sup>24</sup>

A 2019 survey conducted by Kaplan Bar Review found that 74% of the 303 law student graduates who participated in the survey believed that state bar examiners should be barred from asking students about their history of mental health issues on bar examination applications.<sup>25</sup> The same survey also found that 61% of law students believed that state bar examiners also should not be permitted to ask students about addiction-related treatments on bar examination applications.<sup>26</sup>

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<sup>24</sup> *Id.* at 140

<sup>25</sup> Kaplan, *supra* note 1. Interestingly, the survey found that those students who were opposed to these types of questions expressed “strong opinions” about their use. For example:

- “I believe large law firms and corporations would prefer new hires that do not suffer from these issues. This would exacerbate the existing stigma against mental health problems within the profession... We do need to discuss mental health within the profession, however I do not believe that the place for discussions of mental health should be in the certification process.”
- “It is of no consequence what a person’s mental health state is, especially if they are seeking treatment and are functional. It is a personal matter and if it does actually impede the attorney’s ability to practice, it will show in the work.”
- “Unless there is an incentive to disclose mental health, such as a time accommodation, then no, not anyone’s business. Sad to see so many students and practicing attorneys suffering with addiction and mental illness; something needs to change.”

<sup>26</sup> *Id.* Noting both practical and privacy-related issues, survey participants provided:

- “The profession absolutely needs to address the problem. However, screening people with issues from entering the profession is not the way to combat these problems.”
- “While I do not condone the use of drugs, the state should mind its own business until the drug addiction becomes an actual problem in the legal profession.”
- “How on earth could you prove it either way? Someone lies, and they show signs of addiction later, how can you prove they didn’t disclose? What good would it do, except for catching a few people with addiction issues who are honest.”

The overwhelming opinion expressed by the surveyed law student graduates was that “asking applicants about their mental health or past substance abuse challenges is irrelevant to the job of being a lawyer.”<sup>27</sup>

The inquiry into mental health and substance abuse disorders within question 34 systemically ignores two important facts about the law school experience: (1) “[l]aw students who begin law school with no major pre-existing mental health conditions frequently acquire mental health impairments as a result of their experience”<sup>28</sup>; and (2) “[f]or law students who begin law school with pre-existing mental health issues . . . , and those in recovery, the stressors of law school may intensify the conditions.”<sup>29</sup> Thus, by asking recent law graduates about these challenges, and basing bar admission decisions on their responses, the bar examiners are punishing individuals for challenges created, or significantly exacerbated, by the process required for even reaching admission.

Nobody wants the careers of future lawyers to be sabotaged, or their health imperiled, by law students denying themselves necessary treatment when they need it most. That is precisely the impact of an inquiry into an applicant’s mental disability history. Furthermore, as described in the sections below, there is no evidence that this inquiry effectively screens out unfit attorneys. Question 34 is a lose-lose proposition, and we respectfully urge its elimination.

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<sup>27</sup> *Id.*

<sup>28</sup> ABA Law Student Division, ABA Commission on Lawyer Assistance Programs, & Dave Nee Foundation, *Substance Abuse & Mental Health Toolkit for Law School Students and Those Who Care About Them* (2015), at 5, available at [https://www.americanbar.org/content/dam/aba/administrative/lawyer\\_assistance/ls\\_colap\\_mental\\_health\\_toolkit\\_new.authcheckdam.pdf](https://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/ls_colap_mental_health_toolkit_new.authcheckdam.pdf).

<sup>29</sup> *Id.*

## II. THE LEGALITY OF QUESTION 34

### A. Introduction

The passage into federal law of the Americans with Disabilities Act of 1990 (ADA) provided, for the first time, a nation-wide mandate prohibiting discrimination on the basis of disability in almost all employment, activities of public entities and private places of public accommodation.<sup>30</sup> It mirrored the protections previously provided in Section 504 of the Rehabilitation Act of 1973,<sup>31</sup> which only covered recipients of federal funds, and those provided in the 1988 amendments to the federal Fair Housing Act.<sup>32</sup>

All three laws use a similar functional definition of disability, covering those who have a mental or physical impairment that substantially limits a major life activity, have a history of such impairment, or who are regarded as having such impairment.<sup>33</sup> Notably, when the ADA was being debated, two of the groups that were most frequently cited by the supporters of the ADA and Congress as the most stigmatized and thus requiring protection for ‘being regarded as’ disabled were those with the diagnoses of mental impairments and HIV.<sup>34</sup>

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<sup>30</sup> 42 USC 12101 et seq.

<sup>31</sup> 29 USC 794

<sup>32</sup> 42 USC 3601 et seq.

<sup>33</sup> 42 USC 12102, 42 USC 3602, 45 CFR 84.3(j) The older and disfavored term “handicapped” is used instead of “disability” in the Fair Housing Act and Sec. 504 regulations, but the terms are synonymous.

<sup>34</sup> *See*, generally, Mayerson, Arlene, “A History of the Disability Rights Movement” at <https://dredf.org/about-us/publications/the-history-of-the-ada/> “From the beginning the “class” concept prevailed – groups representing specific disabilities and specialized issues vowed to work on all of the issues affecting all persons with disabilities. This commitment was constantly



As a member of the Working Group astutely observed, it has been clearly established for the past quarter-century that an employer cannot legally question a job applicant about either a current or past mental or physical disability. This includes the obvious direct inquiry (“Do you have a mental illness?”), or the less obvious indirect inquiry (“Have you ever received Social Security benefits?”). However, an employer may always inquire as to the ability to perform job functions and meet workplace standards, including past workplace performance and behavior.

Today, there is still a section of the New York State Bar Admissions Application entitled “Mental Conditions and Impairments, Substance Abuse and Addictions”, which includes the following question:

“Do you currently have any condition or impairment, including, but not limited to a mental, emotional, psychiatric, nervous or behavior disorder or condition, or an alcohol, drug, or other substance abuse condition or impairment or gambling addiction, which in any way impairs or limits your ability to practice law?”

If your answer is yes, describe the nature of the condition or impairment?” (Question 34)<sup>35</sup>

### **B. Application of the ADA to Question 34**

Title II of the ADA applies to all public entities, which includes any state or local government, as well as any department, agency or instrumentality of a state or local government.<sup>36</sup> The NYS Supreme Court Appellate Division, which screens

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put to the test. The disability community as a whole resisted any proposals made by various members of Congress to exclude people with AIDS or mental illness or to otherwise narrow the class of people covered.”

<sup>35</sup> See NYS Bar Admissions Application, attached as Appendix I

<sup>36</sup> 42 USC 12182

applicants to the Bar, is part of the New York State Unified Court System, and therefore subject to Title II of the ADA.<sup>37</sup>

For an applicant to the Bar to be covered, he or she must be a “qualified individual with a disability,” meaning that he or she meets the essential eligibility requirements, with or without reasonable modification to rules, policies or practices.<sup>38</sup> The essential eligibility requirements for Bar applicants are (almost always) the completion of a Juris Doctor degree at an accredited law school, passage of the NYS Bar Examination and having fitness of character to practice law in New York State. Historically, most jurisdictions, including New York State, have inquired into both past conduct, including criminal arrests, military record, debts, and denials of other licenses; as well as mental disability status and history. While prior conduct has been and remains a legitimate subject of inquiry, do questions designed to elicit mental disability status and history run afoul of Title II of the ADA?

Title II, and the regulations implemented by the US Department of Justice (DOJ) thereunder, prohibits the denial of the participation of a qualified person with a disability in any program, service or activity of a public entity.<sup>39</sup> It should be noted that prior to the ADA Amendments of 2007, it would have required careful scrutiny to determine whether an applicant with a diagnosis of mental disability was, in fact, considered a person with a disability under the ADA. Much litigation, primarily under the Title I employment provisions of the ADA, involved the determination of

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<sup>37</sup> Clark v. Virginia Bd. of Law Examiners, 880 F. Supp 430, 446 (E.D. Va., 1994)

<sup>38</sup> *Id.*

<sup>39</sup> 42 USC 12182, 28 CFR 130 et. seq.

whether the mental or physical impairment substantially limited a major life function. The 2007 ADA Amendments eliminated this requirement for individuals alleging that they are “regarded as” persons with disabilities, only requiring them to prove that they are regarded as having a mental or physical impairment.<sup>40</sup> Therefore, any applicant who would have to answer Question 34 in the affirmative would likely receive the protections of the ADA.

One could argue that an inquiry into mental disability, in and of itself, neither denies nor excludes an applicant from the practice of law, and thus comports with the ADA. However, answering question 34 in the affirmative requires both the disclosure of one’s diagnosis, which otherwise is protected, private health information, as well as the potential release of some or all of one’s health records to the Committee on Character and Fitness. This requirement to forego one’s right to keep medical information confidential does not extend to other Bar applicants, even those with physical disabilities.

The ADA Title II DOJ regulations state that “A public entity may not, directly or through contractual or other arrangements, utilize criteria or methods of administration that have the effect of subjecting qualified individuals with disabilities to discrimination on the basis of disability.”<sup>41</sup> Furthermore, “a public entity may not administer a licensing or certification program in a manner that subjects qualified individuals with disabilities to discrimination on the basis of disability.”<sup>42</sup> Only requiring applicants with mental disabilities to sacrifice their

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<sup>40</sup> 42 USC 12102(3).

<sup>41</sup> 28 CFR 35.130(b)(3)i.

<sup>42</sup> 28 CFR 35.130(b)(6).

right to keep their medical conditions confidential discriminates against those applicants based upon their actual or perceived disability, and thus appears to violate these regulations.

More importantly, we know anecdotally and from surveys, that law students, in anticipation of having to answer questions about mental disability and possibly being denied Bar admission, have foregone psychiatric and psychological care that they needed during the most stressful time of their lives. Those that completed law school without treatment may have suffered needlessly. Others have left law school and forfeited their career goal to practice law.

The Regulations also state that “a public entity shall not impose or apply eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any service, program, or activity, unless such criteria can be shown to be necessary for the provision of the service, program, or activity being offered.”<sup>43</sup> It is likely that Question 34 has had the effect of screening out otherwise qualified applicants with disabilities, but that is not dispositive under the regulation. It may be permissible to screen out applicants if “necessary for the provision of the service, program or activity being offered.”

As a matter of law under the rules of regulatory construction, this amounts to an affirmative defense that would have to be proven by the Committee on Character

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<sup>43</sup> 28 CFR 35.130(b)(8).

and Fitness when challenged.<sup>44</sup> It is unlikely this burden of proof could be met for several reasons.

Even if one assumes the legality of the question, it is both over-inclusive and under-inclusive in identifying applicants who may be unfit to practice law. It is over-inclusive in that it asks the applicant to reveal “any condition ... which in any way impairs or limits your ability to practice law.” For example, If an applicant needs to see a psychologist for one hour every two weeks during business hours that could arguably impair the applicant’s ability to practice law during an intense four week trial, but it probably would not impair the practice of most attorneys who do not do trial work. We would need to know the type of legal practice, and perhaps the specific legal job to assess whether most mental disabilities could impair or limit an applicant’s ability to practice law. It appears impossible for either the applicant or the Committee on Character and Fitness to accurately predict such a thing. Even psychiatrists are notoriously inaccurate in their predictions of their patients’ future conduct. Studies have determined that the most accurate predictor of future conduct is past conduct – exactly the focus of the character and fitness determination for all other NYS Bar applicants.<sup>45</sup>

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<sup>44</sup> *Guckenberger v Boston Univ.*, 974 F. Supp. 106, 134-35 [D Mass 1997] (“Documentation requirements that screen out or tend to screen out disabled students—in this case, the qualification criteria and the currency requirement as it was initially imposed—still do not violate the ADA and Rehabilitation Act if BU can demonstrate that the requirement is a ‘necessary’ part of the accommodations process. *See* 42 U.S.C. § 12182(b)(2)(i)” [Colo. Cross Disability Coal. v. Hermanson Family Ltd.](#), 264 F.3d 999, 1003 (10th Cir. 2001) (“Several district courts have placed the burden of showing that the eligibility criteria are necessary on the proponent of such criteria.” (citations omitted)); *In re* Petition & Questionnaire for Admission to the R.I. Bar (683 A.2d 1333, 1336 (R.I. 1996) (“[T]he burden is on those who propose to ask the questions to show an actual relationship ....”).

<sup>45</sup> *See* Am. Bar Ass’n Comm’n on Mental and Physical Disability Law, Recommendation to the House of Delegates, 22 MENTAL & PHYSICAL DISABILITY L. REP. 266, 267 (Feb. 1998) (“Research in the health field and clinical experience demonstrate that neither diagnosis

The question is under-inclusive because if you accept the premise that the Committee on Character and Fitness should screen out applicants who are impaired in any way from the practice of law, it fails to identify countless physical conditions that could theoretically impair the ability to practice of law. Deafness, blindness, many neurological disorders, speech impairments, and even insomnia could meet these criteria. However, no applicants are required to divulge such information, nor could they legally be required to do so.

There are many successful practicing attorneys in New York State who might have been screened out by this question, to the detriment of their clients and our profession. Because of stigma, most attorneys with a diagnosed mental illness do not share their plight, although this is slowly starting to change.<sup>46</sup>

The author of this section has been practicing law for 32 years, during which he has been in contact with many attorneys who grapple with mental disabilities, but practice successfully. Some of them have been impaired to some degree at times, and that is why employers offer sick leave, for both mental and physical ailments. Some have required reasonable accommodations, and many have not. Some of them

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nor the fact of having undergone treatment support any inferences about a person's ability to carry out professional responsibilities or to act with integrity, competence, or honor."); Jon Bauer, *The Character of the Questions and the Fitness of the Process: Mental Health, Bar Admissions and the Americans with Disabilities Act*, 49 *UCLA L. REV.* 93, 141 (2001) ("there is simply no empirical evidence that applicants' mental health histories are significantly predictive of future misconduct or malpractice as an attorney"); *id.* at 141-42 n. 153 (observing that the only small retrospective study of attorneys "provides no support at all for the notion that individuals with mental health treatment histories are more likely than others to engage in misconduct as attorneys").

<sup>46</sup> See, <https://www.law.com/newyorklawjournal/2019/05/12/not-alone-how-five-lawyers-triumphed-over-illness-and-addiction/>.

have brought a level of insight and compassion to client concerns that they would not have without personal experience with mental illness. Whether it be matrimonial law, criminal law, trusts and estates, employment or other areas of practice, mental disabilities are pervasive and understanding them is often advantageous to providing effective representation. Our profession is best- served by having diversity of gender, race, religion and nationality. Mental disability is no different.

Screening out otherwise qualified applicants with mental disabilities is not only impossible and unnecessary, it is ultimately detrimental to the profession of law and those we serve. As such, it violates the proscriptions against discrimination of Title II of the ADA.

**C. The U.S. Department of Justice, the American Bar Association and Conference of Chief Justices have Opined that State Bar Inquiries Should be Limited to Conduct**

The US DOJ is charged with the administrative enforcement of Title II of the ADA. The American Bar Association (ABA) was founded in 1878 and has over 400,000 attorney members. It is the premier law school accreditation organization, and its Model Rules of Professional Conduct have been adopted by 49 states. Membership in the Conference of Chief Justices (CCJ) consists of the highest judicial officer of the fifty states, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories of American Samoa, Guam and the Virgin Islands.

A 2014 investigation by DOJ, a 2015 Report of the ABA, and a 2019 Resolution of the CCJ reached similar conclusions: questions about mental health diagnoses should be eliminated on Bar admission applications because they tend to

screen out people with disabilities, deter individuals from seeking treatment and have no predictive value in determining who will be able to practice law competently, ethically and professionally. Each of these documents is attached to this Report.

The collective analysis and conclusions of these pillars of American jurisprudence supports the growing belief that Question 34, if challenged, would be found to violate Title II of the ADA for the reasons described in Section II, above. New York State should be a leader, not a lemming clinging to an antiquated and discredited notion that individuals with mental disabilities are suspect and unworthy to practice law. Everyone benefits.



### **III. THE USE AND UTILITY OF QUESTION 34**

#### **A. Purpose and Process for Surveying the Judicial Departments**

An important component of the Working Group's evaluation of the mental health portion of the bar application, and of Question 34 in particular, was an assessment of the effectiveness of the mental health questions in achieving the goal of excluding from admission applicants whose mental health renders them unfit to practice law in New York State. Three basic questions informed the Working Group's consideration of that important issue. First, what are the mental health conditions that an applicant is expected to disclose in response to Question 34? Second, how many applicants actually disclose a mental health condition in response to Question 34? Third, what do the Committees on Character and Fitness in the four judicial departments do when an applicant discloses a mental health condition in response to Question 34?

Interviews were conducted with officials familiar with the character and fitness process in each of the judicial departments to gather information relevant to those questions. Although all four judicial departments use the identical bar application questionnaire, each department conducts its own character and fitness assessment and therefore has the discretion to develop its own standards and processes for evaluating the mental health of bar applicants. The information gathered from those interviews, and certain conclusions drawn from that information, are summarized below.

## **B. The Disclosure Expected in Response to Question 34**

Question 34 is comprised of three subparts. First, the applicant is asked, “Do you have any condition or impairment ... which in any way impairs or limits your ability to practice law?” Second, the applicant is instructed, “If your answer is Yes, describe the nature of the condition or impairment.” Third, the applicant who answered the first subpart affirmatively is asked if the limitations caused by the condition or impairment are “reduced or ameliorated because you receive ongoing treatment or because you participate in a monitoring or support program.”

The preface to the question is detailed in terms of what is not being elicited as well as what is. The preface reads:

The purpose of these inquiries is to assist the Appellate Division of the Supreme Court and its Committees on Character and Fitness in evaluating the applicant’s current fitness to practice law. This information shall be treated confidentially (see Judiciary Law § 90[10]). The mere fact of treatment for mental health, alcohol, drug or other substance abuse conditions and impairments or gambling addiction is not, in itself, a basis on which an applicant is denied admission.

This section is not intended to require disclosure of physical conditions or impairments, general guidance counseling for smoking disorders, weight loss advice, academic support, matrimonial and family issues, crime victim issues or career counseling. An applicant may be denied admission where the applicant’s ability to function is impaired in a manner relevant to the fitness to practice law, or where the applicant demonstrates a lack of candor by the

applicant's responses. This is consistent with the public purpose underlying the licensing responsibilities assigned to the Appellate Division. The burden of proving an applicant's fitness to practice law is borne by the applicant.<sup>47</sup>

An applicant might reasonably question whether smoking, excess weight, marital difficulties, family stress, status as a crime victim, or the desire to improve academic performance or career success constitutes an emotional disorder or is the product of a mental condition. Using these examples of what need not be disclosed understandably creates confusion as to what bar admission officials view as the type of mental, emotional or behavioral condition that qualifies as a potentially disclosable condition. Compounding the confusion as to what condition an applicant should disclose, the preamble states immediately after these examples that "an applicant may be denied admission ... where the applicant demonstrates lack of candor by the applicant's responses." This statement and its positioning in the preamble clearly imply that the applicant's failure to disclose a condition can be grounds for denying admission, even if the condition the applicant failed to disclose would not itself be a reason for denying admission. Read together, the specified examples and the cautionary statement about the need for candor can reasonably be interpreted to create a presumption that disclosure is required with respect to any emotional situation that prompted the applicant to speak to a guidance counselor, social worker, psychologist, psychiatrist, or spiritual advisor, unless it is expressly exempted from disclosure by one of the stated examples.

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<sup>47</sup> See NYS Bar Admissions Application, attached as Appendix I.

Interviews with officials in the four judicial departments who are familiar with the character and fitness process indicate that there is not a single, uniform interpretation across the departments as to the types of conditions that are presumed to be potentially disclosable. Some advised that the applicant should answer “yes” to the first part of Question 34, which asks whether an applicant has a mental, emotional or behavioral condition that limits the ability to practice law, if the applicant is taking medication, participating in counseling, or in receipt of a formal diagnosis from a medical or mental health professional. These officials advised that, having erred on the side of disclosure so that his or her candor is not in doubt, and having described the nature of the condition in the second part of Question 34, the applicant could answer “yes” to the third part of Question 34 that asks if the condition is “reduced or ameliorated” by treatment or participation in a support group. On the other hand, some bar officials advised that an applicant need not make any disclosure at all of a well-managed condition because Question 34 seeks disclosure only of a condition “which in any way impairs or limits [the applicant’s] ability to practice law.” They explained that if a condition is well-managed, it would not impair the current ability to practice law, even if the condition would do so in its untreated, unmedicated or unmanaged state.

Notably, none of those interviewed indicated what benchmark a law student who has never practiced law should use for determining whether a condition limits his or her ability to practice law. None disputed that a law student could reasonably construe his or her successful completion of the requirements for graduation from law school, or satisfaction of the New York State bar’s 50-hour pro bono work requirement or pathway to practice standard, as proof that his or her current condition does not limit the ability to practice law. In other words, any applicant

who meets the other requirements for admission to the bar in New York could fairly and honestly answer “no” to first part of Question 34 and skip the remaining parts, according to the interpretation employed by these officials.

The variation in interpretations among bar officials is illustrated by the handling of Attention Deficit Hyperactivity Disorder (“ADHD”), a condition estimated to affect between 2 and 8% of college students according to a November 2009 report in the *Journal of Attention Disorders*.<sup>48</sup> Some bar officials thought it should be disclosed, because it would limit, among other things, the ability to organize, concentrate, and complete tasks in a timely fashion, which are essential to effective lawyering. Others thought that ADHD need not be disclosed if it is controlled by medication, or has been “outgrown,” because it does not currently limit the ability to practice.

The absence of a uniform view among, or even within, the four judicial departments regarding the scope of the applicant’s disclosure obligation under Question 34 is consistent with the fact that the decision as to what and when to disclose is ultimately left to the discretion of the individual applicant. The Character and Fitness Committees do not have a mechanism for determining whether or not an applicant has accurately interpreted Question 34 or properly complied with its requirements. In the words of one official, the interpretation of Question 34 is entirely subjective and compliance with it depends almost entirely on the interpretation and candor of the applicant. An applicant who has a severe form of a condition like ADHD, but chooses not to disclose it, would not be subject to scrutiny

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<sup>48</sup> George J. DuPaul, *et al.*, *College Students With ADHD*, 13 *Journal of Attention Disorders*, p. 236 (2009).

by the Character and Fitness Committees for a potentially disqualifying mental or emotional disorder unless the ADHD had in the past caused conduct that came to the attention of the Committee through other sources or in answer to the conduct-related questions on the bar application about, for example, academic probation, suspension or expulsion.

Not surprisingly, law school personnel who provide advice and counseling to students about their academic and personal problems, or assist them with bar admission applications, report wide variation in their understanding as to what students must disclose in response to Question 34.

### **C. The Number of Applicants Disclosing Mental Health Conditions in Response to Question 34**

None of the four judicial departments keeps statistics regarding the number of applicants who answer “yes” to the first part of Question 34. Informally, it is estimated that between one and two percent of applicants each year disclose a mental health condition on their applications. In the Third Department, which processes the highest number of applicants at about 3,600 annually because it handles out-of-state and foreign applicants as well as Third Department residents, the 1-2% figure translates to approximately 35-70 applicants each year. Other judicial departments handle one-third or fewer of the applications processed annually by the Third Department, putting the number of applicants answering “yes” to Question 34 in the other three departments combined in the range of a few dozen each year.

It is also estimated that the vast majority of applicants who disclose a mental health condition in response to the first part of Question 34 state that the condition is ameliorated by treatment or counseling in response to the third part of Question 34. One bar official noted that those applicants who answered “yes” to the third part of Question 34 could reasonably have answered “no” to the first part of Question 34 without running afoul of the cautionary statement in the preamble regarding candor. This suggests that the current 1-2% affirmative response rate among applicants is over-inclusive.

Occasionally, but very rarely, an applicant will answer “no” to Question 34, but the Character and Fitness Committee will learn from another source that the applicant suffers from a potentially disqualifying mental health condition. In those cases, the applicant has typically offered his or her mental health condition in defense against a misconduct charge that has been the subject of a legal, administrative, employment-related, or academic investigation or proceeding of some kind. The Committee learns of the investigation or proceeding, and the applicant’s assertion of a mental health defense, from the applicant’s letters of reference, school reports, or answers to other conduct-based questions on the bar application. In such instances, the Committee does not automatically deny admission to the applicant for lack of candor in answering Question 34.

The small percentage of applicants who respond affirmatively to Question 34 contrasts sharply with the percentage of law students who reported receiving a formal diagnosis of an emotional disorder in the 2014 Survey of Law Student Well-Being (“SLSWB”), as reported in the Autumn 2016 issue of the Journal of Legal Education. For example, 18% of law students who responded to the SLSWB

questionnaire reported receiving a formal diagnosis of depression while 21% reported having been diagnosed with an anxiety disorder.<sup>49</sup>

The report also points out the dampening effect that potentially having to report any condition to the bar admission committee has on seeking mental health treatment.

Perhaps most significantly, with respect to mental health, the percentage of third-year respondents concerned that seeking help would be a potential threat to job or academic status or a potential threat to bar admission was higher than the percentage of first-year respondents for whom these factors were of concern...

This may suggest that while in law school, students are getting messages indicating that seeking help for mental health concerns or alcohol/drug concerns may be problematic for their academic or professional careers.<sup>50</sup>

#### **D. The Committee Process for Evaluating Mental Health Disclosure**

The members of the Committees on Character and Fitness are lawyers, not mental health professionals, and do not make mental health professionals *ex officio* members of the Committees to assist the lawyers in assessing applicants' answers to Question 34. None of the bar officials interviewed indicated that the Committees have a mental health professional on-call to assist them in reviewing mental health

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<sup>49</sup> Jerome M. Organ, *et al.*, *Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Abuse and Mental Health Concerns*, 66 *Journal of Legal Education*, pp. 136, 138 (2016).

<sup>50</sup> *Id.* at p. 141.



information. Apparently, none of the Committees has funds budgeted to pay for regular consultations with a mental health professional for that purpose. The Committees are supported by members of the executive staff of the particular judicial department in which the Committee members are appointed to serve.

When an applicant states that he or she has a mental health condition that impairs the ability to practice law, but reports that the condition is ameliorated by treatment, the Committees typically take the applicant at his or her word. They do not usually exercise their right, which is set forth at the end of Question 34, to ask for a HIPAA release to obtain medical records from the applicant's health care provider. On rare occasions, depending on the nature of the condition described by the applicant in the second part of Question 34, judicial departmental staff that screen and assemble application materials for presentation to the Committee will ask an applicant to provide a letter from the treating physician to verify the applicant's statement about the ameliorative effects of treatment and confirm the applicant's compliance with the prescribed treatment regimen. The letter from the doctor is added to the application package presented to the Character and Fitness Committee, usually without review by a mental health professional retained on behalf of the Committee. Screening staff may also flag for the Committee the affirmative answers to Question 34 and the letter from the treating physician so that the Committee can, if it chooses, ask the applicant about his or her mental health during the Committee's in-person interview of the applicant. One official noted, however, that there is a presumption that an applicant who has traveled a long distance to sit for the in-person interview will be admitted immediately after the interview. Naturally, this presumption makes the in-person interview an impractical vehicle for fact-gathering about the impact of the applicant's mental health condition or for any further

investigation of the information obtained during the interview. Another official noted that if an applicant discloses that he or she suffers from severe depression, but reports that the depression is controlled by medication, and the application materials include a glowing recommendation from a judge with whom the applicant interned, no further follow-up will be deemed necessary.

More substantive investigation, if it takes place at all, occurs when the Committee learns from the applicant's answer to a conduct-related question on the application, or from another source, such as the applicant's law school or previous employer, that the applicant engaged in misconduct caused by or related to the applicant's mental health condition.<sup>51</sup> Follow-up also occurs when the applicant answers "no" to the part of Question 34 that asks whether the condition is ameliorated by treatment.

In such circumstances, the applicant is asked to provide proof that the applicant is not disqualified by his or her mental health condition. This puts the burden on the applicant to bear the cost of retaining a physician or other professional to submit evidence sufficient to show that the condition is not disqualifying. Sometimes, an applicant will be referred to the Lawyer Assistance Program for evaluation, most often when a drug or alcohol problem is disclosed, and input from the LAP's outside mental health provider is provided to the Character and Fitness

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<sup>51</sup> The NYS Bar Admission Questionnaire contains more than a dozen questions related to conduct by the applicant that might trigger additional scrutiny as to whether the applicant's conduct was associated with a mental health condition warranting additional investigation. *See* Bazelon Center for Mental Health summary of bar admission questions attached as Appendix III, pp. 78-80. For example, Question 14 asks, "Have you ever been requested or advised by any college, law school, or other professional or graduate school for any reason to discontinue your studies therein."

Committee for consideration. It was estimated that requests for more substantive follow-up information from the applicant, a treating professional, or the LAP occurs between six and ten times a year.

A decision to deny an applicant admission to the bar based on a mental health condition, including a substance abuse problem, is very rare. When such a decision is made, the applicant has the right to request an administrative hearing at which the applicant can be represented by a lawyer, submit evidence via documents and witness testimony, and make arguments in support of reversing the denial decision. One official indicated that of 15,000 applications submitted during a ten-year period, only about 50 such hearings were held, only a few of those involved a denial based on mental health as opposed to substance abuse, and only half of the 50 hearings resulted in a denial of the applicant's admission to the bar.

#### **E. Analysis**

Question 34 is not an effective mechanism for detecting and excluding from the New York State bar applicants whose ability to practice law is impaired by a mental health condition. The question does not reliably, uniformly, fairly and consistently identify applicants who suffer from a disqualifying mental health condition and prevent their admission. First, there is no uniformly agreed-upon definition of a disclosable mental health condition, which constrains the fairness and consistency of the inquiry. Second, disclosure depends entirely on the subjective judgment of the applicant, which undermines the objectivity of the process and the outcomes it produces. Third, because Question 34 depends largely on the insight and integrity of the applicant, it allows the dishonest, delusional, or simply un-self-aware applicants to avoid scrutiny while the subjecting scrupulously honest applicants to unnecessary, intrusive scrutiny. Fourth, the mental health information

disclosed in response to Question 34 is not regularly and systematically reviewed by mental health professionals, which imports into the bar admission process an opportunity for decision-making based on impressionistic, anecdotal, or stereotypical thinking, not on medical expertise. Fifth, the number of applicants subjected to scrutiny as a result of disclosure under Question 34 is minimal compared to the number of law students who report suffering from a previously-diagnosed mental health condition, suggesting that applicants who suffer from potentially-disqualifying mental health conditions are being admitted to practice without the special scrutiny contemplated by Question 34.

Finally, it is clear that questions on the bar application related to the applicant's past conduct, not his or her mental health condition, are providing the disclosure that the Character and Fitness Committees actually rely on and find most useful in identifying applicants who deserve closer scrutiny when evaluating their fitness to practice law. More than one bar official interviewed in connection with this Report noted that the elimination of Question 34 would not have affected the outcome of any of the cases in the past ten years in which admission to the bar was denied. That fact is compelling evidence that Question 34 is unnecessary, even if it were not also ineffective, in accomplishing the goal of identifying applicants whose mental conditions make them candidates for special scrutiny by the Character and Fitness Committees.

## **CONCLUSION**

The demands of law school, coupled with increasing debt and an uncertain job market, result in law students experiencing stress and mental health issues. The presence of mental health inquiries on the application may lead to a number of students who fail to seek assistance for these problems. Moreover, the Americans With Disabilities Act casts serious doubt upon the legality of asking questions relating to mental disability. Finally, there is compelling evidence that such questions are ineffective and unnecessary. It is the conclusion of the Working Group on Attorney Mental Health that mental health inquiries should be eliminated from the application for admission to the Bar of New York State.

## **APPENDICES**

### **Appendix A**

A-1: Application for Admission to Practice as an Attorney and Counselor-at-Law in the State of New York, Part H. Mental Conditions and Impairments, Substance Abuse and Addictions

### **Appendix B**

B-1: American Bar Association Resolution 102 with Report, August 2015

B-2: Conference of Chief Justices Resolution 5, In Regard to the Determination of Fitness to Practice Law, February 2019

B-3: *Virginia Panel Scraps Mental Health Question After Law School Student Push*, Richmond Times-Dispatch, February 8, 2019

B-4: California Senate Bill No. 544, Chapter 152

B-5: *Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns*, Jerome M. Organ, David B. Jaffe, and Katherine M. Bender, Ph. D.

### **Appendix C**

C-1: *Bar Admissions Questions Pertaining to Mental Health, School/Criminal History and Financial Issues*, Bazelon Center, February 2019

## **APPENDIX A**

**Application for Admission to Practice as an Attorney and Counselor-at-Law in the State of New York**

**Application for Admission Questionnaire (Continued)** - Please see the General Instructions for guidance on filing complete applications

31. State whether there are any unpaid traffic or parking tickets in your name or attributable to a motor vehicle registered in your name; if 'Yes', please complete the following.

**No      Yes**

▼ Description of unpaid ticket(s)	▼ Fines - Amount(s) due and Date(s) due
_____	_____
_____	_____
_____	_____
_____	_____

32. State whether you have ever been charged with fraudulent conduct or any other act involving moral turpitude.

**No      Yes**

33. State whether you have ever been a complainant, party or witness to or otherwise involved in any civil or criminal action, proceeding or investigation not covered by answers to the above questions 28-32.

**No      Yes**

If you answered 'Yes' to any of the above questions 28-33, indicate the question and state the facts as fully as possible. If applicable, provide the name and locality of the court or agency, the approximate date of the action or proceeding, and the judgment or other disposition.

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**H. Mental Conditions and Impairments, Substance Abuse and Addictions**

The purpose of these inquiries is to assist the Appellate Division of the Supreme Court and its Committees on Character and Fitness in evaluating the applicant's current fitness to practice law. This information shall be treated confidentially (see Judiciary Law § 90[10]).

The mere fact of treatment for mental health, alcohol, drug or other substance abuse conditions and impairments or gambling addiction is not, in itself, a basis on which an applicant is denied admission.

This section is not intended to require disclosure of physical conditions or impairments, general guidance counseling for smoking disorders, weight loss advice, academic support, matrimonial and family issues, crime victim issues or career counseling.

An applicant may be denied admission where the applicant's ability to function is impaired in a manner relevant to the fitness to practice law, or where the applicant demonstrates a lack of candor by the applicant's responses. This is consistent with the public purpose underlying the licensing responsibilities assigned to the Appellate Division. The burden of proving an applicant's fitness to practice law is borne by the applicant.

34. Do you currently have any condition or impairment including, but not limited to a mental, emotional, psychiatric, nervous or behavioral disorder or condition, or an alcohol, drug or other substance abuse condition or impairment or gambling addiction, which in any way impairs or limits your ability to practice law?

**No      Yes**



**Application for Admission to Practice as an Attorney and Counselor-at-Law in the State of New York****Application for Admission Questionnaire (Continued)** - Please see the General Instructions for guidance on filing complete applications

If your answer is 'Yes', describe the nature of the condition or impairment.

If your answer is 'Yes', are the limitations caused by your condition or impairment reduced or ameliorated because you receive ongoing treatment or because you participate in a monitoring or support program?

**No Yes**

If your answer is 'Yes', the Committee on Character and Fitness may require that you provide an Authorization for the Release of Health Information Pursuant to HIPAA (OCA Official Form No.:960) for some or all of the providers of your treatment. The form is available at [www.nycourts.gov/forms/hipaa\\_fillable.pdf](http://www.nycourts.gov/forms/hipaa_fillable.pdf).

**35.** Are you currently using any illegal drugs?

**No Yes**

**36.** Within the past five years, have you engaged in any conduct that, as applied to you:

- (a) resulted in an arrest, discipline, sanction or warning;
- (b) resulted in termination or suspension from school or employment;
- (c) resulted in loss or suspension of any license;
- (d) resulted in any inquiry, any investigation, or any administrative or judicial proceeding by an employer, educational institution, government agency, professional organization, or licensing authority, or in connection with an employment disciplinary or termination procedure; or
- (e) endangered the safety of others, breached fiduciary obligations, or constituted a violation of workplace or academic conduct rules?

**No Yes**

If so, provide a complete explanation and include all defenses or claims that you offered in mitigation or as an explanation for your conduct. If you answered 'Yes', furnish the following information.

▲ Name of Entity Before Which the Issue was Raised (i.e., Court, Agency, Etc.)		
▲ Street Address		
▲ City/Town/Village	▲ State	▲ ZIP
▲ Country	▲ Province	
▲ Nature of the Proceeding		
▲ Relevant Date(s)		
▲ Disposition, if any		
▼ Explanation:		

## **APPENDIX B**

**AMERICAN BAR ASSOCIATION**

**ADOPTED BY THE HOUSE OF DELEGATES**

**AUGUST 3-4, 2015**

**RESOLUTION**

RESOLVED, That the American Bar Association urges state and territorial bar licensing entities to eliminate from applications required for admission to the bar any questions that ask about mental health history, diagnoses, or treatment and instead use questions that focus on conduct or behavior that impairs an applicant's ability to practice law in a competent, ethical, and professional manner.

FURTHER RESOLVED, That state and territorial bar licensing entities are not precluded from making reasonable and narrowly-tailored follow-up inquiries concerning an applicant's mental health history if the applicant has engaged in conduct or behavior that may otherwise warrant a denial of admission, and a mental health condition either has been raised by the applicant as, or is shown by other information to be, an explanation for such conduct or behavior.

FURTHER RESOLVED, That this resolution replaces the 1994 policy, ABA Resolution No. 110, Aug. 1994 (94A110).

## **REPORT**

### **Introduction**

State and territorial bar examiners have a duty to the public to ensure that all licensed attorneys are fit to practice law. To fulfill this duty, state bars ask all applicants a series of moral character and fitness questions. Many of these questions focus on conduct or behavior, including deceit, fraud, financial irresponsibility, criminal arrests and convictions, academic, employment and professional discipline, and driving under the influence of alcohol or drugs.<sup>1</sup>

In addition to conduct and behavior-related questions, many state bars inquire about applicants' mental health diagnoses and treatment. Applicants who answer these questions affirmatively are subject to burdensome supplemental investigations that are not imposed on other applicants. Typically, they are required to authorize their treatment providers to release information relating to mental health diagnoses and treatment, including medical and hospitalization records. These records contain highly sensitive, personal information such as details about childhood, parents, siblings, and sexual history that is not relevant to one's ability to practice law. These applicants may also have to undergo examinations by independent psychiatrists or psychologists at their expense. Questions about mental health history, diagnoses, or treatment are not only unduly intrusive, but screen out or tend to screen out individuals with disabilities, are ineffective for the presumed purpose of identifying unfit applicants, and are likely to deter individuals from seeking mental health counseling and treatment.

### **Purpose**

This Resolution urges state and territorial bar licensing entities, when determining character and fitness for the purpose of bar admission, to eliminate all questions that ask about mental health history, diagnoses, or treatment and instead focus on conduct or behavior that in a material way impairs an applicant's ability to practice law competently, ethically, and professionally.

This Resolution replaces ABA Resolution No. 110 (Aug. 1994),<sup>2</sup> which stated:

**BE IT RESOLVED**, That the American Bar Association recommends that when making character and fitness determinations for the purpose of bar admission, state and territorial bar examiners, in carrying out their responsibilities to the

<sup>1</sup> See, e.g., NATIONAL CONFERENCE OF BAR EXAMINERS, REQUEST FOR PREPARATION OF A CHARACTER REPORT, at 13, available at <http://ncbex.org/character-and-fitness> (e.g., "Within the past five years, have you exhibited any conduct or behavior that could call into question your ability to practice law in a competent, ethical, and professional manner?").

<sup>2</sup> Available at

[http://www.americanbar.org/content/dam/aba/directories/policy/1994\\_am\\_110.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/directories/policy/1994_am_110.authcheckdam.pdf).

public to admit only qualified applicants worthy of the public trust, should consider the privacy concerns of bar admission applicants, tailor questions concerning mental health and treatment narrowly in order to elicit information about current fitness to practice law, and take steps to ensure that their processes do not discourage those who would benefit from seeking professional assistance with personal problems and issues of mental health from doing so.<sup>3</sup>

Although the 1994 policy was a step forward in limiting unnecessary and intrusive questions regarding mental health and treatment, it stopped short of calling for their elimination. The drafters recognized it might well become necessary to revisit the issue in the future, and expressed their intent “to pursue further dialogue and interaction.” The 20 years that have elapsed since adoption of that policy have brought significant developments in the law and our understanding of mental disabilities that call into question the continued use of even narrowly-tailored questions regarding mental health and treatment. It has become clear that questions about mental health history, diagnoses, or treatment are inherently discriminatory, invade privacy, stigmatize and needlessly exclude applicants with disabilities, are ineffective in identifying applicants who are unfit, and discourage some applicants from seeking necessary treatment. By calling for the elimination of such questions, the proposed Resolution will help ensure that bar applicants with disabilities are assessed—like other applicants—solely on the basis of their fitness to practice law.

### **Developments Since Adoption of 1994 Policy**

In early 2014, the U.S. Department of Justice (DOJ) informed the states of Vermont<sup>4</sup> and

<sup>3</sup> This concern was acknowledged in a subsequent policy adopted by the House of Delegates in February 1998 regarding character and fitness determinations of state and territorial judicial candidates, nominees, or appointees. *Available at* [http://www.americanbar.org/content/dam/aba/directories/policy/1998\\_my\\_114.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/directories/policy/1998_my_114.authcheckdam.pdf). Brought before the House by the Commission on Mental and Physical Disability Law (now the Commission on Disability Rights), the Resolution stated:

**RESOLVED, That the American Bar Association recommends that when making character and fitness determinations of state and territorial judicial candidates, nominees, or appointees, any nominating or evaluating entity: 1) consider the privacy concerns of the candidates; 2) narrowly tailor questions concerning physical and mental disabilities or physical and mental health treatment in order to elicit information about current fitness to serve as a judge, with such reasonable modifications as may be required; and 3) take steps to ensure that the process does not have the effect of discouraging those who would seek judicial office from pursuing professional assistance when needed. (Emphasis added.)**

**FURTHER RESOLVED, That fitness determinations may include specific, targeted questions about a state and territorial judicial candidate's behavior, conduct, or current impairment as it affects the ability to serve as a judge.**

<sup>4</sup> Letter from Jocelyn Samuels, Acting Assistant Attorney General, U.S. Department of Justice, Civil Rights Division, to Karen L. Richards, Executive Director, Vermont Human Rights Commission (Jan. 21, 2014) [Vermont Letter]. Richards had requested the Department of Justice's (DOJ) position regarding the extent to which states may consider mental health in their screening process for bar applicants. DOJ stated its

Louisiana<sup>5</sup> that their questions about bar applicants' mental health diagnoses and treatment violate Title II of the Americans with Disabilities Act (ADA). The decision with respect to Louisiana followed an extensive investigation in response to a complaint filed by Louisiana bar applicants, resulting in a formal finding in February 2014 that Louisiana's character and fitness questions regarding applicants' mental health diagnoses and treatment discriminate based on disability and thus violate Title II of the ADA. The questions at issue were:

25. Within the past five years, have you been diagnosed with or have you been treated for bipolar disorder, schizophrenia, paranoia, or any other psychotic disorder?

26A. Do you currently have any condition or impairment (including, but not limited to, substance abuse, alcohol abuse, or a mental, emotional, or nervous disorder or condition) which in any way currently affects, or if untreated could affect, your ability to practice law in a competent and professional manner?

26B. If your answer to Question 26A is yes, are the limitations caused by your mental health condition or substance abuse problem reduced or ameliorated because you receive ongoing treatment (with or without medication) or because you participate in a monitoring program?

27. Within the past five years, have you ever raised the issue of consumption of drugs or alcohol or the issue of a mental, emotional, nervous, or behavioral disorder or condition as a defense, mitigation, or explanation for your actions in the course of any administrative or judicial proceeding or investigation; any inquiry or other proceeding; or any proposed termination by an educational institution, employer, government agency, professional organization, or licensing authority?<sup>6</sup>

Applicants who responded affirmatively to these questions were required to provide a detailed description of their condition(s) and treatment, list all of their treatment

position—the questions are eligibility criteria that screen out or tend to screen out persons with disabilities and subject them to additional burdens; the questions are unnecessary because questions related to applicants' conduct are sufficient and most effective to evaluate fitness; and the questions are unnecessary because they do not effectively identify unfit applicants—but did not make a formal finding because no complaint was lodged.

<sup>5</sup> Letter from Jocelyn Samuels, Acting Assistant Attorney General, U.S. Department of Justice, Civil Rights Division, to the Honorable Bernette J. Johnson, Chief Justice, Louisiana Supreme Court, Elizabeth S. Schell, Executive Director, Louisiana Supreme Court Committee on Bar Admissions, and Charles B. Plattsmier, Chief Disciplinary Counsel, Louisiana Attorney Disciplinary Board Office of Disciplinary Counsel, *The United States' Investigation of the Louisiana Attorney Licensure System Pursuant to the Americans with Disabilities Act*, DJ No. 204-32M-60-32-88,204-32-89 (Feb. 5, 2014) [Findings Letter], available at <http://www.ada.gov/louisiana-bar-lof.pdf>.

<sup>6</sup> *Id.* at 5.

providers, and authorize their providers to release all of their medical records to bar officials.

The DOJ found that, to comply with the ADA, “attorney licensing entities must base their admissions decisions on an applicant’s record of conduct, not the applicant’s mental health history.”<sup>7</sup> Moreover, “[i]nquiring about bar applicants’ medical conditions substitutes inappropriate questions about an applicant’s status as a person with a disability for legitimate questions about an applicant’s conduct.”<sup>8</sup> The DOJ concluded that the questions at issue: impermissibly screen out or tend to screen out persons with disabilities “based on stereotypes and assumptions about their disabilities”;<sup>9</sup> are unnecessary to determine fitness and ineffective in identifying unfit applicants;<sup>10</sup> and are likely to deter individuals from seeking mental health counseling and treatment and, therefore, are counterproductive to the goal of ensuring fitness to practice.<sup>11</sup>

As to Question 26A, the DOJ found that asking whether a condition or impairment “if untreated could affect” an applicant’s ability to practice law “reduces the question to one about an applicant’s diagnosis, not the effect of that diagnosis on his or her fitness to practice law.”<sup>12</sup> Because the question “considers an applicant’s disability in a hypothetical future untreated form,” it fails to “inform an assessment of how the disability affects an applicant’s current fitness to practice law.”<sup>13</sup> It assumes “a worst case scenario that may never come to pass” and “appears rooted in unfounded stereotypes about individuals with these diagnoses.”<sup>14</sup>

In August 2014, the DOJ entered into a settlement agreement with the Louisiana Supreme Court to ensure the right of qualified bar applicants with mental health conditions to have equal access to the legal profession.<sup>15</sup> The settlement requires the court to revise its character and fitness questions so that they focus on an applicant’s conduct or behavior. Under the terms of the settlement, inquiries into mental health diagnoses or treatment are prohibited unless an applicant voluntarily discloses this information (1) to explain conduct or behavior that may otherwise warrant denial of admission or (2) in response to

<sup>7</sup> *Id.* at 8.

<sup>8</sup> *Id.* at 19.

<sup>9</sup> *Id.* at 18. See also Carol J. Banta, Note, *The Impact of the Americans with Disabilities Act on State Bar Examiners’ Inquiries into the Psychological History of Bar Applicants*, 94 MICH. L. REV. 167, 176-78 (1995).

<sup>10</sup> Findings Letter, *supra* note 5, at 19, 22. See also Banta, *supra* note 9, at 182-83.

<sup>11</sup> Findings Letter, *supra* note 5, at 22. *Id.* at 23. See also Jennifer McPherson Hughes, *Suffering in Silence: Questions Regarding an Applicant’s Mental Health on Bar Applications and Their Effect on Law Students Needing Treatment*, 28 J. LEGAL PROF. 187 (2003-04); Banta, *supra* note 9, at 183-84.

<sup>12</sup> Findings Letter, *supra* note 5, at 22. See also *Sutton v. United Air Lines, Inc.*, 527 U.S. 471, 472 (1999) (finding that a “disability” under the Americans with Disability Act “exists only where the impairment ‘substantially limits’ a major life activity, not where it ‘might,’ ‘could,’ or ‘would’ be substantially limiting if mitigating measures were not taken.”)

<sup>13</sup> Findings Letter, *supra* note 5, at 22.

<sup>14</sup> *Id.*

<sup>15</sup> Settlement Agreement Between the United States of America and the Louisiana Supreme Court Under the Americans with Disabilities Act (Aug. 2014), available at [http://www.ada.gov/louisiana-supreme-court\\_sa.htm](http://www.ada.gov/louisiana-supreme-court_sa.htm).

Question 26A on the National Conference of Bar Examiners' Character and Fitness application, "Do you currently have any condition or impairment (including, but not limited to, substance abuse, alcohol abuse, or a mental, emotional, or nervous disorder or condition) that in any way affects your ability to practice law in a competent, ethical, and professional manner?"

Although the settlement did not require Louisiana to eliminate Question 26A, at least one other state has done so. The Tennessee Board of Law Examiners decided to remove Questions 26A and B<sup>16</sup> from the National Conference of Bar Examiners' application accessed by applicants for licensure in Tennessee.<sup>17</sup>

### **The Law and Its Application**

Title II of the ADA provides that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity."<sup>18</sup> DOJ is the federal agency charged with enforcing Title II. Its regulations bar public entities from "administer[ing] a licensing or certification program in a manner that subjects qualified individuals with disabilities to discrimination on the basis of a disability."<sup>19</sup> In addition, public entities cannot impose or apply "eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any service, program, or activity, unless such criteria can be shown to be necessary" for the provision of the service, program, or activity.<sup>20</sup> Also prohibited are policies that "unnecessarily impose requirements or burdens on individuals with disabilities that are not placed on others."<sup>21</sup> State bars are public entities and thus fall within the scope of coverage under Title II.<sup>22</sup>

As the DOJ concluded in its Findings Letter, inquiries about bar applicants' mental health diagnoses and treatment constitute eligibility criteria that screen out or tend to screen out individuals based on speculation, stereotypes, and assumptions about their disabilities.<sup>23</sup>

<sup>16</sup> 26. A. Do you currently have any condition or impairment (including, but not limited to, substance abuse, alcohol abuse, or a mental, emotional, or nervous disorder or condition) that in any way affects your ability to practice law in a competent, ethical, and professional manner?  Yes  No

B. If your answer to Question 26(A) is yes, are the limitations caused by your condition or impairment reduced or ameliorated because you receive ongoing treatment or because you participate in a monitoring or support program?

<sup>17</sup> See Martha M. Lafferty, *Tennessee Removes Discriminatory Questions from Attorney Licensure Application: Questions about Mental Health Diagnoses Violate ADA* (Mar. 15, 2014), <http://www.dlactn.org/news-events/61-latest-news/158-disability-attorney-licensure-mental-health-tn.html>.

<sup>18</sup> 42 U.S.C. § 12132.

<sup>19</sup> 28 C.F.R. § 35.130(b)(6).

<sup>20</sup> *Id.* § 35.130(b)(8).

<sup>21</sup> 28 C.F.R. pt. 35, app. B at 673.

<sup>22</sup> See, e.g., *Clark v. Va. Bd. of Bar Exam'rs*, 880 F. Supp. 430, 441 (E.D. Va. 1995); *Ellen S. v. Fla. Bd. of Bar Exam'rs*, 859 F. Supp. 1489, 1493 (S.D. Fla. 1994); *In re Petition & Questionnaire for Admission to R.I. Bar*, 683 A.2d 1333, 1336 (R.I. 1996).

<sup>23</sup> Findings Letter, *supra* note 5, at 19.



Bar examiners appropriately ask a wide range of questions that focus on conduct relevant to applicants' fitness. Such conduct-based questions are not only sufficient to evaluate fitness, but also the most effective means for doing so.<sup>24</sup> A history of mental health diagnosis or treatment is not a useful predictor of future attorney misconduct or malpractice.<sup>25</sup>

Furthermore, as the DOJ observed, questions concerning mental health diagnoses and treatment are counterproductive to the goal of ensuring the fitness of licensed attorneys by deterring applicants from seeking counseling and treatment for mental health concerns.<sup>26</sup> Applicants fear that such disclosures may preclude them from becoming lawyers. In addition, such questions may prevent applicants who seek treatment from being totally candid about their conditions, thereby limiting the health care provider's ability to accurately diagnose and treat them.<sup>27</sup>

<sup>24</sup> *Id.* at 22-23. See also Allison Wielobob, *Bar Application Mental Health Inquiries: Unwise and Unlawful*, 24:1 HUMAN RIGHTS 12, 14 (Winter 1997) ("But questions about behavior, not mental health treatment, would more accurately discover potentially problematic practitioners."); Banta, *supra* note 9, at 186-87 ("Permissible inquiries into conduct and behavior to determine fitness are sufficient to serve bar examiners' purpose of protecting the public."); Phyllis Coleman & Ronald A. Shellow, *Ask About Conduct, Not Mental Illness: A Proposal for Bar Examiners and Medical Boards to Comply with the ADA and Constitution*, 20 J. LEGIS. 147, 149 (1994) ("Consequently, professional licensing boards should inquire about conduct, not treatment for or history of mental illness or substance abuse.").

<sup>25</sup> See, e.g., Jon Bauer, *The Character of the Questions and the Fitness of the Process: Mental Health, Bar Admissions and the Americans with Disabilities Act*, 49 UCLA L. REV. 93, 141 (2001) ("there is simply no empirical evidence that applicants' mental health histories are significantly predictive of future misconduct or malpractice as an attorney"); Banta, *supra* note 9, at 182-83 (Psychological records are not a reliable predictor of behavior, since the range and severity of individuals' problems vary."); *In re Petition & Questionnaire for Admission to R.I. Bar*, 683 A.2d 1333, 1336 (R.I. 1996) ("Research has failed to establish that a history of previous psychiatric treatment can be correlated with an individual's capacity to function effectively in the workplace."); *Clark v. Va. Bd. of Bar Exam'rs*, 880 F. Supp. 430, 446 (E.D. Va. 1995) (licensing questions related to mental health status or treatment were unnecessary where "the Board presented no evidence of correlation between obtaining mental counseling and employment dysfunction"; "past behavior is the best predictor of present and future mental fitness."); *Application of Underwood*, 1993 WL 649283, at \*2 (Me. Dec. 7, 1993) ("Although it is certainly permissible for the Board of Bar Examiners to fashion other questions more directly related to *behavior* that can affect the practice of law without violating the ADA, the questions and medical authorization objected to here are contrary to the ADA.") (emphasis in original).

<sup>26</sup> Findings Letter, *supra* note 5, at 23-24 (citing American Psychiatric Ass'n, *Recommended Guidelines Concerning Disclosure and Confidentiality* (1999) (disclosure policies "inhibit individuals who are in need of treatment from seeking help"); *Clark v. Va. Bd. of Bar Exam'rs*, 880 F. Supp. 430, 445-46 (E.D. Va. 1995) (bar examiners' mental health question "deters the counseling and treatment from which [persons with disabilities] could benefit" and "has strong negative stigmatic and deterrent effects upon applicants"); *In re Petition & Questionnaire for Admission to R.I. Bar*, 683 A.2d 1333, 1336 (R.I. 1996) (bar examiners' questions regarding mental health may prevent a person in need of treatment from seeking assistance); *In re Petition of Frickey*, 515 N.W.2d 741 (Minn. 1994) ("the prospect of having to answer the mental health questions in order to obtain a license to practice causes many law students not to seek necessary counseling").

<sup>27</sup> Findings Letter, *supra* note 5, at 24 (citing *Clark v. Va. Bd. of Bar Exam'rs*, 880 F. Supp. 430, 438 (E.D. Va. 1995); U.S. Dep't of Health & Human Services, *Mental Health: A Report of the Surgeon General* 441 (1999) ("evidence also indicates that people may become less willing to make disclosures during treatment if they know that information will be disseminated beyond the treatment relationship").

Finally, unnecessary burdens are placed on applicants who respond affirmatively to mental health questions.<sup>28</sup> Typically, they are subjected to further investigations such as interviews and independent psychiatric or psychological examinations at their own expense, and are required to submit detailed medical information related to their condition and treatment, including copies of medical and hospitalization records. These records contain highly sensitive, personal information such as details about childhood, parents, siblings, and sexual history that is not relevant to one's ability to practice law. These practices impose significant expense, delays, and invasions of privacy on applicants with disabilities.

## Conclusion

Nearly 25 years after the passage of the ADA, in the wake of intervening court and federal agency decisions, the time has come for the ABA to update its position on this issue of great significance to our profession and our members. The ABA has long sought to “promote the full and equal participation in the association, our profession, and the justice system by all persons.”<sup>29</sup> In 2000, the House adopted policy urging courts to ensure equal access to justice by making courthouses and court proceedings accessible. The accompanying report cited the congressional finding that people with disabilities frequently face restrictions and limitations “resulting from stereotypical assumptions not truly indicative of the individual ability of such individuals to participate in, and contribute to, society.”<sup>30</sup>

The signatories to the 1994 Resolution wrote in the conclusion to their report, “What has been accomplished to date represents both progress and the promise of greater progress.” We believe this new Resolution represents that “greater progress” and we commend it to the House of Delegates for its favorable consideration.

Respectfully submitted,  
Mark D. Agrast  
Chair  
Commission on Disability Rights

<sup>28</sup> Vermont Letter, *supra* note 4, at 8-9 (citing *Clark v. Va. Bd. of Bar Exam'rs*, 880 F. Supp. at 442-43 (E.D. Va. 1995) (finding applicants with disabilities cannot be subjected to additional unnecessary burdens); *Ellen S. v. Fla. Bd. of Bar Exam'rs*, 859 F. Supp. 1489, 1494 (S.D. Fla. 1994); *Med. Soc'y of N.J. v. Jacobs*, 1993 WL 413016, at \*8 (D.N.J. Oct. 5, 1993) (holding that licensing board may not place burden of additional investigations on applicants who respond affirmatively to questions about disability status); *Brewer v. Wis. Bd. of Bar Exam'rs*, 2006 WL 346958, at \*10 (E.D. Wis. Nov. 28, 2006) (concluding licensing entities may not require additional investigation solely because of applicants' disabilities)). See also Coleman & Shellow, *supra* note 24, at 148 (stating that applicants who disclose a history of illness or treatment are injured because their admission is delayed, they are compelled to reveal private details of mental health, and face the stigma associated with mental conditions).

<sup>29</sup> ABA Goal III: Eliminate Bias and Enhance Diversity, available at [http://www.americanbar.org/about\\_the\\_aba/aba-mission-goals.html](http://www.americanbar.org/about_the_aba/aba-mission-goals.html).

<sup>30</sup> ABA Recommendation No. 112, at 4 (2000).

Mark I. Schickman  
Chair  
Section of Individual Rights and Responsibilities

August 2015

### **GENERAL INFORMATION FORM**

Submitting Entity: Commission on Disability Rights & Section of Individual Rights and Responsibilities

Submitted By: Mark D. Agrast, Chair, Commission on Disability Rights; Mark I. Schickman, Chair, Section of Individual Rights and Responsibilities

1. Summary of Resolution(s). This resolution urges state and territorial bar licensing entities, in their character and fitness determinations for the purpose of bar admission, to eliminate any questions that ask about mental health history, diagnoses, or treatment and instead focus questions on conduct or behavior that in a material way impairs an applicant's ability to practice law in a competent, ethical, and professional manner. This resolution replaces the 1994 policy (ABA Resolution No. 110 (Aug. 1994)).
2. Approval by Submitting Entity. The Commission on Disability Rights approved the resolution at its fall meeting in Washington, DC, on November 17, 2014. The Section of Individual Rights and Responsibilities approved the resolution at its council meeting on April 24, 2015.
3. Has this or a similar resolution been submitted to the House or Board previously? No. However, this proposed resolution would replace existing policy as noted under Question 4.
4. What existing Association policies are relevant to this Resolution and how would they be affected by its adoption?

In August 1994, the House passed policy—submitted by the Commission on Mental and Physical Disability Law (now the Commission on Disability Rights), the Section of Legal Education and Admissions to the Bar, and the Association of American Law Schools—recommending that state and territorial bar examiners, when making character and fitness determinations for the purpose of bar admission, should tailor

questions concerning mental health and treatment narrowly in order to elicit information about current fitness to practice law and take steps to ensure that their processes do not discourage those who would benefit from seeking professional assistance with personal problems and issues of mental health from doing so. The proposed resolution would replace this 1994 policy by urging state and territorial bar licensing entities and the National Conference of Bar Examiners to no longer ask any questions concerning mental health and treatment.

In February 1998, the House passed policy—submitted by the Commission on Mental and Physical Disability Law (now the Commission on Disability Rights) and the Section of Individual Rights and Responsibilities—urging any nominating or evaluating entity making character and fitness determinations of state judicial candidates, nominees, and appointees to: consider the privacy interests of the candidates; narrowly tailor questions concerning physical and mental disabilities and health treatment in order to elicit information about current fitness to serve as a judge, with such reasonable modifications as may be required; and take steps to ensure that the evaluation process does not have the effect of discouraging those who would seek judicial office from pursuing professional assistance when needed. This policy would not be affected by the proposed resolution, which does not address judicial character and fitness determinations.

5. If this is a late report, what urgency exists which requires action at this meeting of the House? N/A
6. Status of Legislation. (If applicable) N/A
7. Brief explanation regarding plans for implementation of the policy, if adopted by the House of Delegates. Adoption of this policy will enable the Association to urge state and territorial bar licensing entities to eliminate any questions that ask about mental health history, diagnoses, or treatment and instead ask questions that focus on conduct or behavior that in a material way impairs a bar applicant's ability to practice law in a competent, ethical, and professional manner.
8. Cost to the Association. (Both direct and indirect costs) None
9. Disclosure of Interest. (If applicable) N/A
10. Referrals.

Criminal Justice Section

Section of Family Law  
Section of Legal Education and Admissions to the Bar  
Section of Real Property, Trust and Estate Law  
Judicial Division  
Law Student Division  
Senior Lawyers Division  
Young Lawyers Division  
Association of American Law Schools  
National Conference of Bar Examiners  
Standing Committee on Client Protection  
Standing Committee on Ethics and Professional Responsibility  
Standing Committee on Legal Assistance for Military Personnel  
Commission on Law and Aging  
Commission on Lawyers Assistance Programs

11. Contact Name and Address Information. (Prior to the meeting. Please include name, address, telephone number and e-mail address)

Commission on Disability Rights  
Amy L. Allbright  
1050 Connecticut Avenue, NW Suite 400  
Washington, DC 20036  
(202) 662-1575  
[amy.allbright@americanbar.org](mailto:amy.allbright@americanbar.org)

12. Contact Name and Address Information. (Who will present the report to the House? Please include name, address, telephone number, cell phone number and e-mail address.)

Commission on Disability Rights:  
Mark D. Agrast  
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Section of Individual Rights and Responsibilities:

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## **EXECUTIVE SUMMARY**

### 1. Summary of the Resolution

This resolution urges state and territorial bar licensing entities, in their character and fitness determinations for the purpose of bar admission, to eliminate any questions that ask about mental health history, diagnoses, or treatment and instead focus questions on conduct or behavior that in a material way impairs an applicant's ability to practice law in a competent, ethical, and professional manner. This resolution replaces the 1994 policy (ABA Resolution No. 110 (Aug. 1994)).

### 2. Summary of the Issue that the Resolution Addresses

The resolution addresses the extent to which questions about mental health history, diagnoses, or treatment are necessary or appropriate in determining an applicant's character and fitness. It provides that such questions are unnecessary and ineffective in identifying applicants who are unfit and are likely to deter individuals from seeking mental health counseling and treatment. These kinds of questions are counterproductive to the goal of ensuring fitness to practice; unnecessarily invade applicants' privacy; and impermissibly tend to screen out persons with disabilities based on stereotypes and assumptions about their disabilities, rather than focusing on their conduct or behavior that impairs their ability to practice law in a competent, ethical, and professional manner.

### 3. Please Explain How the Proposed Policy Position will address the issue

The proposed resolution urges state and territorial bar licensing entities to eliminate any questions that ask bar applicants about mental health history, diagnoses, or treatment.

### 4. Summary of Minority Views

At this time, we are unaware of any opposition. However, to the extent that some licensing entities currently ask questions about mental health history, diagnoses, or treatment, it is possible that there will be some opposition to the resolution.

## CONFERENCE OF CHIEF JUSTICES

### Resolution 5

#### In Regard to the Determination of Fitness to Practice Law

WHEREAS, the courts of last resort in the respective states and territories exercise responsibility over the process for the admission of the attorneys to the practice of law; and

WHEREAS, as part of the admissions process, state bar admission authorities evaluate the character and fitness of applicants for admission to practice law; and

WHEREAS, in addition to conduct and behavior-related questions, some states inquire about applicants' mental health diagnoses and treatment unrelated to conduct and behavior; and

WHEREAS, the U.S. Department of Justice has made findings in an Americans with Disabilities Act (ADA) investigation of bar licensure that questions about medical conditions as part of a fitness inquiry inappropriately focus on an applicant's status as a person with a disability, rather than on the applicant's conduct; and

WHEREAS, questions about mental health history, diagnoses, or treatment are unduly intrusive, may tend to screen out individuals with disabilities, may violate the Americans with Disabilities Act, and are likely to deter individuals from seeking mental health counseling and treatment; and

WHEREAS, applicants with disabilities should be assessed, like all other applicants, solely based on their current fitness to practice law; and

WHEREAS, the Department of Justice also has made findings in an ADA investigation of bar licensure that to comply with the ADA, "attorney licensing entities must base their admissions decisions on an applicant's record of conduct, not the applicant's mental health history," and

WHEREAS, public entities cannot impose or apply eligibility criteria that tend to screen out an individual with a disability from fully and equally enjoying any service, program, or activity, unless such criteria can be shown to be necessary for the provision of the service, program, or activity;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices urges its members and state and territorial bar admission authorities to eliminate from applications required for admission to the bar any questions that ask about mental health history, diagnoses, or treatment and instead use questions that focus solely on conduct or behavior that

impairs an applicant's current ability to practice law in a competent, ethical, and professional manner;

BE IT FURTHER RESOLVED that reasonable inquiries concerning an applicant's mental health history are only appropriate if the applicant has engaged in conduct or behavior and a mental health condition has been offered or shown to be an explanation for such conduct or behavior.



## Virginia panel scraps mental health question after law school student push

By JUSTIN MATTINGLY Richmond Times-Dispatch

Feb 8, 2019

The state agency that oversees qualifications for the Virginia State Bar will no longer ask students to disclose mental health treatment on their application.

In the spring, law students from across the state organized and sent letters to the Virginia Board of Bar Examiners asking it to eliminate a portion of the application that prompts the disclosure of mental health conditions, saying that students who need mental health counseling aren't getting it for fear they will be denied admission to the state bar.

"It was a barrier to treatment," said Gray O'Dwyer, a University of Richmond law school alumna who helped lead the effort. "It was reinforcing the stigma that if you seek treatment for any sort of mental health concern, it will come back to haunt you."

The bar used to ask if applicants had any "condition or impairment (including, but not limited to, a substance or alcohol use disorder, or a mental, emotional, or nervous disorder or condition)" that might impact their ability to be a lawyer. That question has been entirely removed, said Catherine Hill, the board's secretary-treasurer.

Hill said the bar slightly edited another question, which now asks: "Within the past five (5) years, have you exhibited any conduct or behavior that could call into question your ability to perform any of the obligations and responsibilities of a practicing lawyer in a competent, ethical and professional manner?"

"It is a step forward in the right direction in ensuring that we are building people up and promoting wellness," said Kurt Lockwood, UR's Student Bar

Association president. “I believe it will reduce the stigma law students have about seeking treatment .”

The changes took effect Jan. 1 and were announced this week at the first Law Student Wellness Summit at the University of Virginia School of Law.

The board had been looking at the questions for several years, Hill said, but decided to make the changes because of a recommendation from a Supreme Court of Virginia committee and “valuable input” from lawyers, judges, law school deans and students.

The students who pressured the bar last year praised the changes.

“Knowing that the students who hope to one day join the Virginia Bar will not have to experience fear of ramifications for disclosing any treatment they sought during law school on their bar applications is a wonderful thing,” said Catherine Woodcock, last year’s Student Bar Association president at Washington and Lee University who now works as a lawyer in Washington. “The more we normalize and encourage sound mental health and wellness, the better we will be as a profession.”

While no applicants were denied a law license based on their responses to the old mental health question, students said the fear of it being part of the decision led students to not seek treatment.

A 2016 American Bar Association survey of 3,300 law school students found that more than one in six screened for depression and nearly one in four screened for anxiety. Forty-two percent of the survey respondents said they needed mental health help.

Of those respondents, only half ended up receiving counseling because of concern over how it would affect their bar admission, academic standing and job prospects, the ABA said.

“This is a national problem and the focus should be on wellness and encouraging people to seek help,” said Alex Sklut, the associate dean of students at the University of Richmond School of Law.

About four in five states still have questions about mental health on bar applications.

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**Senate Bill No. 544**

CHAPTER 152

An act to amend Section 6060 of the Business and Professions Code, relating to attorneys.

[Approved by Governor July 30, 2019. Filed with Secretary of State July 30, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

SB 544, Umberg. State Bar: admission: license: moral character review: mental health medical records.

The State Bar Act provides for the licensure and regulation of attorneys by the State Bar of California, a public corporation governed by a board of trustees. Existing law provides for the creation of an examining committee within the State Bar with specified powers, which include the power to examine applicants for admission to practice law. The act imposes specified requirements for a person to be certified to the Supreme Court for admission and a license to practice law, including a requirement that an applicant be of good moral character.

This bill would prohibit the staff of the State Bar or members of the examining committee, in reviewing whether an applicant is of good moral character, from reviewing or considering the person's medical records relating to mental health, except as specified. The bill would prohibit the staff of the State Bar or members of the examining committee from requesting or seeking to review any medical records relating to mental health, including by obtaining the consent of the applicant to disclose the records, except as specified.

*The people of the State of California do enact as follows:*

SECTION 1. Section 6060 of the Business and Professions Code is amended to read:

6060. To be certified to the Supreme Court for admission and a license to practice law, a person who has not been admitted to practice law in a sister state, United States jurisdiction, possession, territory, or dependency or in a foreign country shall:

(a) Be at least 18 years of age.

(b) (1) Be of good moral character.

(2) (A) In reviewing whether an applicant is of good moral character under this subdivision, the staff of the State Bar or the members of the examining committee shall not review or consider the person's medical records relating to mental health, except

if the applicant seeks to use the record for either of the following purposes:

- (i) To demonstrate that the applicant is of good moral character.
- (ii) As a mitigating factor to explain a specific act of misconduct.

(B) The staff of the State Bar and members of the examining committee shall not request or seek to review any medical records relating to mental health, including by obtaining the consent of the applicant to disclose such records, except as requested by an applicant and for a purpose specified in subparagraph (A).

(c) Before beginning the study of law, have done either of the following:

(1) Completed at least two years of college work, which college work shall be at least one-half of the collegiate work acceptable for a bachelor's degree granted on the basis of a four-year period of study by a college or university approved by the examining committee.

(2) Have attained in apparent intellectual ability the equivalent of at least two years of college work by taking examinations in subject matters and achieving the scores as are prescribed by the examining committee.

(d) Have registered with the examining committee as a law student within 90 days after beginning the study of law. The examining committee, upon a showing of good cause, may permit a later registration.

(e) Have done either of the following:

(1) Had conferred upon them a juris doctor (J.D.) degree or a bachelor of laws (LL.B.) degree by a law school accredited by the examining committee or approved by the American Bar Association.

(2) Studied law diligently and in good faith for at least four years in any of the following manners:

(A) (i) In a law school that is authorized or approved to confer professional degrees and requires classroom attendance of its students for a minimum of 270 hours a year.

(ii) A person who has received their legal education in a foreign state or country where the common law of England does not constitute the basis of jurisprudence shall demonstrate to the satisfaction of the examining committee that the person's education, experience, and qualifications qualify them to take the examination.

(B) In a law office in this state and under the personal supervision of a licensee of the State Bar of California who is, and for at least the last five years continuously has been, engaged in the active practice of law. It is the duty of the supervising attorney to render any periodic reports to the examining committee as the committee may require.

(C) In the chambers and under the personal supervision of a judge of a court of record of this state. It is the duty of the supervising judge to render any periodic reports to the examining committee as the committee may require.

(D) By instruction in law from a correspondence law school authorized or approved to confer professional degrees by this state, which requires 864 hours of preparation and study per year for four years.

(E) By any combination of the methods referred to in this paragraph.

(f) Have passed any examination in professional responsibility or legal ethics as the examining committee may prescribe.

(g) Have passed the general bar examination given by the examining committee.

(h) (1) Have passed a law students' examination administered by the examining committee after completion of their first year of law study. Those who pass the examination within its first three administrations upon becoming eligible to take the examination shall receive credit for all law studies completed to the time the examination is passed. Those who do not pass the examination within its first three administrations upon becoming eligible to take the examination, but who subsequently pass the examination, shall receive credit for one year of legal study only.

(2) (A) This requirement does not apply to a student who has satisfactorily completed their first year of law study at a law school accredited by the examining committee and who has completed at least two years of college work prior to matriculating in the accredited law school, nor shall this requirement apply to an applicant who has passed the bar examination of a sister state or of a country in which the common law of England constitutes the basis of jurisprudence.

(B) The law students' examination shall be administered twice a year at reasonable intervals.

## Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns

Jerome M. Organ, David B. Jaffe,  
and Katherine M. Bender, Ph.D.

This article reports the results of the Survey of Law Student Well-Being (SLSWB) implemented in spring 2014 at fifteen law schools around the country. The SLSWB is the first multischool study in over twenty years to address law student use of alcohol and street drugs, and the first-ever multischool study to explore prescription drug use and the mental health concerns and help-seeking attitudes of law students. The results of the study indicate that roughly one-quarter to one-third of respondents reported frequent binge drinking or misuse of drugs, and/or reported mental health challenges. Moreover, the results indicated that significant majorities of those law students most in need of help are reluctant to seek it. The article concludes by discussing how law school administrators and other relevant leaders within the legal academy and legal profession can promote and improve wellness so that law students are better-positioned to find success as law students and to serve their future clients well as lawyers.

**Jerome M. Organ** is Professor of Law and Co-director of the Holloran Center for Ethical Leadership in the Professions at the University of St. Thomas School of Law (Minnesota); **David B. Jaffe** is Associate Dean for Student Affairs at the American University Washington College of Law; **Katherine M. Bender, Ph.D.**, is an Assistant Professor at Bridgewater State University and programming consultant for the Dave Nee Foundation. In addition to being very grateful for the financial support that made this project possible, referenced *infra* at note 5, we want to express our deep gratitude to three people who helped in researching the article and in analyzing the data, Hannah Lindeborg and Tim Lacine, graduates of the University of St. Thomas School of Law, and Sara Smith, Research and Policy Analyst for the Division for Legal Services at the American Bar Association. The results reported in Section IV.D., focused on help-seeking behaviors, were previously published in the December 2015 issue of the *The Bar Examiner*, in an article entitled *Helping Law Students Get the Help They Need: An Analysis of Data Regarding Law Students' Reluctance to Seek Help and Policy Recommendations for a Variety of Stakeholders*,

### Section I: Introduction

Law school, like medical school or any other doctoral program of study, can be a time riddled with anxiety, stress, and financial upheaval. Unfortunately, there has been little empirical work examining how law students respond to these stresses, either in terms of patterns of substance use or patterns of mental health problems. What little empirical data exist regarding law student substance use and law student well-being indicate that law students may have higher rates of anxiety and depression than other graduate students,<sup>1</sup> and may engage in patterns of alcohol and drug use that many would consider problematic.<sup>2</sup> In the past few years, the news media have reported on addiction and mental health issues among law students and lawyers, with several prominent stories addressing suicide among lawyers and law students.<sup>3</sup> Ten law-school-related deaths occurred between July 2014 and February 2015, including eight suicides (seven students and one law school professor), and two homicides (one law student and one parent of a law student) at the hand of a law student.<sup>4</sup> These deaths indicate a need to learn more about the substance

1. The most commonly reported statistics on law student mental health come from a study published in the American Bar Foundation Research Journal, which found that 40% of third-year law students reported symptoms of depression. G. Andrew H. Benjamin et al., *The Role of Legal Education in Producing Psychological Distress among Law Students and Lawyers*, 1986 AM. B. FOUND. RES. J. 225 [hereinafter Benjamin et al., *Psychological Distress*] (discussed *infra* at notes 21, 24-26 and accompanying text). Many articles cite this study. See, e.g., Matthew M. Dammeyer & Narina Nunez, *Anxiety and Depression among Law Students: Current Knowledge and Future Directions*, 23 L. & HUM. BEHAV. 55, 55-56 (1999); Patrick J. Schiltz, *On Being a Happy, Healthy, Ethical Member of an Unhappy, Unhealthy and Unethical Profession*, 52 VAND. L. REV. 871, 875 n. 18 (1999). More recently, Ken Sheldon and Larry Krieger conducted empirical studies of law student well-being at two law schools that showed declines in well-being during the first year. Kennon M. Sheldon & Lawrence S. Krieger, *Does Legal Education Have Undermining Effects on Law Students? Evaluating Changes in Motivation, Values, and Well-Being*, 22 BEHAV. SCI. & L. 261, 261-63 (2004) [hereinafter Sheldon & Krieger, *Undermining Effects*] (discussed *infra* at notes 13-18 and accompanying text).
2. EXEC. COMM., ASSOC. AM. LAW SCH., REPORT OF THE AALS SPECIAL COMMITTEE ON PROBLEMS OF SUBSTANCE ABUSE IN THE LAW SCHOOLS (1993) [hereinafter AALS REPORT] (discussed *infra* at notes 29-32 and accompanying text).
3. In January 2014 CNN broadcast a report on the high rate of attorney suicides, citing that the legal profession ranks among the top five careers for suicide. Rosa Flores & Rose Marie Arce, *Why Are Lawyers Killing Themselves?*, CNN (Jan. 20, 2014), <http://www.cnn.com/2014/01/19/us/lawyer-suicides/>.
4. Six of the deaths referenced here were made public. See Rick Jurgens, *Vermont Law School Professor Cheryl Hanna's Death Ruled Suicide*, VALLEY NEWS (Aug. 4, 2014), <http://www.vnews.com/news/13016059-95/professors-death-ruled-suicide>; Debra Cassens Weiss, *Vermont Law Student and His Mother Die in Murder-Suicide*, AM. BAR ASS'N J. (Sept. 18, 2014), <http://www.abajournal.com/news/article/vermont-law-student-and-his-mother-die-in-murder-suicide>; Colleen Murphy, *Second-Year Law Student's Death Ruled a Suicide*, G.W. HATCHET (Mar. 16, 2015), <http://www.gwhatchet.com/2015/03/16/second-year-law-students-death-ruled-a-suicide/>; Jim Mustian & Benjamin Oreskes, *Tulane Law School Students, Faculty Struggle to Understand Murder-Suicide*, NEW ORLEANS ADVOC. (Feb. 6, 2015), <http://www.theneworleansadvocate.com/news/11497215-123/tulane-law-school-students-faculty>. However, one of the authors knows of four additional law-student suicides in the 2014-15 academic year (personal communications with Katherine Bender).



use and mental health and wellness of today's law students so that we can better understand the nature of these challenges and explore strategies to encourage students to seek help so that fewer of these tragic situations occur.

The authors responded to this need by undertaking the Survey of Law Student Well Being (SLSWB), the first multischool study in over twenty years to address patterns of alcohol use and use of street drugs, and the first-ever multischool study to focus on prescription drug use, mental health and help-seeking attitudes.<sup>5</sup>

The SLSWB, which was implemented in spring 2014, was designed as an exploratory survey to answer the following four research questions: 1) to what extent are law students drinking alcohol, using prescription and nonprescription drugs, and engaging in nonmedical use of prescription drugs (taking prescription drugs without a prescription); 2) to what extent do law students experience mental health issues; 3) to what extent are law students with substance use or mental health issues inclined to seek assistance or treatment for such issues; and 4) what factors discourage law students from seeking help for substance use and/or mental health concerns.

This article begins in Section II with a review of the limited literature on law student wellness. Section III then describes the methods used in conducting the SLSWB and discusses the survey's limitations. Section IV describes in detail the SLSWB results, presenting the most recent and robust data on law students' use and misuse of alcohol, street drugs and prescription drugs, law students' mental health, and law students' attitudes toward seeking help. Section V recommends actions law school administrators and others can take to help law students lead healthier lives and have more productive legal careers.

## Section II: Literature Review

Although an existing body of literature suggests that law students disproportionately experience mental health and substance use issues

5. We are very grateful for grant funding we received from the ABA Enterprise Fund (with sponsorship from the ABA Commission on Lawyer Assistance Programs and the support of the ABA Law Student Division; Solo, Small Firm and General Practice Division; Young Lawyers Division; and Commission on Disability Rights), without which this survey would not have been possible; We also are very grateful for the support we received from the Dave Nee Foundation, which allowed us to expand the number of law schools participating in the survey. The Dave Nee Foundation, a nonprofit association based in New York, was established after Dave Nee, a very successful graduate of the Fordham University School of Law, died by suicide in June 2005. *History*, DAVE NEE FOUND., <http://www.daveneefoundation.org/history> (last visited July 30, 2016). Uncommon Counsel, the primary program of the Dave Nee Foundation, raises awareness about depression, anxiety, addiction, and suicide prevention in the legal field via law school and state bar association presentations. *Uncommon Counsel*, DAVE NEE FOUND., <http://www.daveneefoundation.org/uncommon-counsel/> (last visited July 30, 2016).

compared with other graduate students or the general population,<sup>6</sup> there are more anecdotal stories about law students and their levels of distress, substance use, and suicidal thoughts than there are empirical studies. Indeed, prior to the SLSWB, only one multischool empirical study of substance use among law students had been conducted (and it did not include prescription drug use),<sup>7</sup> and only one multischool empirical study of law student well-being had been conducted.<sup>8</sup> No multischool empirical studies of law student mental health more generally were undertaken, nor studies of law student prescription drug use or of students' help-seeking attitudes.

Researchers have examined the mental health of law students using single-school samples since at least 1968.<sup>9</sup> Empirical studies varying in both sample sizes and methodology through the late 1960s and 1970s generally reported similar findings: Law students experienced anxiety,<sup>10</sup> and their levels of anxiety were disruptive to their ability to study.<sup>11</sup> Law students reported "changes in student personality characteristics," and first-year students experienced "a drop in sociability [and] . . . an increase in psychological distress, internal conflict, and anxiety"<sup>12</sup> in the first several months of law school.

While these studies are over thirty years old, more recent studies have reached similar results. Larry Krieger and Ken Sheldon researched law student

6. See, e.g., AALS REPORT *supra* note 2; JESSIE AGATSTEIN ET AL., FALLING THROUGH THE CRACKS: A REPORT ON MENTAL HEALTH AT YALE LAW SCHOOL (2014), [https://www.law.yale.edu/system/files/falling\\_through\\_the\\_cracks\\_120614.pdf](https://www.law.yale.edu/system/files/falling_through_the_cracks_120614.pdf) [hereinafter AGATSTEIN ET AL., FALLING THROUGH THE CRACKS]; Benjamin et al., *Psychological Distress*, *supra* note 1; James M. Hedegard, *The Impact of Legal Education: An In-Depth Examination of Career-Relevant Interests, Attitudes, and Personality Traits Among First-Year Law Students*, 4 L. & SOC. INQUIRY 791 (1979); Marilyn Heins, et al., *Law Students and Medical Students: A Comparison of Perceived Stress*, 33 J. LEGAL EDUC. 511 (1983); Robert Kellner, et al., *Hypochondriacal Fears and Beliefs in Medical and Law Students*, 43 ARCHIVES GEN. PSYCHIATRY 487 (1986); Stephen B. Shanfield & G. Andrew H. Benjamin, *Psychiatric Distress in Law Students*, 35 J. LEGAL EDUC. 65 (1985) (hereinafter *Distress in Law Students*); Kennon M. Sheldon & Lawrence S. Krieger, *Understanding the Negative Effects of Legal Education on Law Students: A Longitudinal Test of Self-Determination Theory*, 33 PERSONALITY & SOC. PSYCHOL. BULL. 883 (2007) [hereinafter Sheldon & Krieger, *Self-Determination Theory*] (discussed *infra* at notes 14-18 and accompanying text); Sheldon & Krieger, *Undermining Effects*, *supra* note 1; Lawrence Silver, *Anxiety and the First Semester of Law School*, 1968 WIS. L. REV. 1201 [hereinafter Silver, *Anxiety*].
7. See AALS REPORT *supra* note 2.
8. See Sheldon & Krieger, *Undermining Effects*, *supra* note 1; Sheldon & Krieger, *Self-Determination Theory*, *supra* note 6 (both discussed *infra* at notes 13-18 and accompanying text).
9. Silver, *Anxiety*, *supra* note 6, published in 1968, is the first law review article discussing law student anxiety among first-year students.
10. See, e.g., *id.* at 1201.
11. See, e.g., *id.* at 1202.
12. See, e.g., Hedegard, *supra* note 6, at 835. The study was conducted on BYU law students who were predominately male, mostly married, Mormon, and had attended the same undergraduate school. *Id.* at 812-13. Accordingly, there is uncertainty about generalizing the results to other law students.

well-being at two separate law schools, publishing their initial results in 2004,<sup>13</sup> with further results published in 2007.<sup>14</sup> Sheldon and Krieger measured law students' subjective well-being (referred to as SWB), by assessing their mood, life satisfaction, and physical health.<sup>15</sup> The results indicated that at the start of law school, students tend to have a positive SWB as compared with undergraduates.<sup>16</sup> One year into law school, the results indicated a decline in SWB and an increase in physical health problems.<sup>17</sup> When the study was expanded to include students from more than just one law school, the results supported the previous findings of an overall decline in law student well-being after a year in law school.<sup>18</sup>

Most recently, in 2014 the Yale Law School Mental Health Alliance published a report on the mental health of Yale Law students.<sup>19</sup> Half of the respondents agreed that mental health challenges impaired law school academic performance, and just over half agreed that mental health challenges affected them socially.<sup>20</sup>

While the above studies focused on distress levels and well-being, studies by Dr. Andy Benjamin are among the most cited that specifically address law student mental health and substance use.<sup>21</sup> In the mid- to late 1980s, Dr. Andy Benjamin, a prominent researcher of mental health in the legal profession, set out to compare law student distress with medical student distress.<sup>22</sup> Using psychological measures as the survey tools, Benjamin found that "law students have higher rates of psychiatric distress than a contrasting normative population or a medical student population."<sup>23</sup> Benjamin then set out to study law student mental health at different points on the journey through law school.

13. Sheldon & Krieger, *Undermining Effects*, *supra* note 1.

14. Sheldon & Krieger, *Self-Determination Theory*, *supra* note 6.

15. *Id.* at 261, 278.

16. *Id.* at 271.

17. *Id.* at 280.

18. *Id.* at 280-82.

19. AGATSTEIN ET AL., *FALLING THROUGH THE CRACKS*, *supra* note 6. This report provides the first in-depth analysis of student experiences with mental health challenges (MHCs) and mental health services during their time at Yale Law School.

20. *Id.* at 52.

21. Benjamin et al., *Psychological Distress*, *supra* note 1, has been cited 149 times in the Law Reviews and Journals Database on Westlaw. WESTLAW, [HTTP://WWW.LAWSCHOOL.WESTLAW.COM](http://www.lawschool.westlaw.com) (last visited July 30, 2016). Shanfield & Benjamin, *Distress in Law Students*, *supra* note 6, has been cited eighty-two times in the Law Reviews and Journals database on Westlaw. WESTLAW, [HTTP://WWW.LAWSCHOOL.WESTLAW.COM](http://www.lawschool.westlaw.com) (last visited July 30, 2016).

22. Shanfield & Benjamin, *Distress in Law Students*, *supra* note 6.

23. *Id.* at 69.

Using a cohort model, Benjamin and colleagues administered five psychological measures to each cohort of students at three different stages in their law school careers.<sup>24</sup> Results included responses from first-year law students, second-year law students, third-year law students and law school alumni up to two years after graduation.<sup>25</sup> Benjamin compared results across each year of law school and before and after the law school experience. Benjamin found that:

Elevations of symptom levels significantly increase for law students during the first to third years of law school. Depending on the symptoms, 20-40% of any given class reports significant symptom elevations . . . the symptom elevations do not significantly decrease between the spring of the third year and the next two years of law practice as alumni.<sup>26</sup>

Another frequently cited article on law student distress is one by Dammeyer and Nunez, in which the authors analyzed published studies that measured law students' levels of anxiety and depression from 1970 to the late 1990s.<sup>27</sup> Their article emphasized the findings described above—that law students have disproportionate levels of stress, anxiety, and mental health concerns compared with other populations.<sup>28</sup>

Less frequently cited but perhaps with data just as compelling is a report published in 1994 from the Association of American Law Schools (AALS) Special Committee on Problems of Substance Abuse in the Law Schools.<sup>29</sup> The report was the final product of two and a half years of work, including a survey of nineteen law schools, yielding 3388 student responses.<sup>30</sup> The AALS study revealed “increased usage and frequency of usage of some substances as students progress through law school, and also among older law students. The pattern is most dramatic with alcohol.”<sup>31</sup>

Despite these studies, large gaps remain in the literature on law student substance use and mental health. No research has been done on alcohol or drug use among law students in over two decades, nor on prescription drug

24. Benjamin et al., *Psychological Distress*, *supra* note 1. The survey involved 320 law students at the University of Arizona divided into three cohorts. *Id.* at 226-27.

25. *Id.* at 231-33.

26. *Id.* at 246.

27. Dammeyer & Nunez, *supra* note 1.

28. *Id.* at 67.

29. AALS REPORT, *supra* note 2.

30. *Id.* at 35-36. The response rate was 24.9% across all nineteen participating law schools.

31. *Id.* at 42.

use among law students. Nor has any multischool study focused on mental health or on help-seeking attitudes of law students.<sup>32</sup>

This article focuses on a survey project designed to fill some of these gaps—the first multischool, national study of alcohol and substance use among law students since the early 1990s, the first study to assess nonmedical use or misuse of prescription drugs among law students, and the first multischool study of mental health issues and help-seeking attitudes among law students. The authors hope that the results of this study can open the door for dialogue and specific action within the law school community to improve the health and wellness of law students.

### Section III: Methodology

Before implementing the Survey of Law Student Well-Being (SLSWB) in spring 2014, the principal investigators (PIs) of the study conducted a pilot study in spring 2013.<sup>33</sup> The pilot study, just like SLSWB, was formatted as an online survey using skip logic.<sup>34</sup> The pilot study included roughly the same universe of questions as the SLSWB, with several distinct “sections”—a demographic section, a section on alcohol use, a section on drug use (both street drugs and prescription drugs), a section on mental health, and a section

32. Notably, all studies discussed in the preceding text or referenced in footnote 6, *supra*, other than the AALS Survey, results of which were described in the AALS Report, were limited to one school or two schools, and many had small sample sizes ranging from nine to 320, limiting the extent to which the results were generalizable. *See, e.g.*, Benjamin et al., *Psychological Distress*, *supra* note 1, at 226-27 (survey involved 320 law students at the University of Arizona divided into three cohorts); Hedegard, *supra* note 6 (small number of Mormon students at Brigham Young University); Heins, *supra* note 6 (discussing groups of law students and medical students at the University of Arizona in response to growing student concern over the stress of education); Kellner et al., *Distress in Medical and Law Students*, 27 *COMPREHENSIVE PSYCHIATRY* 220 (1986) (discussing sixty law students and sixty medical students at the University of New Mexico); Alan Reifmann et al., *Depression and Affect Among Law Students During Law School: A Longitudinal Study*, 2 *J. EMOTIONAL ABUSE* 93-106 (2000) (focusing on 45 law students at the University of Michigan).
33. The pilot study was conducted at the PIs' home institutions with Institutional Review Board (IRB) approval from the University of St. Thomas—IRB # B10-183-01. The PIs collaborated with SoundRocket (formerly Survey Sciences Group, LLC) a full-service social science research provider. *See Why SoundRocket?*, SOUNDROCKET, <http://www.soundrocket.com/soundrocket-why> (last visited July 30, 2016). SoundRocket programmed, tested, and hosted both the pilot survey and the SLSWB. SoundRocket's survey infrastructure included the DatStat Illume survey system engine, with a Microsoft SQL database back-end, along with custom proprietary applications to support the survey effort.
34. The skip logic design meant that if a respondent answered “No” to an introductory question in a set of questions, the survey would “skip” past the remaining questions in the subset.

on help-seeking attitudes.<sup>35</sup> The response to the pilot study demonstrated both that law students were willing to answer intrusive questions about alcohol use, drug use and mental health with reasonable response rates and that the survey was not inordinately time-consuming.<sup>36</sup>

Recruiting law schools to participate in the SLSWB was a challenge. Some law schools were not willing to encourage their students' participation in a survey addressing controversial and at times illegal behaviors (taking prescription drugs without a prescription, using cocaine, etc.). Other schools expressed concern about protecting their students' anonymity and the law school's anonymity, having the financial resources to participate,<sup>37</sup> and obtaining IRB approval. These concerns precluded the possibility of having a truly random set of representative law schools participate in the survey. Rather, the PIs drew on a network of law faculty and administrators known to have particular interest in these topics, while also paying attention to the importance of diversity of schools in size, region, and institution type. Invitations to participate in the survey were extended to a few dozen ABA-accredited law schools.<sup>38</sup> Each law school was promised that the data collected from the school would be kept confidential, that the name of the participating school would not be disclosed, and that the school would receive a report containing school-specific results along with the aggregate results.

These invitations resulted in seventeen schools expressing interest in participating in the SLSWB. Ultimately, two schools were unable to obtain IRB or institutional approvals in a timely manner and were not able to participate, leaving a total of fifteen law schools participating in the survey,

35. Almost all of the questions in the SLSWB survey have been used in other surveys, such as the Healthy Minds Survey or the Student Life Survey. Others, as noted *infra*, notes 60 (binge drinking), 63 (the CAGE screen for alcoholism), 73 (PHQ-2 depression screen), 78 (Kessler 6 anxiety screen), and 84 (SCOFF eating disorder screen), are widely used and validated screening tools addressing substance use or mental health concerns.
36. Respondents took about eighteen minutes on average to complete the survey, which was helpful in communicating with prospective survey participants when the actual survey was implemented in spring 2014. The data collected in the pilot study have not been integrated into the data set for the SLSWB.
37. Schools that were invited were informed that they would need to contribute a small fee to cover administrative costs. As noted *supra*, note 5 and accompanying text, the SLSWB was substantially funded by a grant from the ABA Enterprise Fund and by additional funds contributed by the Dave Nee Foundation. These grants covered roughly 85% to 90% of the costs of implementing the survey. The balance was covered by each school contributing \$400.
38. The PIs included some public schools and some private schools, as well as schools that had only full-time programs and schools that had full-time and part-time programs.

with over 11,000 students.<sup>39</sup> The fifteen participating law schools reflect a cross-section in terms of enrollment,<sup>40</sup> affiliation,<sup>41</sup> and geographic location.<sup>42</sup>

Participants in the SLSWB were students enrolled in Juris Doctorate (JD) programs at each of the fifteen participating ABA-accredited law schools. At each participating law school, all JD students were invited by email to complete the online survey, with email reminders sent to those who had not completed the survey.<sup>43</sup> The overall response rate was just under 30%, a response rate slightly higher than the roughly 25% response rate of the 1991 AALS Survey, results of which were published in the AALS Report, or the recent iterations of the Healthy Minds Study.<sup>44</sup>

The SLSWB was designed as a cross-sectional survey, taking a snapshot of respondents at one point in time, rather than a longitudinal survey, because of both cost factors and concerns about attrition and confidentiality with a longitudinal survey design. As a result, the SLSWB did not attempt to establish a baseline for respondents' pre-law school behavior against which to compare their responses as law students. Nonetheless, in a number of questions discussed in the following section, respondents were asked to identify changes in behavior regarding alcohol use or drug use since the twelve months prior to

39. The University of St. Thomas IRB granted "master" approval of the survey project with RB No. 437533-1. Several schools accepted the IRB master approval while several schools required separate IRB approval at their own university. The two schools that ended up not participating could not get approval through their university review process in time to participate in the survey.
40. The percentage of respondents from small schools (those with fewer than 550 students) is close to the percentage of students nationally from small schools. The percentage of respondents from larger law schools is larger than the percentage of students nationally in larger law schools (those with more than 900 students), while the percentage of respondents from medium-sized law schools is smaller than the percentage of students nationally in medium-sized law schools (those with student bodies ranging from 550 to 900).
41. The percentage of respondents from private law schools is close to the percentage of students nationally from private schools. The percentage of respondents from religiously affiliated law schools is larger than the percentage of students nationally from religiously affiliated law schools, while the percentage of respondents from public law schools is smaller than the percentage of students nationally in public law schools.
42. The percentage of respondents from law schools in the Southeast is close to the percentage of students nationally from law schools in the Southeast. The percentage of respondents from law schools in the Midwest and Northeast is larger than the percentage of students nationally in law schools in those regions, while the percentage of respondents from law schools in the Southwest and West is smaller than the percentage of students nationally in law schools in those regions.
43. Based on the pilot survey, students were informed that the survey took an average of fifteen to twenty minutes and were asked to give informed consent before commencing the survey.
44. See AALS REPORT, *supra* note 2 (noting a response rate just less than 25%). See also HEALTHY MINDS, THE HEALTHY MINDS STUDY 2014-15 DATA REPORT 2, [http://healthybodiesstudy.org/wp-content/uploads/2015/07/HMS\\_national\\_14\\_15.pdf](http://healthybodiesstudy.org/wp-content/uploads/2015/07/HMS_national_14_15.pdf) (noting response rate of just more than 23%) [hereinafter HEALTHY MINDS, 2014-15 HEALTHY MINDS STUDY]. The vast majority of law schools had a response rate between 25% and 35%. *Id.*

starting law school.<sup>45</sup> In addition, questions regarding mental health diagnoses asked respondents whether their diagnosis had been obtained since starting law school.<sup>46</sup>

The demographic distribution of students at the fifteen law schools roughly approximates the demographic distribution of students across all ABA-accredited law schools. The sample included roughly 49% women and 51% men, compared with the national population of law students in 2013-2014, which was 48% women and 52% men.<sup>47</sup> Among actual respondents, 56% of those completing the survey were women and 44% men, which is a result common in large surveys of college students or graduate students.<sup>48</sup>

As shown in Table 1, the percentage of respondents who indicated they were black/African-American and Asian was close to the percentages across law schools generally, while the percentage of respondents who indicated they were white was slightly larger than across law schools generally. In addition, the percentage of respondents who indicated a multiracial ethnicity was larger than across law schools generally, while the percentage of respondents who indicated Hispanic was smaller than across law schools generally.<sup>49</sup>

Note that we have not made an effort to “reweight” the results to account for these discrepancies in the proportion of law schools in each category or in the proportion of respondents based on gender or ethnicity. As a result, readers should be cautious about generalizing results with too much specificity—the results perhaps should be best understood as rough estimates of what one might expect within a student population at a given law school. At a large, urban, private law school, results on some questions might differ from those at a small, rural public law school. Law schools with more women or more men might see different results, particularly on those questions for which the differences in results between male respondents and female respondents are notable.

45. See *infra*, notes 59-62 and accompanying text (paragraph following Alcohol Table 4).

46. See *infra*, note 77 and accompanying text (depression); note 83 and accompanying text (anxiety).

47. See AM. BAR ASS’N, 2009-2013 TOTAL FULL-TIME JD ENROLLMENT BY GENDER AND ETHNICITY, [http://www.americanbar.org/groups/legal\\_education/resources/statistics.html](http://www.americanbar.org/groups/legal_education/resources/statistics.html) (last visited July 30, 2016) [hereinafter AM. BAR ASS’N, FULL-TIME ENROLLMENT]; AM. BAR ASS’N, 2009-2013 TOTAL PART-TIME JD ENROLLMENT BY GENDER AND ETHNICITY, [http://www.americanbar.org/groups/legal\\_education/resources/statistics.html](http://www.americanbar.org/groups/legal_education/resources/statistics.html) (last visited July 30, 2016) [hereinafter AM. BAR ASS’N, PART-TIME ENROLLMENT]. The authors calculated overall percentages by gender for 2013-14 in a spreadsheet on file with the authors using both of these resources.

48. See, e.g., HEALTHY MINDS, 2014-15 HEALTHY MINDS STUDY, *supra* note 44 at 5 (noting 54% of respondents were women and 45% of respondents were men); AALS REPORT, *supra* note 2, at app. B, tbl. 1 (noting that women made up 43% of the sample, but 46% of the respondents).

49. See AM. BAR ASS’N, PART-TIME ENROLLMENT, *supra* note 47; AM. BAR ASS’N, FULL-TIME ENROLLMENT, *supra* note 47. The authors used these resources to calculate overall percentages by ethnicity for 2013-14 in a spreadsheet on file with the authors.



**Table 1 - Comparison of Racial/Ethnic Composition of Law Student Population and Survey Population**

	Asian	Black African American	Hispanic/Latino	Multi-racial	Other	White	Unknown (Prefer not to disclose)
All ABA-Accredited Law Schools	7	8	10	2	3	64	5
Respondents	7	8	5	7	3	69	2

In that same vein, the SLSWB involved self-reporting by respondents. Respondents may not have been totally forthcoming in their self-report. It also is possible that there is response bias or nonresponse bias on the very issues on which the survey is focused—alcohol use, drug use and mental health issues—although it is impossible to know which way the bias might operate. It is possible that there is a response bias in that those students with alcohol or drug use issues or mental health issues at participating law schools might have been disproportionately inclined to respond to the SLSWB given that it inquired about topics that might have been of particular interest to such respondents. On the other hand, it is possible that there is a non-response bias as well, in that students with alcohol or drug use issues or mental health issues at participating law schools might have been disproportionately inclined not to respond to the SLSWB given that it asked a number of intrusive questions, some of which involved illegal conduct.<sup>50</sup>

It would be fruitful if similar studies could be conducted to provide a broader framework for understanding the extent to which law students use alcohol or drugs or deal with mental health issues. It also would be helpful to assess the extent to which a variety of efforts might make a difference with respect to the help-seeking attitudes of law students. It would be particularly useful if these studies could be designed to be longitudinal so that they could inform us more about the extent to which law students see changes in alcohol use, drug use, mental health issues, or help-seeking attitudes during law school.

#### Section IV: Analysis of Survey Results

The following section provides the results of the Survey of Law Student Well-Being (SLSWB) in the categories of alcohol, drug use, mental health, and help-seeking attitudes. To contextualize the results of the SLSWB, we have provided some comparisons, where possible, with other survey results that used similar questions with somewhat comparable populations. All results are rounded up or down to whole percentages using traditional rounding principles.

50. Studies suggest that those with alcohol and mental health problems are underrepresented in empirical studies on health. See Fartein Ask Torvik et al., *Alcohol Use and Mental Distress as Predictors of Non-Response in a General Population Health Survey: The HUNT Study*, 47 SOC. PSYCHIATRY & PSYCHIATRIC EPIDEMIOLOGY 805 (2012).

## A. Alcohol

The SLSWB documents that consumption of alcohol among law students appears to have become more prevalent than two decades ago when the AALS Survey project was conducted at nineteen law schools.<sup>51</sup> First, as shown in Alcohol Table 1, while the percentage of respondents who have had a drink in their lifetime has remained relatively consistent since the AALS Survey, the percentage of law students responding to the respective surveys who have had a drink in the prior thirty days is higher now than in the early 1990s. Drinking among law students also appears to be more prevalent than drinking among graduate students more generally, based on both the Core Alcohol and Drug Survey from the 1990s<sup>52</sup> and the Healthy Minds Survey, which has been implemented annually since 2007 at hundreds of college campuses across the country.<sup>53</sup>

**Alcohol Table 1 - Percentage of Respondents Who Have Had a Drink in Their Lifetime and in Prior 30 Days**

	SLSWB (2014)	AALS (1991) <sup>1</sup>	Core Alcohol and Drug Study (1992-1994) Graduate Students) <sup>2</sup>	Healthy Minds (Graduate) <sup>3</sup>	Healthy Minds (Undergraduate) <sup>4</sup>
Drink in Lifetime	98%	98%	Not Available	90%	90%
Drink in past 30 days	90%	82%	75%	75%	75%

Notably, the increase in the prevalence of drinking within the prior thirty days between the AALS Survey and the SLSWB was fairly consistent among

51. See AALS REPORT, *supra* note 2, at app. B, tbl. 4. Although one should be cautious in making direct, specific comparisons as the sets of law schools participating in the survey are not identical, these two surveys provide the only multi-school survey data covering law student alcohol and drug use. Thus, we believe it is appropriate to provide comparisons on questions that overlap across the two surveys.
52. CHERYL A. PRESLEY ET AL., IV ALCOHOL AND DRUGS ON AMERICAN COLLEGE CAMPUSES 51, tbl. 4-11 (1994) (hereinafter CORE ALCOHOL AND DRUG STUDY). This survey included over 40,000 students at seventy-four four-year campuses, including over 2000 graduate and professional students.
53. We are very grateful to Daniel Eisenberg and the Healthy Minds Survey team, particularly J.P. DeWitt, who has worked closely with us in developing comparative data from the Healthy Minds data set. The Healthy Minds Survey is an annual web-based survey examining mental health, service utilization, and related issues among undergraduate and graduate students. Since its national launch in 2007, HMS has been fielded at over 100 colleges and universities, with over 100,000 survey respondents. <http://healthymindsnetwork.org/hms>. Healthy Minds openly shares its data on a user-friendly web-based interface. For more specifics on the Healthy Minds Study, methodology, etc., please visit the Healthy Minds webpage, <http://healthymindsnetwork.org/>.

respondents across all three years of law school, with first-year respondents and second-year respondents in the SLSWB at 89% (up from 81% and 80%, respectively, in the AALS Survey)<sup>54</sup> and with third-year respondents in the SLSWB at 91% (up from 84% in the AALS Survey).<sup>55</sup> The percentage of female respondents having had a drink in the prior thirty days increased slightly more than the percentage of male respondents (from 81% in the AALS Survey<sup>56</sup> to 90% in the SLSWB for female respondents; from 83% in the AALS Survey<sup>57</sup> to 89% in the SLSWB for male respondents),<sup>58</sup> a result shown to have statistical significance at  $p < .01$ .

With respect to drinking behaviors that might be of concern, as shown in Alcohol Table 2, more than half of the respondents in the SLSWB reported drinking enough to get drunk in the prior thirty days, compared with 61% of undergraduate respondents and 39% of graduate student respondents in the Healthy Minds Study.<sup>59</sup> Moreover, 43% of the respondents in the SLSWB indicated that they had engaged in binge-drinking at least once in the prior two weeks, compared with 45% of undergraduates and 36% of graduate students in the Healthy Minds Study.<sup>60</sup> In addition, 22% of law students binge-drank two

54. AALS REPORT, *supra* note 2, at app. B, tbl. 6.

55. *Id.*

56. *Id.* at app. B, tbl. 4.

57. *Id.*

58. *Id.*

59. These results from the Healthy Minds Study were provided by J.P. DeWitt, Program Manager for the Institute for Social Research at the University of Michigan. These percentages are drawn from a set of over 4300 undergraduate respondents and over 1600 graduate student respondents (comprising both graduate and professional students). Email from J.P. DeWitt, Program Manager for the Institute for Social Research at the University of Michigan to Jerome M. Organ, Professor of Law at the University of St. Thomas School of Law (August 28, 2015, 06:31 CDT)(on file with authors).

60. The Healthy Minds data on binge-drinking are based on more than 100,000 undergraduate respondents and over 25,000 graduate student respondents. This data can be found by going to the Healthy Minds website, <http://data.healthymindsnetwork.org/>, registering as a guest and then searching the Healthy Minds “All Years Combined” survey dataset and using the drop down boxes to search “binge drinking (any in past two weeks)” and “degree level”. In both the SLSWB and the Healthy Minds Study, respondents were asked the frequency with which they consumed four or more drinks (for women) or five or more drinks (for men) in one sitting in the past two weeks. This measure of binge-drinking also has been used in the Harvard College Alcohol Study. See Henry Wechsler & Toben F. Nelson, *What Have We Learned from the Harvard School of Public Health College Alcohol Study: Focusing Attention on College Student Alcohol Consumption and the Environmental Conditions that Promote It*, 69 J. STUD. ON ALCOHOL & DRUGS 481 (2008).

or more times in the prior two weeks, compared with 27% of undergraduate respondents and 12% of graduate student respondents in the Healthy Minds Study.<sup>61</sup>

**Alcohol Table 2 - Percentage of Respondents Who Drank Enough to Get Drunk in Past 30 Days and Binge-Drank in Prior 2 Weeks**

	SLSWB (2014)	Healthy Minds (Graduate) <sup>5</sup>	Healthy Minds (Undergraduate) <sup>6</sup>
Drank enough to get drunk in prior 30 days	53%	39%	61%
Binge-drank at least once in prior 2 weeks	43%	36%	45%
Binge-drank 2 or more times in the prior 2 weeks	22%	21%	30%

As shown in Alcohol Table 3, more male than female respondents in the SLSWB reported both drinking enough to get drunk in the prior thirty days and binge-drinking in the prior two weeks, results shown to have statistical significance at  $p < .001$ . Indeed, male respondents in the SLSWB were roughly one and a half times more likely than female respondents to have reported engaging in binge-drinking two or more times in the prior two weeks, a result shown to have statistical significance at  $p < .001$ . Notably, the percentage of third-year respondents who reported binge-drinking in the prior two weeks was larger than the percentage of first-year respondents, a result shown to have statistical significance at  $p < .01$ . In addition, those SLSWB respondents ages 21-30 were roughly twice as likely to report engaging in binge-drinking behavior as those over age 30, results shown to have statistical significance at  $p < .001$ .

61. These results from the Healthy Minds Study were provided by J.P. DeWitt, Program Manager for the Institute for Social Research at the University of Michigan. These percentages are drawn from a set of over 4300 undergraduate respondents and over 1600 graduate student respondents (comprising both graduate and professional students). Email from J.P. DeWitt, Program Manager for the Institute for Social Research at the University of Michigan to Jerome M. Organ, Professor of Law at the University of St. Thomas School of Law (August 28, 2015, 06:31 CDT)(on file with authors).

**Alcohol Table 3 - Percentage of Respondents in the Survey of Law Student Well-Being Who Reported Drinking Enough to Get Drunk in Prior 30 Days and Binge-Drinking in Prior Two Weeks Broken Out by Gender and by Year in Law School**

	Men	Women	1Ls	2Ls	3Ls
Drank enough to get drunk in prior 30 days	54%	52%	51%	53%	54%
Binge drank at least once in prior two weeks	47%	40%	40%	44%	45%
Binge drank two or more times in prior two weeks	27%	18%	18%	23%	24%

As shown in Alcohol Table 4, when binge-drinking, male respondents in the SLSWB as well as the Healthy Minds Study drank much more than female respondents, with a median of seven drinks for men compared with a median of five drinks for women, a result shown to have statistical significance at  $p < .001$ .<sup>62</sup>

**Alcohol Table 4 - Percentage of Men and Women Respondents Consuming a Given Number of Drinks When Binge-Drinking**

		4	5	6	7	8	9 (M) 9+ (W)	10+ (M)
SLSWB	Men	X	15%	21%	18%	17%	11%	16%
SLSWB	Women	28%	27%	21%	9%	10%	6%	X
Healthy Minds (Graduate)	Men	X	23%	26%	22%	13%	6%	10%
Healthy Minds (Graduate)	Women	31%	38%	17%	6%	4%	4%	X
Healthy Minds (Undergraduate)	Men	X	11%	22%	16%	18%	12%	21%
Healthy Minds (Undergraduate)	Women	22%	30%	24%	10%	8%	6%	X

62. These results in Alcohol Table 4 from the Healthy Minds Study were provided by J.P. DeWitt, Program Manager for the Institute for Social Research at the University of Michigan. These percentages are drawn from a set of over 2000 undergraduate respondents and over 400 graduate student respondents (comprising both graduate and professional students). Email from J.P. DeWitt, Program Manager for the Institute for Social Research at the University of Michigan to Jerome M. Organ, Professor of Law at the University of St. Thomas School of Law (August 28, 2015, 06:31 CDT)(on file with authors). For undergraduate male respondents in the Healthy Minds Study, the median number of drinks was eight drinks rather than seven. *Id.* For the majority of respondents in the SLSWB, binge-drinking generally occurred over a period of three hours or more, without much difference between men and women or between 1Ls, 2Ls, and 3Ls - three hours, 22%, four hours, 31%, five hours, 21%, six or more hours, 19%.

Interestingly, a higher percentage of respondents in the SLSWB indicated that their drinking had decreased in comparison with the twelve-month period prior to starting law school (36%), as opposed to increased (29%), with little difference across male and female respondents or across first-year, second-year and third-year respondents. With respect to ethnicity, however, white respondents were less likely to experience an increase in drinking since starting law school than all other respondents (27% vs. 34%, respectively), a result shown to have statistical significance at  $p < .01$ . Black/African-American and Asian respondents were more likely to experience an increase in drinking since starting law school than all other respondents (38% v. 28%, and 38% v. 27%, respectively), a result shown to have statistical significance at  $p < .01$ .

The SLSWB also looked at a number of “problem” behaviors associated with drinking, as described in Alcohol Table 5, asking respondents to indicate the frequency with which they experienced in the prior year any of sixteen possible problems associated with drinking. A subset of these problem behaviors is known as the CAGE questionnaire, a widely used tool for screening for alcoholism.<sup>63</sup> A positive response to two of the four CAGE questions indicates someone who should be evaluated more carefully for alcoholism.<sup>64</sup> Among the respondents to the SLSWB, 25% had positive responses to two or more of the four CAGE questions (27% of male respondents and 23% of female respondents responding positively to two or more of the four CAGE questions, a result shown to have statistical significant at  $p < .01$ ). Respondents who identified as white were more likely to be positive on two or more of the four CAGE questions than all other respondents (27% v. 20%), while Asians were significantly less likely to be positive on two or more of the four CAGE questions (17% v. 26%), results shown to have statistical significance at  $p < .05$ .

As indicated in Alcohol Table 5, many of these problem behaviors overlap with a set of problem behaviors identified in the Core Alcohol and Drug Study. Alcohol Table 5 contains a listing of the twelve overlapping items with the percentage of respondents experiencing the problem in the prior twelve months. Notably, five of the six most frequent problem behaviors in the SLSWB occurred with greater frequency among law student respondents to the SLSWB than among graduate student respondents in the Core Alcohol

63. *CAGE Questionnaire*, NAT'L INST. ON ALCOHOL ABUSE & ALCOHOLISM, <http://pubs.niaaa.nih.gov/publications/inscage.htm> (last visited July 30, 2016). The four CAGE questions are:

1. Have you ever felt you should Cut down on your drinking?
2. Have people Annoyed you by criticizing your drinking?
3. Have you ever felt bad or Guilty about your drinking?
4. Have you ever had a drink first thing in the morning to steady your nerves or to get rid of a hangover (Eye-opener)?

64. *Id.*

and Drug Study; the exception is “drove while under the influence of alcohol,” which was significantly less likely among respondents in the SLSWB.<sup>65</sup>

**Alcohol Table 5 - Percentage of Respondents Who Experienced Various Problems Associated with Drinking (Reported in Descending Order of Frequency in the SLSWB)**

	SLSWB (2014)	Core Alcohol and Drug Survey (1992- 1994) (Graduate Students) <sup>7</sup>
Vomited	37.3%	28.6%
*Felt that you should Cut down your drinking	31.4%	N/A
*Felt Guilt, remorse or regret	30.2%	21.8%
Had amnesia or memory loss	24.8%	14.6%
Missed class	19.3%	12.3%
Had unplanned sex	15.9%	N/A
Drove while under the influence of alcohol	15.3%	27.7%
Thought I had a problem—afraid I might be an alcoholic	13.9%	8.8%
*Been Annoyed with criticism about drinking or been criticized about drinking	11.2%	13.8%
Was hurt or injured	7.3%	4.4%
*Had an “Eye-opener” first thing in the morning to get rid of a hangover	6.7%	N/A
Performed poorly on a test/project	4.7%	7.7%
Drove a car after five or more drinks in two hours	4.0%	N/A
Thought about suicide	3.9%	2.6%
Been taken advantage of sexually	3.1%	4.6%
Taken advantage of someone else sexually	0.1%	2.5%

\*Indicates CAGE assessment question

Notably, 16% of respondents in the SLSWB indicated at least five of these sixteen problem behaviors, with male respondents being more likely than

65. This might suggest that educational efforts in recent years to discourage drinking and driving have been successful, but it also may simply indicate that law students are sufficiently concerned about having to report a DUI to bar admissions authorities that they try to avoid drinking and driving.

female respondents to reflect five or more problem behaviors (19% compared with 15%, a result shown to have statistical significance at  $p < .01$ ).

### B. Drug Use Among Law Students

#### 1. Street Drugs

As shown in Drug Table 1, law students responding to the SLSWB reported use of marijuana and cocaine in the prior twelve months and prior thirty days at higher percentages than law students responding to the 1991 AALS Survey. By contrast, reported use of LSD and other psychedelic drugs was lower among the respondents to the SLSWB than among respondents to the AALS Survey.<sup>66</sup> Male respondents in the SLSWB were more likely than female respondents in the SLSWB to use marijuana and cocaine in the prior twelve months and prior thirty days, results shown to have statistical significance at  $p < .001$ .<sup>67</sup> Few respondents to the SLSWB (less than 0.2%) reported use of heroin, crystal meth, inhalants or anabolic steroids. As indicated in Drug Table 1, frequency of use of marijuana, cocaine and Ecstasy among law student respondents to the SLSWB was more comparable to undergraduate respondents in the Healthy Minds Survey than to the graduate respondents in the Healthy Minds Survey.

**Drug Table 1 - 12-Month and 30-Day Use of Selected Street Drugs**

	SLSWB (2014)		AALS (1991) <sup>8</sup>		Healthy Minds (Graduate) <sup>9</sup>		Healthy Minds (Undergraduate) <sup>10</sup>	
	12 Month	30 Day	12 Month	30 Day	12 Month	30 Day	12 Month	30 Day
Marijuana	25%	14%	21%	8%	14%	7%	33%	18%
Cocaine	6%	2%	5%	1%	2%	1%	4%	1%
Ecstasy	4%	1%	N/A	N/A	1%	0.2%	5%	1%
LSD	1%	0.2%	2%	1%	0.7%	0.1%	3%	0.7%
Other Psychedelics	1%	0.2%	3%	1%	1%	0.1%	4%	1%

66. Notably, there was a fairly wide range across schools with respect to the use of marijuana in the past twelve months, ranging from 14.3% to 36.9%.

67. Male respondents in the SLSWB also were more likely to use other psychedelics than female respondents in the SLSWB in both the prior twelve months and prior thirty days, results shown to have statistical significance at  $p < .001$  (for twelve months) and  $p < .05$  (for thirty days). Male respondents in the SLSWB also were more likely to use LSD than female respondents in the SLSWB in both the prior twelve months and prior thirty days, although only the twelve-month results were shown to have statistical significance, at  $p < .01$ .



## 2. Prescription Drug Use

As noted earlier in this article, the SLSWB is the first survey to assess the use of prescription drugs among law students.<sup>68</sup> As shown in Drug Table 2, between 9% and 15% of respondents reported use of one or more of five categories of prescription drugs *with* a prescription during the prior year. Female respondents reported a higher rate of prescription drug use *with* a prescription than male respondents in every category of prescription drugs other than stimulant medication, results shown to have statistical significance at  $p < .001$  (for sedatives/anxiety medication, pain medication and anti-depressants), and at  $p < .05$  (for sleeping medication).

**Drug Table 2 - Use of Prescription Drugs *with* a Prescription During the Prior Year**

	Sleeping Medication	Sedatives - Anxiety Medication	Stimulants	Pain Medication	Anti-depressants
All SLSWB Respondents	9%	12%	13%	15%	12%
Male Respondents	8%	7%	13%	10%	8%
Female Respondents	10%	15%	13%	18%	14%

Of those respondents who reported using prescription drugs *with* a prescription, 13%, roughly one in eight, reported giving away their prescriptions drugs, with stimulants (17%) and sedatives/anxiety medication (12%) being given away most frequently.

## 3. Prescription Drug Use *Without a Prescription*

Overall, 14% of respondents reported having used prescription drugs *without a prescription* in the prior twelve months.<sup>69</sup> Stimulants were the prescription drug most frequently used without a prescription (9%), followed by pain medication and sedatives/anxiety medication (4%).<sup>70</sup> Notably, 61% of law student respondents to the SLSWB who reported using a stimulant medication without a prescription reported an increase in use compared with the twelve months prior to law school, while nearly 50% of those who reported using sedative/anxiety medication without a prescription noted an increase in use compared with the twelve months prior to law school, and 44% of those who

68. See *supra* text located between notes 32 and 33.

69. The percentage of respondents using prescription drugs *without a prescription* ranged across schools from 9% to 18%.

70. The most common sources of prescription drugs were a family member and a friend outside law school for all categories of prescription drugs other than stimulants. For prescriptions stimulants, the most common sources were a law school friend followed by a friend outside law school.

reported using sleeping medication without a prescription noted an increase in use compared with the twelve months prior to law school.

Law students were asked to identify the specific prescription stimulant they had used without a prescription. The most commonly reported stimulants used without a prescription were: Adderall (79%), followed by Adderall XR (39%), with Ritalin a distant third (12%) and Concerta fourth (6%). The most common reported reasons for using prescription stimulants without a prescription were:

- 1) to concentrate better while studying (67%);
- 2) to increase alertness to study longer (64%);
- 3) to enhance my academic performance (49%);
- 4) to increase my alertness to work longer (46%);
- 5) to concentrate better while working (45%)

Nearly 20% of law student respondents who reported using a prescription stimulant without a prescription indicated one reason was to “prevent other students who [also use a prescription stimulant] from having an academic edge over me.” This suggests that some law students may be inclined to use prescription stimulants without a prescription in an effort to gain a perceived advantage in law school.

Respondents also were asked about ten possible problem behaviors associated with drug use,<sup>71</sup> similar to but slightly different from the problem behaviors associated with alcohol.<sup>72</sup> More than 10% of the respondents indicated that they had experienced three or more of the ten problem behaviors associated with drug use, with male respondents more likely than female respondents (14% compared with 8%) to experience three or more

71. The ten problem behaviors about which respondents were asked relating to drug use were the following:

Have you used drugs other than those required for medical reasons?  
 Have you used more than one drug at a time?  
 Are you always able to stop using drugs when you want to?  
 Have you had blackouts or flashbacks as a result of drug use?  
 Have you ever felt bad or guilty about your drug use?  
 Have family members ever complained about your involvement with drugs?  
 Have you stayed away from your family because of your use of drugs?  
 Have you engaged in illegal activities in order to obtain drugs?  
 Have you ever experienced withdrawal symptoms (felt sick) when you stopped taking drugs?  
 Have you had medical problems as a result of your drug use (e.g., memory loss, hepatitis, convulsions, bleeding)?

The most common problematic behaviors were having used drugs other than those required for medical reasons (64%), having used more than one drug at a time (22%), and having felt bad or guilty about drug use (20%).

72. These 10 problem behaviors associated with drug use can be compared with the 16 problem behaviors associated with alcohol use discussed in Alcohol Table 5 and the accompanying text.

problem behaviors associated with drug use, a result shown to have statistical significance at  $p < .001$ .

### *C. Mental Health Results*

The survey asked a number of questions regarding each respondent's mental health condition, including embedded valid and reliable screening tools related to depression, anxiety and eating disorders, along with questions regarding history of diagnosis, and questions regarding whether respondents had hurt themselves or had thought about suicide. As the results are described, footnotes include the specifics about these psychological measures.

#### 1. Depression

The survey used the Patient Health Questionnaire-2 (PHQ-2) to screen for depression,<sup>73</sup> with 17% of respondents screening positive for depression. This compares with 20% of undergraduate respondents and 14% of graduate student respondents screening positive for depression in the Healthy Minds Study.<sup>74</sup>

Respondents also were asked if they had been diagnosed with depression during their lifetime, with 18% of respondents indicating a depression diagnosis (15% for male respondents and 20% for female respondents, a result shown to have statistical significance at  $p < .001$ ).<sup>75</sup> This compares with 15% of undergraduate respondents and 17% of graduate student respondents in

73. The PHQ-2 is scored on a 0,1,2,3 basis, with a positive screen reflected by a score of 3 or more (out of a possible six points). The Healthy Minds Study used the PHQ-9 (from which the PHQ-2 is derived). HEALTHY MINDS, 2014-15 HEALTHY MINDS STUDY, *supra* note 44 at 6. For a good description of the PHQ-2 and the PHQ-9, please see *Screening for Depression*, AM. FAM. PHYSICIAN, <http://www.aafp.org/afp/2012/0115/p139.html> (last visited July 31, 2016). The SLSWB also included a three-question screen asking about the frequency with which the respondents felt happy or hopeful or enjoyed life in the prior week. These three "positive" questions were drawn from the CES-D, a twenty-question depression screen. Ctr. for Substance Abuse Treatment, *Managing Depressive Symptoms in Substance Abuse Clients During Early Recovery*, TREATMENT IMPROVEMENT PROTOCOL SERIES, No. 48 (2008), <http://www.ncbi.nlm.nih.gov/books/NBK64056/>. In the SLSWB, Respondents were asked about the frequency in the past week in which they felt each of the three "positive" feelings. It was scored on a 0,1,2,3 basis, but scored inversely (to highlight those who did not enjoy life, were not happy, or were not hopeful about the future), with a score of 4 or more (out of 9) yielding a positive screen. This "short" version of the CES-D has not been validated, but we wanted to have something that could provide a cross-check with the PHQ-2 responses, without the full set of the CES-D, given concerns that the survey instrument was already long. Using this "positive" screen, 18% of respondents to the SLSWB surveyscreened positive for depression.
74. This data can be found by going to the Healthy Minds website, <http://data.healthymindsnetwork.org>, registering as a guest and then searching the Healthy Minds "All Years Combined" survey dataset and using the drop down boxes to search "Any depression (PHQ-9)" and "degree level". The Healthy Minds Study results were based on responses from over 81,000 undergraduates and over 28,000 graduate students (comprising both graduate and professional students).
75. Across law schools, respondents with a depression diagnosis ranged from 10% to 25%.

the Healthy Minds Study.<sup>76</sup> Notably, one-sixth of those respondents with a diagnosis of depression in the SLSWB had been diagnosed since starting law school.<sup>77</sup>

Both the screening data and the diagnosis data suggest depression may be slightly more prevalent among law students than among graduate students more generally. When compared with undergraduates, however, law student respondents to the SLSWB screened positive for depression with less frequency than undergraduate respondents to the Healthy Minds study, but reported a diagnosis of depression with greater frequency than undergraduate respondents to the Healthy Minds study.

## 2. Anxiety

The survey used the Kessler 6,<sup>78</sup> a six-question screening tool for generalized anxiety. Thirty-seven percent of respondents screened positive for anxiety—23% for mild to moderate anxiety and 14% for severe anxiety (15% for female respondents, 12% for male respondents,<sup>79</sup> a result shown to have statistical significance at  $p < .01$ ). This compares with 21% of undergraduate respondents and 15% of graduate student respondents who screened positive for anxiety in the Healthy Minds Study, of whom 8% of undergraduate respondents and 5% of graduate student respondents screened positive for severe anxiety.<sup>80</sup>

76. These results from the Healthy Minds Study were provided by J.P. DeWitt, Program Manager for the Institute for Social Research at the University of Michigan. These percentages are drawn from a set of over 117,000 undergraduate respondents and over 25,000 graduate student respondents (comprising both graduate and professional students). Email from J.P. DeWitt, Program Manager for the Institute for Social Research at the University of Michigan to Jerome M. Organ, Professor of Law at the University of St. Thomas School of Law (August 28, 2015, 09:17 CDT)(on file with authors).

77. Across law schools, respondents with a depression diagnosis since starting law school ranged from 0% to 43%.

78. The Kessler 6 is a six-question screening tool with a five-point Likert scale, 0-4, scored on a 0-24 scale with moderate anxiety reflected by a score of 8-12 and severe anxiety reflected by a score of 13 or more. For more information about the Kessler 6, please see <http://dhds.cdc.gov/guides/psychdistress>. For comparison purposes, a national study of more than 197,000 people found 9% with mild to moderate anxiety and 4% with severe anxiety using the Kessler 6. See Satvinder S. Dhingra, et al., *Psychological Distress Severity of Adults Reporting Receipt of Treatment for Mental Health Problems in the BRFSS*, 62 PSYCHIATRIC SERVS. 396 (2011).

79. A study examining the threshold of the Kessler 6 found that those who scored in the moderate mental distress range for the Kessler 6 reported some levels of impairment in their lives while those in the severe mental distress range reported “a lot of impairment.” Further, those in the moderate group reported twelve days of impairment, and those in the severe range reported sixty-six days of impairment. See Judith J. Prochaska et al., *Validity Study of the K6 Scale as a Measure of Moderate Mental Distress Based on Mental Health Treatment Need and Utilization*, 21 INT’L J. METHODS PSYCHIATRIC RES. 88 (2012).

80. This data can be found by going to the Healthy Minds website, <http://data.healthymindsnetwork.org>, registering as a guest and then searching the Healthy Minds “All Years Combined” survey dataset and using the drop down boxes to search “Anxiety (GAD-7)” and “degree level” and “Severe anxiety (GAD-7)”. The Healthy Minds Study results were based on responses from over 32,000 undergraduates and over 12,000 graduate

In addition, 21% of respondents in the SLSWB indicated that they had been diagnosed with anxiety at some point in their lives (16% for male respondents and 25% for female respondents,<sup>81</sup> a result shown to have statistical significance at  $p < .001$ ). This compares with 14% of undergraduate respondents and 15% of graduate student respondents in the Healthy Minds Study.<sup>82</sup> Of those in the SLSWB with an anxiety diagnosis, roughly 30% had been diagnosed with anxiety since starting law school.<sup>83</sup>

Both the screening data and the diagnosis data suggest that anxiety may be much more prevalent among law students than among undergraduates or graduate students more generally.

### 3. Eating Disorders

Part of the SLSWB included the SCOFF questionnaire, a five-question screening tool regarding eating disorders, on which two affirmative responses are considered indicative of a behavior symptomatic of an eating disorder.<sup>84</sup> Somewhat surprisingly, 27% of respondents screened positive for an eating disorder (18% of male respondents and 34% of female respondents, a result

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students (comprising both graduate and professional students). The Healthy Minds Study screened for anxiety using the Generalized Anxiety Disorder-7 (GAD-7), a 21-point scale in which any score of 10 or more is viewed as positive for moderate anxiety with a score of 15 or more for severe anxiety. HEALTHY MINDS, 2014-15 HEALTHY MINDS STUDY, *supra* note 44. These results were based on over 32,000 undergraduates and over 12,000 graduate students (comprising both graduate and professional students). *Id.* For a list of the questions on the GAD-7, please see Robert L. Spitzer et al., *A Brief Measure for Assessing Generalized Anxiety Disorder*, 166 INTERNAL MED. 1092 (2006). For a description of the GAD-7, please see Nerys Williams, *The GAD-7 Questionnaire*, 64 Occupational Med. 224 (2014), <http://ocmed.oxfordjournals.org/content/64/3/224.full>.

81. Across law schools, respondents with an anxiety diagnosis ranged from 10% percent to 28%.
82. These results from the Healthy Minds Study were provided by J.P. DeWitt, Program Manager for the Institute for Social Research at the University of Michigan. These percentages are drawn from a set of over 117,000 undergraduate respondents and over 25,000 graduate student respondents (comprising both graduate and professional students). Email from J.P. DeWitt, Program Manager for the Institute for Social Research at the University of Michigan to Jerome M. Organ, Professor of Law at the University of St. Thomas School of Law (August 28, 2015, 09:17 CDT)(on file with authors).
83. Across law schools, respondents with an anxiety diagnosis who received the diagnosis since starting law school ranged from 16% to 57%.
84. The five questions on the SCOFF questionnaire are:  
 S - Do you make yourself Sick because you feel uncomfortably full?  
 C - Do you worry you have lost Control over how much you eat?  
 O - Have you recently lost more than One stone (6.35 kg or 14 lbs.) in a three-month period?  
 F - Do you believe yourself to be Fat when others say you are too thin?  
 F - Would you say Food dominates your life?

A yes answer to two or more questions suggests the need for a more comprehensive screening. See John F. Morgan, et al., *The SCOFF Questionnaire: A New Screening Tool for Eating Disorders*, 172(3) WEST. J. MED. 164-165 (2000); available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1070794>.

shown to have statistical significance at  $p < .001$ ).<sup>85</sup> This compares with 18% of undergraduate respondents and 14% of graduate student respondents in the Healthy Minds Study.<sup>86</sup>

The results of the SCOFF screening appear to contrast with the results from the survey question that specifically asked for a diagnosis of an eating disorder, for which just over 3% of respondents reported a diagnosis (less than 1% of male respondents and just over 5% of female respondents, a result shown to have statistical significance at  $p < .001$ ). This compares with 2% of undergraduate respondents and 3% of graduate student respondents in the Healthy Minds Study.<sup>87</sup> Less than 3% of those with an eating disorder diagnosis in the SLSWB reported receiving their diagnosis since starting law school.

#### 4. Self-Harm

The SLSWB survey asked respondents about whether, in the prior year, they had engaged in self-harm, such as cutting or burning oneself, with 9% of respondents indicating that they had done so. This compares with 18% for undergraduate respondents and 11% for graduate student respondents in the Healthy Minds Study.<sup>88</sup>

#### 5. Suicide

Respondents were asked about the extent to which they had seriously thought about attempting suicide, both in their lifetimes and in the prior twelve months. The survey revealed that 21% of participants reported they had seriously thought about suicide in their lifetime. Six percent had seriously thought about suicide in the prior twelve months, with no meaningful differences between male and female participants. This compares with 9% of undergraduate respondents and 5% of graduate student respondents in the Healthy Minds Survey who reported they had thought seriously about suicide in the prior twelve months.<sup>89</sup> The Centers for Disease Control and Prevention

85. The range across law schools was 19% to 31%.

86. These results from the Healthy Minds Study were provided by J.P. DeWitt, Program Manager for the Institute for Social Research at the University of Michigan. These percentages are drawn from a set of over 41,000 undergraduate respondents and over 8,000 graduate student respondents (comprising both graduate and professional students). Email from J.P. DeWitt, Program Manager for the Institute for Social Research at the University of Michigan to Jerome M. Organ, Professor of Law at the University of St. Thomas School of Law (August 28, 2015, 09:17 CDT)(on file with authors).

87. *Id.*

88. This data can be found by going to the Healthy Minds website, <http://data.healthymindsnetwork.org>, registering as a guest and then searching the Healthy Minds “All Years Combined” survey dataset and using the drop down boxes to search “Non-suicidal self-injury (past year)” and “degree level.” The Healthy Minds Study results were based on responses from over 79,000 undergraduates and over 27,000 graduate students (comprising both graduate and professional students).

89. This data can be found by going to the Healthy Minds website, <http://data.healthymindsnetwork.org/>, registering as a guest and then searching the Healthy Minds

reports that roughly 4% of Americans over age 18 reported suicidal thoughts in the prior year.<sup>90</sup>

#### *D. Help-Seeking Attitudes*

As indicated above, one of the most important aspects of this research involved gathering empirical information for the first time regarding law students' attitudes toward seeking help for substance use or mental health issues. The "help-seeking" results are detailed in the following paragraphs.

##### 1. Seeking Help Individually

The initial set of help-seeking questions concerned the extent to which respondents would be likely to use a health professional, to consult with a dean of students, or to talk to a state Lawyers Assistance Program (LAP) for help with substance use or mental health concerns. Respondents reported that they were more likely to seek help from a health professional, with 81% saying they would be very likely or somewhat likely to seek help from a health professional for an alcohol or drug problem and 79% for a mental health concern. By contrast, only 14% said they would be very likely or somewhat likely to seek help from a dean of students for an alcohol or drug problem and 15% for a mental health concern.<sup>91</sup>

Only 4% of respondents indicated that they actually had ever used a health professional for issues associated with alcohol or drugs, which seems to be a very low percentage relative to the percentages of respondents described above who indicated behavior that might suggest substance use issues.

As for mental health, 42% of respondents indicated that in the prior year they thought they needed help for emotional or mental health problems, with female respondents being much more likely than male respondents to report such a need (50% compared with 31%, a result shown to have statistical significance at  $p < .001$ ). Of these, approximately half reported that they actually received counseling from a health professional, with female respondents reporting getting help with more frequency than male respondents (28% compared with 19%, a result shown to have statistical significance at  $p < .001$ ).

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"All Years Combined" survey dataset and using the drop down boxes to search "suicidal ideation (past year)" and "degree level." The Healthy Minds Study results were based on responses from over 79,000 undergraduates and over 27,000 graduate students (comprising both graduate and professional students).

90. A link to the CDC webpage can be found at <http://www.cdc.gov/violenceprevention/pdf/suicide-datasheet-a.pdf>.

91. We asked about willingness to seek help from state LAPs as well, but inadvertently asked this only with respect to alcohol/drugs, not with respect to mental health. Respondents were more likely to seek help from state LAPs than from deans of students, with 30% indicating a willingness to seek help for alcohol/drugs from a LAP.

## 2. Factors Discouraging Respondents from Seeking Help

The survey also asked respondents about factors that would discourage them from seeing a health professional for substance use issues and separately for mental health concerns. The most common factors are set forth in Help-Seeking Table 1.

**Help-Seeking Table 1 - Factors Discouraging Respondents from Seeking Help**

Factor	Percentage re. Substance Use	Percentage re. Mental Health
Potential threat to bar admission	63%	45%
Potential threat to job or academic status	62%	48%
Social stigma	43%	47%
Concerns about privacy	43%	30%
Financial reasons	41%	47%
The belief that they could handle the problem themselves	39%	36%
Not having the time	36%	34%

Notably, male respondents were much more likely than female respondents to believe that they could handle things themselves with respect to both alcohol/drugs and mental health concerns (51% for male respondents and 30% for female respondents for substance use and 45% for male respondents and 29% for female respondents for mental health concerns, results shown to have statistical significance at  $p < .001$ ). In addition, with respect to mental health, male respondents also had a higher concern about social stigma than female respondents (54% to 41%, a result shown to have statistical significance at  $p < .001$ ).

Perhaps most significantly, with respect to mental health, the percentage of third-year respondents concerned that seeking help would be a potential threat to job or academic status or a potential threat to bar admission was higher than the percentage of first-year respondents for whom these factors were of concern, a result shown to have statistical significance at  $p < .01$ . With respect to alcohol/drug concerns, the percentage of third-year respondents for whom potential threat to bar admission was a concern also was higher than the percentage among first-year respondents, a result shown to have statistical significance at  $p < .05$ . This may suggest that while in law school, students are getting messages indicating that seeking help for mental health concerns or alcohol/drug concerns may be problematic for their academic or professional careers.

Participants were also asked about perceived implications of talking with a dean of students or a state LAP regarding substance use or mental health concerns.



Respondents first were asked if they thought such conversations would be confidential. With respect to substance use, 80% of respondents reported believing a conversation with a state LAP would be confidential, while 58% thought a conversation with a dean of students would be confidential. Similarly, 80% of respondents reported believing a conversation with a state LAP about a mental health concern would be confidential, while 65% thought a conversation of this nature with a dean of students would be confidential.

Respondents separately were asked if they thought such a conversation would delay/prevent admission to the bar. Notably, 54% of participants reported that a conversation with the dean of students about substance use would delay/prevent admission to the bar, while 46% thought that such a conversation with a state LAP would delay/prevent admission to the bar. With respect to conversations about mental health, 42% thought that a conversation with the dean of students about mental health would delay/prevent admission to the bar, while 39% thought that such a conversation with a state LAP would delay/prevent admission to the bar.

Moreover, 49% of all respondents indicated: "If I had a drug or alcohol problem, my chances of getting admitted to the bar are better if the problem is hidden"; 43% of all respondents indicated: "If I had a mental health problem, my chances of getting admitted to the bar are better if the problem is hidden." Male respondents were much more inclined than female respondents to keep a problem hidden (53% compared with 44% for alcohol/drugs, 47% compared with 42% for mental health), results shown to have statistical significance at  $p < .001$  (for alcohol/drugs) and at  $p < .01$  (for mental health).

If one looks at the subgroup of slightly over 300 respondents who reported binge-drinking two or more times in the prior two weeks and indicated five or more problem behaviors associated with alcohol use, the percentages of those believing they are better off keeping the problem hidden increase to 58% (alcohol/drugs) and 56% (mental health), compared with all other respondents (46% (alcohol/drugs) and 41% (mental health)), results shown to have statistical significance at  $p < .01$  (alcohol/drugs) and at  $p < .001$  (mental health). In addition, if one looks at the subgroup of roughly 200 respondents who reported three or more of five issues of concern (two or more incidents of binge-drinking, use of street drugs, use of prescription drugs without a prescription, positive screening for depression and/or positive screening for severe anxiety), the percentages of those believing they are better off keeping the problem hidden increase to 72% (alcohol/drugs) and 62% (mental health), compared with all other respondents (47% (alcohol/drugs) and 42% (mental health)), results shown to have statistical significance at  $p < .001$  (alcohol/drugs) and at  $p < .001$  (mental health). Thus, those who might benefit most from getting help appear to be among those least inclined to seek help.

### 3. Encouraging Others to Seek Help or Taking Steps to Inform Appropriate Parties About Concerns About Other Students

The SLSWB also asked about the extent to which respondents would be likely to encourage a student to seek help if the respondents believed the student had an alcohol or drug problem or a mental health problem “that was sufficient to significantly impair his or her ability to fulfill his or her responsibilities as a student.”

Over three-quarters of respondents reported they were somewhat likely or very likely to encourage the student to seek help from a campus counseling center for alcohol/drug use (76%) or for mental health concerns (77%). Roughly half of respondents reported they were somewhat likely or very likely to encourage the student to seek help from a state LAP for alcohol/drug use (50%) or for mental health concerns (49%). Roughly one-third of respondents reported they were somewhat likely or very likely to encourage the student to seek help from a dean of students for alcohol/drug use (33%) or for mental health concerns (36%). Approximately one-third of participants reported they were somewhat likely or very likely to do nothing for a student they felt had a substance use or mental health problem.<sup>92</sup>

Female respondents were more likely than male respondents to report that they would encourage the student to seek help from campus counseling (82% (alcohol/drugs) and 83% (mental health) for female respondents and 70% (alcohol/drugs) and 68% (mental health) for male respondents), results shown to have statistical significance at  $p < .001$ . Correspondingly, male respondents were more likely than female respondents to report that they would do nothing (40% (alcohol/drugs) and 42% (mental health) for male respondents and 28% (alcohol/drugs) and 31% (mental health) for female respondents), results shown to have statistical significance at  $p < .001$  with respect to both alcohol/drugs and mental health.

Perhaps most significantly, respondents who were first-year students were more likely than respondents who were third-year students to report that they would encourage the student to seek help from campus counseling (79% (1Ls) to 75% (3Ls) (alcohol/drugs) and 80% (1Ls) to 74% (3Ls) (mental health)), results shown to have statistical significance at  $p < .05$  (alcohol/drugs) and at  $p < .01$  (mental health). Correspondingly, respondents who were third-year students were more likely than respondents who were first-year students to report that they would do nothing (36% (3Ls) to 30% (1Ls) (alcohol/drugs) and 38% (3Ls) to 33% (1Ls) (mental health)), results shown to have statistical significance at  $p < .05$  with respect to both alcohol/drugs and mental health.

If the student whom the SLSWB respondent thought had an alcohol or drug problem or a mental health problem that was sufficient to significantly impair his or her ability to fulfill his or her responsibilities as a student did

92. The percentages somewhat likely or very likely to do nothing were 33% for substance use and 36% for mental health. The respondents were encouraged to answer all subquestions on a 4-point scale from very unlikely to very likely, which is why the sum of responses exceeds 100%.

not seek help following the respondent's encouragement to do so, the vast majority of respondents reported being somewhat likely or very likely to do nothing (63% for alcohol/drugs, 55% for mental health), while much smaller percentages reported being somewhat likely or very likely to inform a campus counseling center (23% for alcohol/drugs, 31% for mental health), a dean of students (17% for alcohol/drugs, 20% for mental health), or a state LAP (12% for alcohol/drugs, 15% for mental health).<sup>93</sup>

Female respondents indicated a greater willingness than male respondents to inform campus counseling of their concerns about another student (26% (alcohol/drugs) and 34% (mental health) for female respondents and 19% (alcohol/drugs) and 25% (mental health) for male respondents), results shown to have statistical significance at  $p < .001$  for both alcohol/drugs and mental health. Correspondingly male respondents reported being more likely than female respondents to do nothing (67% (alcohol/drugs) and 60% (mental health) for male respondents and 59% (alcohol/drugs) and 51% (mental health) for female respondents), results shown to have statistical significance at  $p < .001$  with respect to both alcohol/drugs and mental health.

Perhaps most significantly, once again, respondents who were first-year students reported being more likely than respondents who were third-year students to inform campus counseling (29% (1Ls) to 19% (3Ls) (alcohol/drugs) and 35% (1Ls) to 26% (3Ls) (mental health)), results shown to have statistical significance at  $p < .001$  for both alcohol/drugs and mental health. Correspondingly respondents who were third-year students reported being more likely than respondents who were first-year students to do nothing (66% (3Ls) to 59% (1Ls) (alcohol/drugs) and 59% (3Ls) to 52% (1Ls) (mental health)), results shown to have statistical significance at  $p < .01$  with respect to both alcohol/drugs and mental health.

#### 4. Factors Discouraging Respondents from Informing Appropriate Parties About Concerns About Other Students

Respondents were asked to indicate reasons why they would be discouraged from informing a campus counseling center, a dean of students or a state LAP about concerns for a fellow student. The top four reasons were the following: potential threat to job or academic status (60% for alcohol/drugs, 53% for mental health), potential threat to bar admission (57% alcohol/drugs, 48% mental health) (both higher among third-years than first-years), social stigma (54% alcohol/drugs, 53% mental health), and don't want to get involved (53% alcohol/drugs, 54% mental health).

#### *E. Summary of Survey Data*

In summary, the results of the SLSWB should be a wakeup call to law schools and those involved with legal education and admission to the legal profession. The current culture of law school at many law schools appears to

93. Once again, the respondents were encouraged to answer all subquestions on a 4-point scale from very unlikely to very likely, which is why the sum of responses exceeds 100%.

foster a variety of challenges for students navigating their way into the legal profession:

1) Alcohol use should be seen as a concern. Law students appear to be drinking more now than they were twenty years ago. Nearly one-quarter of respondents reported binge-drinking two or more times in the prior two weeks and one-quarter of respondents screened positive on the CAGE assessment, which suggests further screening for alcoholism is appropriate.

2) Illegal use of street drugs and prescription drugs is fairly common, with nearly one-third of respondents (32%) having used marijuana or cocaine or used prescription drugs without a prescription in the prior year.

3) Over one-third of respondents screened positive for moderate or severe anxiety (much higher than comparable populations), and roughly one-sixth screened positive for depression (somewhat similar to comparable populations).

4) Of the one-fifth to one-sixth of respondents with a diagnosis of anxiety or depression, many received their diagnosis after beginning law school.

5) Even though many respondents indicate that they would benefit from help for substance use issues or for mental health concerns, significant majorities of those most in need of help are unlikely to seek help, for a variety of reasons.

The remainder of this article focuses on what law school administrators and other relevant leaders within the legal academy and legal profession can do to discourage misuse of alcohol and drugs among law students and to promote improved mental health among law students, especially in terms of encouraging those students who would benefit from help to seek help so that they are better-positioned to find success as law students and to serve their clients well as lawyers.

### **Section V: Discussion**

It is clear that more than twenty years after the AALS Survey on substance use among law students, the substance use and mental health issues facing law students have not decreased. Although the AALS Report included numerous recommendations<sup>94</sup> to improve the situation for law students, the data reported

94. In its Executive Summary, the Committee set forth the following specific recommendations for law school substance abuse programs for students.
1. Even if its affiliated university has a substance abuse policy, a law school should promulgate its own supplementary written policy.
  2. The law school should designate at least one person as substance abuse coordinator and highly publicize that designation.
  3. The law school should institute an education program about the consequences and treatment of substance abuse. If resources permit, the school should seriously consider implementing a general wellness program.
  4. The law school should be prepared to intervene early to assist students with substance abuse problems.
  5. Following intervention, a medical evaluation should be completed and the student should be advised regarding appropriate counseling and treatment.
  6. The law school should consider adopting an alcohol policy.

here from the Survey of Law Student Well-Being (SLSWB) suggest that law schools and officials tasked with assisting law students may have failed to implement these recommendations effectively or that these recommendations have not been sufficient to address the challenges facing law students.

This section begins by discussing what various stakeholders can do to help law students dealing with substance use or mental health issues. The section concludes with a call for collective action to change the culture of legal education and the legal profession so that those in need of help find an environment in which they are encouraged to seek help.

#### *A. Suggestions for Various Stakeholders*

Law school faculty, staff and administrators bear responsibility for the development of the law students at their law school. Although the degree of that responsibility may be subject to debate, and may vary from student to student, law schools cannot expect students to grow intellectually and professionally when they are experiencing significant mental and emotional challenges. The transition for many of our students from college to law school, which includes learning the new language of the law, dealing with anxieties about their future beyond graduation, and managing the debt many take on to finance their legal education, creates stressors for which many are unprepared. If these stressors do not have an outlet, or if students do not have access to resources to help address these stressors, students are left on their own to understand (or not) why they are no longer thinking clearly and feeling healthy, why they are giving way to medications, legal or illicit, and why they have departed from

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7. Whatever disciplinary sanctions the law school adopts for substance abuse should be consistent with a disease model emphasizing counseling and treatment.

8. The law school should highly publicize its substance abuse programs to students, faculty, and staff.

9. The law school should review the Americans with Disabilities Act (ADA) to ensure that the school's policies and practices comply with the requirements of the Act.

10. The law school should consider coordinating its internal substance abuse program with relevant lawyer assistance programs.

11. The law school should endeavor to persuade the relevant state bar admission authority to agree that:

(1). The authorities will maintain the general confidentiality of substance abuse information divulged to them;

(2) Any inquiries that bar admission authorities make concerning applicant's history of substance abuse or treatment for substance abuse will be limited to reasonably recent events; and

(3) Otherwise qualified applicants who are recovering from substance abuse will be admitted to practice.

12. At the national level, the Association of American Law Schools should cooperate with the American Bar Association Section of Legal Education and Admissions to the Bar and with the National Conference of Bar Examiners to urge bar admission authorities to provide assurances that otherwise qualified applicants who are recovering from substance abuse will not be denied admission to practice.

13. A law school should inform its students of the substance abuse policies of the jurisdictions where its graduates most frequently apply.

AALS REPORT, *supra* note 2, at vi-vii.

their intended course when first matriculating to law school. The stakeholders referenced hereinafter must take advantage of the many opportunities to help the students with whom they come in contact.<sup>95</sup>

### I. Admissions

Law school admission committees have the first look at the backgrounds and profiles of an entering class. To comply with relevant questions on a law school's application, a number of applicants will disclose prior issues involving substance use or mental health or may disclose conduct that suggests concern about a future student's wellness.<sup>96</sup> In most instances, the conduct will not prevent the student from being admitted.<sup>97</sup> However, the issues reported should not be ignored; if left entirely unaddressed, the behaviors have an increased chance of resurfacing during law school when any number of new stressors can serve as triggers or catalyze a relapse to former behavior. Admissions officials are in an ideal position to provide resources to the student, to refer the student to the dean of students, or to provide the dean of students a list of names for outreach post-matriculation.

A well-informed dean of students can in turn have a meaningful and constructive conversation with a potentially at-risk student. First, the dean of students should commend the student for having provided the information and assure the student that s/he has the ability to demonstrate to the bar that s/he is fit to practice law. Second, by informing the student in a caring way of the availability of resources and how to access them, and by sharing that the dean of students is one among several resources available should the student

95. Portions of the following section are adapted from AM. BAR ASS'N, SUBSTANCE ABUSE AND MENTAL HEALTH TOOLKIT FOR LAW STUDENTS AND THOSE WHO CARE ABOUT THEM, [http://www.americanbar.org/content/dam/aba/administrative/lawyer\\_assistance/ls\\_colap\\_mental\\_health\\_toolkit\\_new.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/ls_colap_mental_health_toolkit_new.authcheckdam.pdf) (last visited on July 31, 2015).
96. Law school applications generally have character and fitness questions that are similar to, but generally not as detailed as, state bar character and fitness questions. The Law School Admission Council Standards discusses the responsibility of law school applicants to provide accurate information to law schools in the admissions process. *Applying to Law School: Misconduct and Irregularities*, LAW SCH. ADMISSIONS COUNCIL, <http://www.lsac.org/jd/applying-to-law-school/overview/misconduct-and-irregularities> (last visited July 23, 2016). In addition, Standard 504 of the ABA Standards and Rules of Procedure for Approval of Law Schools sets forth the obligation law schools have to inform students of the character and fitness questions that will be asked by state boards of law examiners. See *Standard 504*, AM. BAR ASS'N, ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 33-34 (2015-2016), [http://www.americanbar.org/content/dam/aba/publications/misc/legal\\_education/Standards/2015\\_2016\\_aba\\_standards\\_for\\_approval\\_of\\_law\\_schools\\_final.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2015_2016_aba_standards_for_approval_of_law_schools_final.authcheckdam.pdf) [hereinafter ABA, STANDARDS].
97. See, e.g., Susan Fortney, *Law Students Admissions and Ethics—Rethinking Character and Fitness Inquiries*, 45 S. TEX. L. REV. 983, 988 (2004) (stating that even for initial nondisclosures later amended, admission is typically not revoked). See also, Patricia A. Sexton, *When Character and Fitness Disclosures Collide: The Dilemma of Inconsistent Law School and Bar Admission Applications*, 21 PROF. LAW 1 (2012).

ever need assistance,<sup>98</sup> a dean of students will allow the entering student to feel good about the steps already taken, and to appreciate the support offered by the law school. Furthermore, as the student begins to settle in, should further situations arise, the student knows that s/he can and should access support through the law school. A significant note of caution here: Students with challenges in their background are potentially more sensitive to their surroundings and to the perception others have of them; a dean of students needs to carefully evaluate whether his or her approach is viewed as supportive and nonjudgmental. Even a kind offer of assistance may not always be welcome. It should always be clear that conversations with a student about his or her past or current substance use or mental health issues are voluntary.

**ACTION:** Admissions offices can carefully use relevant application information in a caring, productive way.

## 2. Administration

The dean of students or the student services administrator performing the functions of that position (hereinafter “dean of students”) plays a crucial role in raising awareness of law student wellness issues and in helping students to cope effectively with the stressors of law school. These officials are in a position to strategize how best to support awareness of the issues addressed. At the same time, the results of this survey show that no more than 15% of students would seek assistance from a dean of students for alcohol/drugs or mental health issues.<sup>99</sup> Consequently, changes must be made to raise the comfort level for a student to seek the assistance of a dean of students. In addition, efforts should be made to develop prominently displayed and publicized alternative sources of information. A dean of students must ensure that the appropriate contact points, as set forth below, are in place.

### *a. Orientation*

First-year orientation is one of the most important times to address law student wellness issues. Entering students are eager to absorb early on how they can succeed in law school. The dean of students should ensure that each first-year orientation includes a presentation on each or all the following topics: coping effectively with stress and anxiety, the incidence and prevalence of substance use and depression/anxiety in law school and the legal profession, the character-and-fitness bar application questions as related to substance use and mental health, and an overview of the mental health services available through the law school, the university, and the local LAP.

To further underscore the relevance of the issues, particularly if wellness is not raised during orientation, a professor in each first-year section can set aside

98. See, e.g., Lawrence Krieger, *Institutional Denial About the Dark Side of Law School, and Fresh Empirical Guidance for Constructively Breaking the Silence*, 52 J. LEGAL EDUC. 112 (2002) (suggesting also that faculty consider how they approach their teaching and curriculum in preventing student issues from arising).

99. See *infra* note 106 and accompanying text.

time for discussion of these topics during an early or relevant portion of the semester; for faculty who hold a midterm exam, for example, the lead-up to the exam may prove a good time to raise these issues.

*b. Wellness Policy or Statement*

A law school that relies solely on its undergraduate institution for a substance use and/or mental health policy might consider whether that policy serves the particular needs of the law school population. Law students are usually of legal drinking age, which is one reason for a different policy. Law students will want assurances that disclosure of substance use or mental health issues to a dean of students will not result in negative academic consequences, and that disclosure will not be an impediment to bar admission. Although deans of students are not in a position to guarantee bar admission, a policy or statement can debunk myths and explain the process, emphasize that receiving help for an issue will improve a student's position both in the short and long term, and reemphasize available resources, and the level of confidentiality the resource offers.

A dean of students can develop a wellness statement or policy by identifying and involving the groups or individuals<sup>100</sup> necessary for support of the statement. At a minimum, the statement should affirm support for students, identify potential issues that may arise, and emphasize available resources. Working from the inside out enhances the likelihood of buy-in from the student community. Focus groups may provide a student perspective on how a statement will be most effective; at the same time, faculty and staff should be aware and supportive of any reporting obligations of matters brought to their attention. In the end, the goal of a policy or a statement should be to encourage help-seeking behavior by being affirming rather than punitive.<sup>101</sup>

*c. Publicity of Available Resources*

Law schools' websites are often aimed at an external audience and consequently do not serve as a primary resource for current students. However, a law school should consider the many prospective students—particularly those who have had prior substance use or mental health issues and/or are addressing such challenges at present—who seek law schools that embrace a welcoming and healthy atmosphere. For example, the results of an online search of law schools using “substance use” or “mental health” do not include a number of law schools with recognized wellness programs. Accordingly, administrators may want to consider the interrelationship among substance use, mental health, and wellness both when developing their programs and when publicizing them

100. The student governing board, journals if their membership encompasses a strong percentage of the student population, the Honor Code or Code of Conduct prosecutor, and the student organization championing wellness all have a stake in developing a positive statement.

101. Schools may wish to consider, for example, *Supporting Students: A Model Policy for Colleges and Universities*, JUDGE DAVID L. BAZELON CTR. FOR MENTAL HEALTH L., <http://www.bazelon.org/LinkClick.aspx?fileticket=2sA8atOxLT0%3d&tabid=225> (last updated May 15, 2007).



internally and externally. Active publicity of wellness resources normalizes the process for seeking assistance and taking care of oneself, while ensuring the accessibility of those resources. The stigma associated with these issues, the apprehension about character-and-fitness questions, the culture of law school—suggesting to some students that “being tough” is the only way to see it through—can result in a fear of seeking assistance. The Yale Law School reported that “students overwhelmingly feared exclusion and stigma from a variety of sources, including state bar associations, faculty, administrators, and peers.”<sup>102</sup> Making wellness a priority can help counteract these fears. Given the SLSWB results indicating law students’ reluctance to seek out a dean of students, the need for alternative resources is great.<sup>103</sup>

A law school should provide on-campus and off-campus alternative resources. Administrators want to ensure that resources are confidential and that they are publicized on a regular basis, particularly in advance of and during peak stress times. A dean of students should coordinate regular meetings with the law school dean, the local Board of Law Examiners, and the state LAP to develop a concerted approach to wellness. Working with the state bar sends the message that the matters are real-world and need to be addressed while in school. Ideally, a full-time law school mental health counselor would be available to address issues when they arise. Having a counselor available at the law school may help to destigmatize the act of seeking help, while bringing this resource closer to students may increase the likelihood that a student will seek immediate assistance.<sup>104</sup> Some deans of students have cited “losing” their students between a conversation with them and the anticipated follow-up at the university counseling center. On the other hand, if concerns about stigma make it less useful to have a counselor in the law school, it may be fruitful to have a counselor available near the law school. If financial resources present an issue, the law school should consider a partnership with the local LAP to include a counselor at the law school on a regular basis.<sup>105</sup>

**ACTION:** A dean of students must ensure that affirmative messages to support students are readily available at orientation, through statements and policy, and on the school’s website and social media platforms.

102. AGATSTEIN ET AL. FALLING THROUGH THE CRACKS, *supra* note 6, at 3. *See also supra* notes 19-20 and accompanying text.

103. *See infra* note 106 and accompanying text.

104. *See Personal Counseling*, GEO. L., <https://www.law.georgetown.edu/campus-life/advising-counseling/personal-counseling/> (last visited July 31, 2016).

105. Texas was able to implement such a project through its Lawyers Concerned for Lawyers group. *Texas Lawyers’ Assistance*, STATE BAR TEX. <https://www.texasbar.com/Content/NavigationMenu/ForLawyers/TexasLawyersAssistanceProgram/SheeranCrowleyMemorialTrust/default.htm> (last visited July 31, 2016).

### 3. Faculty

The SLSWB shows that students with the most significant challenges to wellness are often the least likely to seek help.<sup>106</sup> Although many students will only rarely see the dean of students, every student interacts with faculty. Students look up to faculty, and meet with them regularly for academic and career development support. Faculty, if properly educated and willing to play this role, can spot potential issues before they become a crisis. It is critical that faculty be trained to recognize the signs and risk factors associated with common mental health and substance use issues, and to respond appropriately to a student in need.<sup>107</sup> A number of faculty around the country have set examples by addressing wellness issues, as well as sharing their personal experiences.<sup>108</sup> The following are areas in which faculty can assist in promoting wellness.

#### a. Class Attendance

A range of law school attendance policies exist around the country, as the American Bar Association Section of Legal Education and Admissions to the Bar has taken a largely hands-off approach to this law school practice.<sup>109</sup> At the

106. See *supra* sec. IV (D)(2).

107. See Danna Ethan & Erica J. Seidel, *On the Frontlines of Student Crisis: Urban Community College Professors' Experiences and Perceived Role in Handling Students in Distress*, 31 COLL. STUD. AFFS. J., 15 (2013).

108. For example, Brian Clarke at Charlotte Law blogged quite personally about his depression and also authored *Coming Out in the Classroom: Law Professors, Law Students, and Depression*, 64 J. LEGAL EDUC. 403 (2015). See Brian Clarke, *Law Professors, Law Students and Depression ... A Story of Coming Out (Part 1)*, FACULTY LOUNGE (Mar. 31, 2014, 7:00 AM); Brian Clark, *Law Professors, Law Students and Depression ... A Story of Coming Out (Part 2)*, FACULTY LOUNGE (Apr. 2, 2014, 7:30 AM), <http://www.thefacultyounge.org/2014/04/in-part-i-of-this-little-series-i-laid-out-some-of-the-statistics-regarding-the-scope-of-the-problem-of-depression-and-anxie.html>; Brian Clark, *Law Professors, Law Students and Depression ... A Story of Coming Out (Part 3)*, FACULTY LOUNGE (Apr. 7, 2014, 10:05 AM), <http://www.thefacultyounge.org/2014/04/the-coming-out-trilogy-part-3.html>. In addition, there are articles or blogs by others, such as Elyn Saks, who published *THE CENTER CANNOT HOLD: MY JOURNEY THROUGH MADNESS* (2008), about her challenges with schizophrenia and acute psychosis. See also Lisa McElroy, *Worrying Enormously About Small Things*, SLATE (July 18, 2013, 8:16 AM), [http://www.slate.com/articles/health\\_and\\_science/medical\\_examiner/2013/07/living\\_with\\_anxiety\\_and\\_panic\\_attacks\\_academia\\_needs\\_to\\_accommodate\\_mental.html](http://www.slate.com/articles/health_and_science/medical_examiner/2013/07/living_with_anxiety_and_panic_attacks_academia_needs_to_accommodate_mental.html); Marjorie Silver, who talks with students at Touro Law Center about her depression. Marjorie A. Silver, *Commitment and Responsibility: Modeling and Teaching Professionalism Pervasively*, 14 WIDENER L.J. 329 (2005). See also James Jones, *Walking the Tightrope of Bipolar Disorder: The Secret Life of a Law Professor*, 57 J. LEGAL EDUC. 349 (2008). Some professors are working on helping students manage stress and maintain mental health through mindfulness. See, e.g., Scott Rogers, Lecturer in Law and Director of the Mindfulness in Law Program. *Mindfulness in Law Program*, MIAMI L., <http://www.miamimindfulness.org/Program/jurisight/index.html> (last visited July 31, 2016).

109. Accreditation standards previously required each law school to have an attendance policy. ("A law school shall require regular and punctual class attendance."). *Standard 304(d)*, Am. Bar Ass'n, ABA Standards and Rules of Procedure for Approval of Law Schools 2013-2014, at 24, [http://www.americanbar.org/content/dam/aba/publications/misc/legal\\_education/Standards/2013\\_2014\\_final\\_aba\\_standards\\_and\\_rules\\_of\\_procedure\\_for\\_approval\\_](http://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2013_2014_final_aba_standards_and_rules_of_procedure_for_approval_)

same time, any counselor or expert who has worked with a student in crisis will attest that class absences are less likely a result of apathy than of a student nearing or in crisis.<sup>110</sup> Further, students care not only about missing class but also about what their faculty think.<sup>111</sup> Some faculty wish not to be directly involved with student absences, owing to feeling ill-equipped, or otherwise not wanting to be pulled into a student's personal life, or out of concern that classroom dynamics may change if a student feels singled out. One law school's student affairs office has responded to this challenge by conducting random "check-in"-style student outreach, asking students to come in for brief conversations. This outreach method allows for a student about whom a concern has been raised to be folded quietly into the outreach.<sup>112</sup> Another school has established a procedure whereby anyone concerned about a student can send an email containing only the student's name; trained law school officials then check in with one another and investigate further to determine if a meeting with the student is warranted.<sup>113</sup> A third law school has established an online protocol for a student to self-report absences in advance; this teaches the students the professional practice of providing advance notice, and also enables the dean of students to follow up as appropriate when medical or other personal problems are noted.<sup>114</sup>

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of\_law\_schools\_body.authcheckdam.pdf. At its annual meeting in 2015, the ABA, over objection, voted to adopt what some perceive to be a softer standard *Standard 308(a)*, ABA, STANDARDS, *supra* note 114, at 20. ("A law school shall adopt, publish, and adhere to sound academic standards, including those for regular class attendance, good standing, academic integrity, graduation, and dismissal."). For comment on the proposal, see [http://americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/council\\_reports\\_and\\_resolutions/20150320\\_notice\\_comment\\_march\\_2015.authcheckdam.pdf](http://americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/20150320_notice_comment_march_2015.authcheckdam.pdf).

110. See BRUCE S. SHARKIN, *COLLEGE STUDENTS IN DISTRESS: A RESOURCE GUIDE FOR FACULTY, STAFF, AND CAMPUS COMMUNITY* 10 (2006).
111. Kent Syverud, *Taking Students Seriously: A Guide for New Law Teachers*, 43 J. LEGAL EDUC. 247, 251 (1993).
112. The "check-in" style is currently practiced at American University Washington College of Law.
113. The "Safety Net" Program at Georgetown has this feature. E-mail from David Jaffe, Assoc. Dean., American University Washington College of Law, to Mitchell C. Bailin, Assoc. V. Pres. and Dean of Students, Georgetown University Law Center (June 23, 2015, 13:46 EDT) (on file with author).
114. *Dean of Students: Absence Notification*, U. MIAMI SCH. L., described at <http://www.law.miami.edu/students/dean-of-students> (last visited July 31, 2016). It should be noted that some mental health crises do not lend themselves to giving advance notice. In such a case, it might be a reasonable accommodation of disability to excuse a student's attendance for the period in which he or she was managing symptoms and/or seeking care.

*b. Recognizing a Student Potentially in Crisis and Referring the Student for Help*

A faculty member should anticipate having conversations with students expressing concerns<sup>115</sup> and can learn and implement skills essential for facilitating conversations in which a student may be seeking assistance. Among these skills are nodding while the student is speaking, maintaining eye contact to demonstrate active listening, and reflecting the student's feelings or paraphrasing what the student is saying.<sup>116</sup> It is important to remember both content and feeling when students are speaking. Details are important so the student knows the faculty member is listening and has accurately heard the story. Hearing a student's feelings and then reflecting them back builds rapport and helps a student feel he or she really is being understood. Asking open-ended questions is also helpful: "Tell me how you feel about your law school experience" will yield a more helpful response than "Do you like law school?" Being comfortable with silence also helps, as it allows a student to gather thoughts and think about them more deeply before speaking; it also prevents the faculty member from attempting to rush a solution, as the student will develop more insight and mastery if encouraged to find preliminary answers solutions on his/her own. Finally, encouraging a student through unconditional positive regard and rewarding positive behavior will be more helpful than blaming or shaming the student (i.e., by using phrases such as "you should have . . ." or "why didn't you . . .?"). It can be very helpful to be affirming. For example, when a student has refrained from turning to alcohol for stress relief one can acknowledge that choice: "Instead of drinking, you dealt with the situation in a healthy manner and continued to communicate your feelings."

**ACTION:** Faculty should establish and follow sound attendance policies in coordination with their dean of students, and be prepared to assist students who approach them by being active listeners. Law schools should require regular trainings for faculty on recognizing symptoms of mental health issues and warning signs of suicide.<sup>117</sup>

115. A research document from the Higher Education Research Institute at UCLA states that 38% of students believed that there was a very good chance that they would be communicating with their professors. HIGHER RES. INST., *THE AMERICAN FRESHMAN: NATIONAL NORMS FALL 2010* (2011), [http://www.heri.ucla.edu/PDFs/pubs/briefs/HERI\\_ResearchBrief\\_Norms2010.pdf](http://www.heri.ucla.edu/PDFs/pubs/briefs/HERI_ResearchBrief_Norms2010.pdf).
116. Examples might be: "That sounds very frustrating; this must be very hard for you" or "So you became angry with the situation and went out drinking to calm yourself down."
117. Often campus counseling centers can provide this training; other options include: KOGNITO, <HTTPS://WWW.KOGNITO.COM/> (last visited July 31, 2016); QPR INST., <HTTPS://WWW.QPRINSTITUTE.COM/> (last visited July 31, 2016). QPR focuses on suicide prevention. It stands for Question, Persuade, Refer. *See also* ASIST, <https://www.livingworks.net/programs/assist/>; The Dave Nee Foundation can provide training and/or can share the best-practices registry for this type of training. DAVE NEE FOUND., <HTTP://WWW.DAVENEFOUNDATION.ORG/> (last visited July 30, 2016).

## 4. State Bar/Board of Bar Examiners

The SLSWB confirms that one of the most significant obstacles to seeing a health professional for alcohol or drug or mental health issues is a fear of not being admitted to the bar, owing to the character-and-fitness component of bar applications.<sup>118</sup> The United States Department of Justice (DOJ) recently concluded an investigation into the mental health inquiries on Louisiana's character-and-fitness examination. The Department determined that questions about bar applicants' mental health status violated the Americans with Disabilities Act because "[i]nquiring about applicants' medical conditions substitutes inappropriate questions about an applicant's status as a person with a disability for legitimate questions about an applicant's conduct."<sup>119</sup>

As a result, Louisiana and other states subsequently changed their questions,<sup>120</sup> and the National Conference of Bar Examiners (NCBE), the body that provides questions for several jurisdictions, recommended the same changes in the jurisdictions to which it supplied the questions.<sup>121</sup> At about the same time, DOJ expressed similar concerns in response to an inquiry from the Vermont Human Rights Commission.<sup>122</sup> An investigation also has commenced in Florida, a jurisdiction that does not rely on the NCBE for character-and-fitness questions.<sup>123</sup> In August 2015, the American Bar Association passed a resolution urging state bar licensing bodies to "to eliminate from applications required for admission to the bar any questions that ask about mental health history, diagnoses, or treatment and instead use questions that focus on conduct or behavior that impairs an applicant's ability to practice law in a competent, ethical, and professional manner."<sup>124</sup> It remains to be seen how quickly state-licensing authorities will take responsive action. We have seen

118. See *supra* Section IV, D, 2. Jennifer Jolly-Ryan also has written about these concerns in her recent article *The Last Taboo: Breaking Law Students with Mental Illnesses and Disabilities Out of the Stigma Straitjacket*, 79 UMKC L. Rev. 123 (2014) [hereinafter Jolly-Ryan, *The Last Taboo*].
119. See Letter from U.S. Department of Justice to Louisiana Supreme Court, Feb. 5, 2014, at 19 (available at <https://www.ada.gov/louisiana-bar-lof.pdf>); see also Alyssa Dragnich, *Have You Ever . . . ? How State Bar Association Inquiries into Mental Health Violate the Americans with Disabilities Act*, 80 BKLYN L. REV. 677 (2015) [hereinafter Dragnich, *Have You Ever*].
120. Settlement Agreement Between the United States of America and The Louisiana Supreme Court Under the Americans with Disabilities Act (Aug. 13, 2014), [http://www.ada.gov/louisiana-supreme-court\\_sa.htm](http://www.ada.gov/louisiana-supreme-court_sa.htm).
121. See Memorandum from Erica Moeser, Pres., Nat'l Conf. of Bar Examiners, to Bar Admission Administrators (Feb. 24, 2014) (on file with authors).
122. See Letter from U.S. Department of Justice to Vermont Human Rights Commission, January 21, 2014, *supra* note 119 (the Letter to Vermont follows immediately after the Letter to Louisiana starting on page 36).
123. See Letter from U.S. Dep't of Justice, Civil Rights Div., to Chief Justice Jorge Labarga, Fla. Supreme Court (Dec. 10, 2014) (on file with authors).
124. AM. BAR ASS'N, RESOLUTION (REVISED 102) (2015) <http://www.americanbar.org/content/dam/aba/images/abanews/2015annualresolutions/102.pdf>.

already that the Georgia State Bar does not plan to adjust the questions despite the resolution.<sup>125</sup>

A level of distrust or lack of understanding may also be present. State boards of law examiners may feel that law schools have not taken seriously enough character-and-fitness issues when admitting students to law school or when certifying students to sit for the bar upon graduation. Law school administrators, in turn, may fear that providing adverse student information will result in a student's not being admitted to the bar, or may fear that litigation will ensue over the type of information provided. Ideally, these two bodies could agree on a set of mutually satisfying parameters and allow students to seek the assistance they need while in law school.<sup>126</sup>

With these concerns in mind, it is imperative that the parties invested in the health of the country's future lawyers—from the Department of Justice to state supreme courts to the National Conference of Bar Examiners—work together to eliminate discriminatory character-and-fitness questions, while simultaneously strengthening and spreading the message that seeking help while in law school is appropriate, necessary, and acceptable.

**ACTION:** The process for each state character-and-fitness application should be transparent and nondiscriminatory. Law schools and state bar examiners should be in regular and open dialogue about these issues. A universal message to the students that getting help now generally will not delay the bar admission process should be clearly articulated. At a minimum, bar officials should meet with all law students in their jurisdiction, standing side by side with the law school's dean of students and/or LAP designee to communicate that getting assistance while in law school can only enhance their position for being admitted to the bar.

### *B. Call for Collective Action*

This survey should be a call to action for law school faculty, staff and administrators, for the ABA and state LAPs and for the NCBE and state

125. See Alyson Palmer, *Georgia Doesn't Plan Changes in Wake of ABA Push Against Mental Health Inquiries on Bar Applications*, DAILY REP. (Aug. 18, 2015), <http://www.dailyreportonline.com/id=1202735065671/Georgia-Doesnt-Plan-Changes-in-Wake-of-ABA-Push-Against-Mental-Health-Inquiries-on-Bar-Applications?sIreturn=20150803100338>.

126. It is worth noting here that research suggests little correlation between those flagged for character-and-fitness issues during the bar admission process and later misconduct as a practicing attorney. See Dragnich, *Have You Ever*, *supra* note 119 at 721-22 (citing Leslie C. Levin, et al., *A Study of the Relationship Between Bar Admissions Data and Subsequent Lawyer Discipline*, 13 LAW SCH. ADMISSIONS COUNCIL GRANTS REPORT SERIES 1 (2013), [http://www.lisac.org/docs/default-source/research-\(lsac-resources\)/gr-13-01.pdf](http://www.lisac.org/docs/default-source/research-(lsac-resources)/gr-13-01.pdf)). Also of note, relatively few bar applications that include a mental health issue result in denial of admission. Dragnich, *Have You Ever*, *supra* note 119, at 728. Taken together, one may wonder whether (invasive) character-and-fitness questions are serving their stated purpose and intent.

boards of law examiners.<sup>127</sup> Incremental efforts by a handful of people at a handful of law schools will not solve this problem—it is a problem that requires a coordinated and sustained effort by a variety of stakeholders. A number of academics have highlighted these concerns over the past three decades, and the AALS Special Report focused on the substance use concerns as of the early 1990s. But despite the efforts of many individuals to bring attention to these concerns and despite the concerted effort of the AALS Special Committee in the early 1990s, little progress has been made on these issues.

Law schools and state LAPs and boards of law examiners need to explore best practices and develop empirically supported solutions. Research needs to center on suicide,<sup>128</sup> on faculty attitudes and beliefs about law students' wellness (it is possible that law school faculty themselves affect the wellness of our law students; do faculty members contribute to the stigma or do they help to destigmatize?), and on the efficacy of suggested best practices (guidance on best practices; effectiveness of various interventions; assessment of the law school with the "healthiest" law students and how it became that way, or whether the law school influenced them, etc.). Legal education also can look to other professional educational contexts for possible insights.<sup>129</sup>

This coordinated and sustained effort will require communication and data. Some entities that don't always trust one another or talk to one another—such as law schools and boards of law examiners—need to be in direct communication. Some experimental efforts need to be commenced and assessed so that we can identify and disseminate ideas that truly are best practices. Who will lead this charge remains to be seen. If the various stakeholders do not come together to work on improving this situation, however, twenty years from now we will find ourselves in the same place—a place where our students are suffering and where some of their clients ultimately will be suffering because legal education will remain a culture that fosters excessive drinking and drug use, that causes stress and triggers mental health issues, and yet discourages the students (and lawyers) who need help from seeking the help they need.

127. We are not the first to call for such action. The AALS REPORT, *supra* note 2, at vi-vii, set forth a list of recommendations. Laura Rothstein, in her 2008 article *Law Students and Lawyers with Mental Health and Substance Abuse Problems: Protecting the Public and the Individual*, 69 U. PITT. L. REV. 531 (2008), also has several recommendations, as does Jennifer Jolly-Ryan in her recent article, *The Last Taboo*, *supra* note 118.

128. Attention needs to be given to an in-depth analysis of law students who have died by suicide; qualitative interviews with deceased students' friends, family, and law school administrators; and a review of students' law school applications to better predict suicidality among law students and how to appropriately intervene.

129. Stuart J. Slavin et al., *Medical Student Mental Health 3.0: Improving Student Wellness Through Curricular Changes*, 89 ACAD. MED. 573 (2014).

## **APPENDIX C**



**Bar Admissions Questions Pertaining to Mental Health, School/Criminal History, and Financial Issues**

**Last Updated: February, 2019 (unless otherwise noted)**

The following chart is a compilation of the questions asked on bar admission questions pertaining to mental health, school/criminal history, and finances. Please note that this is NOT a comprehensive list. Given the wide variety of questions that fall into those categories, this chart only includes those subject areas that may be of the greatest interest to students. You are encouraged to review the bar exam application you are interested in to confirm the full scope of what is asked on that application. This chart is updated bi-annually, but you must still check the questions applicable in your jurisdiction as this list may not be up to date or exhaustive. By publishing this information, the Bazelon Center is not endorsing or commenting on the quality or legality of any of these questions. This document is provided for informational purposes only. This chart is an updated version of the 2017 chart produced by Yale Law School available here: [https://law.yale.edu/system/files/area/departments/cdo/document/50\\_state\\_survey\\_bar\\_exams\\_and\\_mental\\_health\\_fall\\_2017.pdf](https://law.yale.edu/system/files/area/departments/cdo/document/50_state_survey_bar_exams_and_mental_health_fall_2017.pdf).

State	Mental Health/ Substance Use Provisions	School, Criminal History, and Other Disciplinary Provisions	Financial Provisions	Links
<p><b>NCBE</b></p> <p><b>The following jurisdictions utilize NCBE without supplemental questions: DC, LA, MT, NM, NC, ND, TN, VT, WV, WY</b></p> <p><b>The following jurisdictions utilize NCBE, but have an additional supplemental application: HI, OH, OK, SD</b></p>	<p>Question 30: Do you currently have any condition or impairment (including, but not limited to, substance abuse, alcohol abuse, or a mental, emotional, or nervous disorder or condition) that in any way affects your ability to practice law in a competent, ethical, and professional manner?</p> <p>Note: In this context, "currently" means recently enough that the condition or impairment could reasonably affect your ability to function as a lawyer. Are the limitations caused by your condition or impairment reduced or ameliorated because you</p>	<p>Question 10: Have you ever been disbarred, suspended, censured, or otherwise reprimanded or disqualified as an attorney?</p> <p>Question 11: Have you ever been the subject of any charges, complaints or grievances (formal or informal) concerning your conduct as an attorney, including any now pending?</p> <p>Question 12: Have you ever been the subject of any charges, complaints, or grievances (formal or informal) alleging that you engaged in the unauthorized practice of law, including any now pending?</p> <p>Question 13: Have sanctions ever been entered against you, or have you ever been disqualified from participating in any case?</p> <p>Question 16: Have you ever been dropped, suspended, warned, placed on scholastic or disciplinary probation, expelled, requested to resign, allowed to resign in lieu of discipline, otherwise subjected to discipline, or requested to discontinue your studies by any law school?</p> <p>Question 18: Have you ever been dropped, suspended, warned, placed on scholastic or disciplinary probation, expelled, requested to resign, or allowed to resign in lieu of discipline from any college or university?</p>	<p>Question 28: Has any surety on any bond on which you were the principal been required to pay any money on your behalf?</p> <p>Question 38: Have you ever had a credit card or charge account revoked that was not resolved in bankruptcy?</p> <p>Question 39: Have you ever defaulted on a student loan?</p>	<p><a href="#">Sample NCBE Character and Fitness application (general)</a></p> <p><a href="#">Character and fitness guidelines</a></p>

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	<p>receive ongoing treatment or because you participate in a monitoring or support program?</p> <p>Question 31: Within the past five years, have you asserted any condition or impairment as a defense, in mitigation, or as an explanation for your conduct in the course of any inquiry, any investigation, or any administrative or judicial proceeding by an educational institution, government agency, professional organization, or licensing authority; or in connection with an employment disciplinary or termination procedure?</p>	<p>Question 21: Have you ever been terminated, suspended, disciplined, laid-off, or permitted to resign in lieu of termination from any job?</p> <p>Question 23(1): Were you ever court-martialed?</p> <p>Question 23(2): Were you ever awarded non-judicial punishment (Art. 15 UCMJ)?</p> <p>Question 23(4): Were you allowed to resign in lieu of court-martial?</p> <p>Question 25: Have you ever been denied a license or had a license revoked for business, trade, or profession?</p> <p>Question 26: Have you ever been suspended, censured, or otherwise reprimanded or disqualified as a member of another profession, or as a holder of public office?</p> <p>Question 27: Have you ever been the subject of any charges, complaints, or grievances (formal or informal) concerning your conduct as a member of any other profession, or as a holder of public office, including any now pending?</p> <p>Question 29: Within the past five years, have you exhibited any conduct or behavior that could call into question your ability to practice law in a competent, ethical, and professional manner?</p> <p>Question 32: Have you ever been a named party to any civil action? Note: Family law matters (including divorce actions and continuing orders for child support) should be included here.</p> <p>Question 33: Have you ever had a complaint or action (including, but not limited to, allegations of fraud, deceit, misrepresentation, forgery, or malpractice) initiated against you in any administrative forum?</p> <p>Question 34: Have you ever been cited for, arrested for, charged with, or convicted of any violation of any law other than a case that was resolved in juvenile court? Note: Include matters that have been dismissed, expunged, subject to a diversion or deferred prosecution program, or otherwise set aside. Omit traffic violations.</p>	<p>Question 40: Have you ever defaulted on any other debt other than a student loan that was not resolved in bankruptcy?</p> <p>Question 41: Have you had a debt of \$500 or more that has been more than 90 days past due within the past three years that was not resolved in bankruptcy?</p> <p>Question 42: Have you ever failed to timely pay any personal taxes due, including but not limited to any federal or state income taxes; state, county or municipal private property taxes; or real estate assessment taxes?</p> <p>Question 43: Have you ever filed a petition for bankruptcy?</p>	
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		<p>Question 35: Have you ever been cited for, arrested for, charged with, or convicted of any alcohol or drug related traffic violation other than a violation that was resolved in juvenile court? Note: Include matters that have been dismissed, expunged, subject to a diversion or deferred prosecution program, or otherwise set aside.</p> <p>Question 36: Have you been cited for, arrested for, charged with, or convicted of any moving traffic violation during the past ten years? Note: Include matters that have been dismissed, expunged, subject to a diversion or deferred prosecution program, or otherwise set aside. Omit parking violations.</p>		
<b>Alabama</b>	<p>Question 41 : Do you currently have any condition or impairment (including, but not limited to, substance abuse, alcohol abuse, or a mental, emotional, or nervous disorder or condition) that in any way affects your ability to practice law in a competent, ethical, and professional manner? NOTE: As used in this question, “currently” means recently enough that the condition or impairment could reasonably affect your ability to function as a lawyer.</p>	<p>Question 13 [College or University]: ...Have you ever been dropped, suspended, warned, placed on scholastic or disciplinary probation, expelled, requested to resign, or allowed to resign in lieu of discipline from this institution, or otherwise subjected to discipline by this institution or requested or advised by this institution to discontinue your studies there?</p> <p>Question 14 [Law School. Note: asked twice because asks about other law schools attended]: ... Have you ever been dropped, suspended, warned, placed on scholastic or disciplinary probation, expelled, requested to resign, or allowed to resign in lieu of discipline from this institution, or otherwise subjected to discipline by this institution or requested or advised by this institution to discontinue your studies?</p> <p>Question 17: ...Have you ever been disbarred, suspended, censured, or otherwise reprimanded or disqualified as an attorney?...Have you ever been the subject of any charges, complaints, or grievances (formal or informal) concerning your conduct as an attorney, including any pending now?...Have sanctions ever been entered against you, or have you ever been disqualified from participating in any case?</p> <p>Question 18: Have you ever been the subject of any charges, complaints, or grievances (formal or informal) alleging that you engaged in the unauthorized practice of law, including any now pending?</p> <p>Question 22: Have you been denied a license or had a license revoked for this business, trade, or profession (e.g., CPA, real estate broker, physician, patent practitioner)?</p>	<p>Question 32: Has any surety on any bond on which you were the principal been required to pay any money on your behalf?</p> <p>Question 34: Have you ever filed a petition for bankruptcy?</p> <p>Question 35: Have you ever had a credit card or charge account revoked?</p> <p>Question 36: Have you ever defaulted on any student loans?</p> <p>Question 37: Have you ever defaulted on any other debt (not including student loans)?</p>	<p><a href="#">Rules governing admission to the Alabama state bar</a></p> <p><a href="#">Sample bar exam application</a></p> <p><a href="#">Sample character and fitness questionnaire - digital</a></p> <p><a href="#">Sample character and fitness questionnaire - print</a></p>

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	<p>Question 42: If your answer to Question 41 is YES, are the limitations caused by your condition or impairment reduced or ameliorated because you receive ongoing treatment or because you participate in a monitoring or support program?</p> <p>Question 43: Within the past five years, have you asserted any condition or impairment as a defense, in mitigation, or as an explanation for your conduct in the course of any inquiry, any investigation, or any administrative or judicial proceeding by an educational institution, government agency, professional organization, or licensing authority; or in connection with an employment disciplinary or termination procedure?</p>	<p>Question 23: Have you ever been suspended, censured, or otherwise reprimanded or disqualified as a member of another profession, or as a holder of public office?</p> <p>Question 24: Have you ever been the subject of any charges, complaints, or grievances (formal or informal) concerning your conduct as a member of any other profession, or as a holder of public office, including any now pending?</p> <p>Question 25: If you select yes as having served in the military, you are subsequently asked for "Type of discharge or separation." Additionally you are asked "Were you ever court-martialed?" and "Were you ever awarded non-judicial punishment?"</p> <p>Question 28: Have you ever been cited for, arrested for, charged with, or convicted of any alcohol- or drug-related traffic violation? NOTE: Include matters that have been dismissed, expunged, subject to diversion or deferred prosecution program, or otherwise set aside.</p> <p>Question 29: Have you been cited for, arrested for, charged with, or convicted of any moving traffic violation during the past ten years? NOTE: Include matters that have been dismissed, expunged, subject to diversion or deferred prosecution program, or otherwise set aside. Do not include parking violations.</p> <p>Question 30: Have you ever been a named party to any civil action? NOTE: Family law matters (including continuing orders for child support) should be included here.</p> <p>Question 31: Have you ever been cited for, arrested for, charged with, or convicted of any violation of law (not including traffic violations already disclosed)? NOTE: Include matters that have been dismissed, expunged, subject to a diversion or deferred prosecution program, or otherwise set aside.</p> <p>Question 33: Have you ever had a complaint or action (including, but not limited to, allegations of fraud, deceit, misrepresentation, forgery, or malpractice) initiated against you in any administrative forum?</p>	<p>Question 38: Have you had any debts of \$500 or more (including credit cards, charge accounts, and student loans) that have been more than 90 days past due within the past three years?</p> <p>Question 39: If you have filed a petition for bankruptcy, are there any additional debts (not previously disclosed) that were not discharged in bankruptcy?</p> <p>Question 44: Do you owe any student loans (regardless of when the loan originated)?</p>	
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		<p>Question 40: Within the past five years, have you exhibited any conduct or behavior that could call into question your ability to practice law in a competent, ethical, and professional manner?</p> <p>Question 45: Is there any other incident(s) or occurrence(s) in your life, which is not otherwise referred to in this application, which has bearing, either directly or indirectly, upon your character and fitness for admission to the Alabama State Bar?</p>		
<p><b>Alaska</b></p>	<p>Question 17: Are you currently using narcotics, drugs or intoxicating liquors to such an extent that your ability to practice law would be impaired?</p> <p>Question 18: Are you currently suffering from any disorder that impairs your judgment or that would otherwise adversely affect your ability to practice law?</p>	<p>Question 7: Have you previously applied for admission to the practice of law?... If not admitted, state the reason(s) (e.g. failed, withdrew, denied, etc.). If admission was denied, explain.</p> <p>Question 8: Have you ever applied to and/or taken the Alaska Bar Examination?... If not admitted, state the reason(s) (e.g. failed, withdrew, etc.). If admission was denied, explain.</p> <p>Question 11: If you answer yes to “Have you ever been a member of the armed services?” you must enter “Type of discharge” and “Circumstances surrounding your discharge.”</p> <p>Question 13: Have you ever applied for or held a business or professional license?...[If denied] Reason for denial... Was this license revoked or suspended?... Reason for the action taken.</p> <p>Question 14: Has any disciplinary complaint or grievance, or fee arbitration request, been lodged against you by or with any jurisdiction or court?</p> <p>Question 14(a): Have you ever been charged with or convicted of, or plead guilty or no contest to, a felony charge? (Please note that this does not exclude suspended imposition of sentences, vacated judgments, pardons, or such similar dispositions.)</p> <p>Question 14(b): Have you ever been charged with or convicted of, or plead guilty or no contest to, a misdemeanor charge (excluding traffic violations that could not have resulted in incarceration upon conviction)? (Please note that this does not exclude suspended imposition of sentences, vacated judgments, pardons, or such similar dispositions.)</p>		<p><a href="#">Rules governing admission to the Alaska state bar</a></p> <p><a href="#">Sample admission application - digital</a></p> <p><a href="#">Sample admission application - print</a></p>

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		<p>Question 15: As a juvenile, were you ever charged with or convicted of, or plead guilty or no contest to, a violation that could have resulted in incarceration upon conviction? (Please note that this does not exclude suspended imposition of sentences, vacated judgments, pardons, or such similar dispositions.)</p> <p>Question 16: Have you ever been a party in a civil action?</p>		
Arizona		<p>Question 31: While a member of the armed forces of the United States, were you ever awarded non-judicial punishment?</p> <p>Question 32: While a member of the armed forces of the United States, were you ever court-martialed?</p> <p>Question 33: While a member of the armed forces of the United States, were you administratively discharged?</p> <p>Question 34: While a member of the armed forces of the United States, were you allowed to resign in lieu of court-martial?</p> <p>Question 36: While a member of the armed forces of the United States, were you discharged?</p> <p>Question 42: Have you ever at any time been dropped, suspended, expelled or disciplined by any school or college for any cause whatsoever, including scholastic deficiency?</p> <p>Question 44: Have you ever at any time been questioned or accused with respect to cheating, plagiarism or honor code violation in the course of your schooling or elsewhere?</p> <p>Question 52: Were you ever the subject of a hearing or hearings related to bar admission or any other professional license?</p> <p>Question 56: Have you ever at any time had a business, trade or professional license denied or revoked?</p> <p>Question 58: Have you ever had any charges, complaints or grievances (formal or informal) filed against you?</p>	<p>Question 80: Has any surety on any bond on which you were the principal been required to pay any money on your behalf?</p> <p>Question 95: Have you ever had a credit card revoked?</p> <p>Question 97: Do you have any debts, including student loans, which are more than 90 days past due? Respond affirmatively even if the debt is barred by the statute of limitations.</p>	<p><a href="#">Character and fitness application sample</a></p> <p><a href="#">Character and fitness guidelines adopted by the Arizona Supreme Court</a></p> <p><a href="#">Rules governing admission to the Arizona state bar</a></p>

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		<p>Question 60: Have you ever been reprimanded, censured, suspended, disbarred or otherwise disqualified from professional licensure?</p> <p>Question 62: Have you ever been accused of or charged with fraud, perjury, misrepresentation, or false swearing in a judicial or administrative proceeding?</p> <p>Question 64: Have you ever been involved as a party, directly or indirectly, in any disciplinary proceeding, formal or informal?</p> <p>Question 66: Have you ever resigned in lieu of suspension, revocation, disqualification or disbarment?</p> <p>Question 68: Have you ever been accused of the unauthorized practice of law in any state or jurisdiction?</p> <p>Question 76: Were you ever discharged or have you ever resigned from any employment listed in the above question after being told that your conduct or work was unsatisfactory?</p> <p>Question 78: In the course of any employment since the age of 21 (regardless of current age), have you ever been accused or charged with dishonesty, misrepresentation, misappropriation, theft, fraud, moral turpitude, or the commission of a crime? Include any situation even if it did not result in discharge, resignation or criminal charge.</p> <p>Question 82: Have you been a party to any type of civil action (including divorce) in the past ten years?</p> <p>Question 84: Have you ever failed to comply with any court order including, but not limited to, not appearing for jury duty?</p> <p>Question 86: Have you ever had a complaint filed against you in any civil, criminal or administrative forum, alleging fraud, deceit, misrepresentation, forgery, or legal malpractice?</p>	<p>Question 99: Are you in default in any way in the performance or discharge of any duty or obligation imposed upon you by decree or order of any court, including, but not limited to, civil judgments, alimony, maintenance and support orders and decrees?</p> <p>Question 101: Other than listed above, have you ever failed to meet your financial obligations and/or defaulted on any debt or loan?</p> <p>Question 103: Have you ever filed a petition under any Chapter of the Bankruptcy Code?</p> <p>Question 105: Do you intend to file, or are you in the process of filing a petition for bankruptcy?</p>	
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		<p>Question 88: Have you either as an adult or juvenile, ever been served with a criminal summons, questioned, arrested, taken into custody, indicted, charged with, tried for, pleaded guilty to or been convicted of, or ever been the subject of an investigation concerning the violation of any law, statute, ordinance, rule, regulation, or canon? (In answering this question, include all incidents, no matter how trivial or minor the infraction or whether guilty or not, whether expunged or not, whether you were believed or were advised that you need not disclose any such instance.)</p> <p>Question 90: Have you ever been convicted of a felony?</p> <p>Question 93: In the past ten years, have you received any traffic citations?</p> <p>Question 109: Is there any other information, incident(s), or occurrence(s) which is not otherwise referred to in your response to this application which, in your opinion, may have a bearing, either directly or indirectly, positively or negatively, upon your ability to practice law actively and continuously?</p>		
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<p><b>Arkansas</b></p>	<p>Question 10(e): Do you currently have any condition or impairment (including, but not limited to, substance abuse, alcohol abuse, or a mental, emotional or nervous disorder or condition) that in any way currently affects your conduct, or if untreated could affect your conduct, and therefore, your ability to practice law in a competent, ethical, and professional manner in this jurisdiction? If yes, are the limitations caused by your condition or impairment reduced or ameliorated because you receive ongoing treatment or because you participate in a monitoring or support program? NOTE: "Currently" means sufficiently recent so that the condition could reasonably affect your ability to function as a lawyer.</p>	<p>Question 5: Have you ever been discharged or asked to resign from any employment?</p> <p>Question 7: Regardless of whether the record has been expunged, cancelled, annulled, or whether no record was ever made, were you ever dismissed, suspended, placed on probation (excluding academic probation) or expelled from any college, postsecondary institution or university; accused of any Honor Code violations; or asked or advised by any institution to discontinue your studies there?</p> <p>Question 8 (b): Are you presenting serving? If you have been discharged , attach a copy of the document evidencing discharge.</p> <p>Question 8 (c): Have you ever been a defendant in any court- martial?</p> <p>Question 10(a): Have you ever been a party to, or had, or claimed any interest in, civil proceedings, including...domestic relation matters?</p> <p>Question 10(b): Have you ever been charged with, arrested for, convicted of, or plead guilty or nolo contendere for a violation of any law? Exclude minor traffic violations not resulting in or subject to incarceration, unless you have received three (3) or more such citations within the last two (2) years.</p> <p>Question 10(c): Have you ever been accused of or charged with fraud, deceit, conversion of the property of another, or assault or battery of another in any civil proceedings? (civil includes any proceedings other than criminal)</p> <p>Question 15(c) [regarding licenses to practice law]: Have you ever been subject to a disciplinary action, received a disciplinary sanction, or had your license suspended or revoked?</p>	<p>Question 9(a): Presently, I have established credit with the following three creditors...</p> <p>Question 9(b): I presently owe money which has been past due for more than 90 days to the following... (List all such debt, including any past due taxes)</p> <p>Question 9(c): Are there any unsatisfied judgments against you?</p> <p>Question 10(a): Have you ever been a party to, or had, or claimed any interest in, civil proceedings, including bankruptcy...?</p> <p>Question 12(a): Have you ever been bonded under a Fidelity or Surety Bond?</p>	<p><a href="#">Arkansas bar exam application</a></p> <p><a href="#">Rules governing admission to the Arkansas state bar</a></p>
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	<p>Question 10(f): Within the past five years, have you asserted any condition or impairment as a defense, in mitigation, or as an explanation for your conduct in the course, of any inquiry, any investigation, or any administrative or judicial proceeding by an education institution, government agency, professional organization, or licensing authority; or in connection with an employment disciplinary or termination procedure?</p>	<p>Question 16(a) Have you ever applied for or been granted a license, other than as an attorney at law, the procurement of which required proof of good moral character or examination, (i.e., Certified Public Accountant, Patent Attorney, Real Estate Broker, etc.)? ...If withdrawn or denied, provide details. If any license has been revoked or terminated, state the date the license was revoked or terminated, the manner of termination or revocation, and the reasons for the termination or revocation. Also, on the separate sheet, list whether any disciplinary action was ever taken against you by the authority issuing the license or governing your conduct as a licensee? If yes, state the dates such action was taken, the details of each complaint, and the results of any action taken by the issuing or governing authority.</p> <p>Question 17: Are there any unfavorable incidents in your life, whether in school, college, law school, business or otherwise, which may have a bearing upon your character or your fitness to practice law, not called for by the questions contained in this questionnaire or disclosed in your answers?</p> <p>Question 18: Do you, knowing its aims and having the specific intent to bring them about, belong to, or have you ever belonged to, any organization or group which advocates the overthrow of the Government of the United States or of Arkansas by force and violence?</p>	<p>Question 12(b): Have you ever been refused a fidelity or other bond?</p>	
<p><b>California<sup>1</sup></b></p>	<p>Question 12.6: Are you currently the subject of a conservatorship?</p> <p>Question 14.1: Do you have any chemical dependency issues that would currently interfere with your ability to practice law?</p>	<p>Question 6.1: Have you ever applied for (or applied for and then withdrew an application) or held a license for a business, trade, or profession, other than as an attorney at law, the procurement of which required proof of good character and/or examination (e.g., certified public accountant, patent practitioner, or real estate broker)?</p> <p>Question 7.1(A): Have you ever been denied a business, trade or professional license?</p> <p>Question 7.1(B): Have you ever been disbarred, suspended, censured, or otherwise disqualified or had your license revoked as a member of any business, trade, or profession (e.g., attorney, certified public accountant, real estate broker, physician, etc.), or as a holder of public office?</p>	<p>Question 10.2: Have you ever held a bonded position?</p> <p>Question 10.3: Has a bond ever been refused where you were to be the bonded person?</p>	<p><a href="#">Extension of moral character determination application form</a></p>

<sup>1</sup> The Moral Character Determination Application is inaccessible without registering. However, we could locate the Extension of Moral Character Determination Application Form (link in the far right column). The questions provided are based upon that form.

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		<p>Question 7.1(C): To the best of your knowledge, have there ever been, or are there now pending, any charges, complaints, or grievances (formal or informal) concerning your conduct as a member of any business, trade, or profession, or as a holder of public office?</p> <p>Question 8.1(A): Have you ever resigned your business, trade, or professional license while charges were [p]ending?</p> <p>[You are excluded from answering questions regarding the following incidents: (A) Arrests that did not result in a conviction unless you are awaiting final adjudication of the matter; (B) 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 [California code] or pursuant to a similar statute of another jurisdiction... (C) 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 the statute of another jurisdiction...If you believe you come within this exclusion, you MUST include with your application a copy of the applicable statute and any supporting annotations and answer yes to question 9.5 below.]</p> <p>Question 9.1: Have you ever been convicted of the violation of a misdemeanor or felony? As used herein, a conviction includes a plea of guilty or nolo contendere, or a verdict of finding of guilt, regardless of whether sentence is imposed by the court.</p> <p>Question 9.2: Are you awaiting final adjudication for any investigation or arrest?</p> <p>Question 9.3: Have you ever been held in contempt of court?</p> <p>Question 9.4: Have you ever been granted immunity in lieu of criminal prosecution?</p> <p>Question 9.5: Are you submitting a statute of another jurisdiction pursuant to Section "C" above?</p>	<p>Question 10.4: Are you in default in any way in the performance or discharge of any duty or obligation imposed upon you by decree, judgment, or order of any court or administrative agency, including alimony, support orders and decrees?</p> <p>Question 11.1: Do you owe any debts, including student loans, that are past due (include those barred by the statute of limitations and past due credit account balances)?</p> <p>Question 11.2: Have you ever defaulted on any student loan?</p> <p>Question 11.3: Have you ever been adjudicated as bankrupt?</p>	<p><a href="#">Information about the moral character requirement</a>  <a href="#">Moral character determination application instructions and form</a>  <a href="#">Rules governing admission to the California state bar</a></p>
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		<p>Question 10.1: Have you ever been found to have violated a college or university honor code or been informally or formally dropped, suspended, warned, placed on scholastic or disciplinary probation, expelled, or requested to resign or allowed to resign in lieu of discipline by any college or university (including law school), or otherwise subjected to discipline by any such institution or requested or advised by any such institution to discontinue your studies therein?</p> <p>Question 12.1: Have you ever been a party to or are you presently a party to any civil action or administrative proceeding (this includes, but is not limited to, divorce, dissolution, small claims court proceedings, lawsuits, licensing or other administrative proceedings, worker’s compensation actions, etc.)</p> <p>Question 12.2: Has any company of which you are or were an officer, director or majority shareholder ever been a party to or presently is a party to a civil action or administrative proceeding?</p> <p>Question 12.3: Have any judgments been filed against you?</p> <p>Question 12.4: Have you ever had a complaint alleging fraud, deceit, misrepresentation, forgery, or legal malpractice filed and sustained against you in any civil, criminal or administrative forum? This includes corporations of which you were an officer or director and partnerships of which you were a member.</p> <p>Question 12.5: Is there any issue that would currently interfere with your ability to practice law in accordance with the duties and ethical obligations of an attorney?</p> <p>Question 13.1(c): While a member of the armed forces of the United States: Did you receive an honorable discharge? Were you ever court-martialed? Were you allowed to resign in lieu of court-martial? Were you administratively discharged? Were you ever awarded non-judicial punishment?</p>	<p>Question 11.4: Has a petition in bankruptcy (personal or business related) ever been filed by you or against you, either alone or in association with others?</p> <p>Question 11.5: Do you have a bankruptcy pending under a Chapter 13 reorganization?</p> <p>Question 11.6: Have you ever been sued by a receiver, trustee, or other authority of any bankruptcy estate, for unlawful preference, conspiracy to conceal assets, or any other fraud or offense, whether or not punishable by law?</p>	
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<p><b>Colorado</b></p>	<p>Question 39: Do you currently have any condition or impairment (including, but not limited to, substance abuse, alcohol abuse, or a mental, emotional, or nervous disorder or condition) that in any way affects your ability to practice law in a competent, ethical and professional manner? As used in Question 39, "currently" means recently enough so that the condition or impairment could reasonably have an impact on your ability to function as a lawyer.</p> <p>Question 40: If your answer to Question 39 is YES, are the limitations caused by your condition or impairment reduced or ameliorated because you receive ongoing treatment or because you participate in a monitoring or support program?</p>	<p>Question 2: Has your license to practice law in any jurisdiction ever been limited, restricted, suspended, disbarred or revoked (include periods of inactive or nonresident status and any period of administrative suspension or transfer to disability status) since the date of your admission?</p> <p>Question 3: Have you ever been denied admission to the practice of law in any jurisdiction (other than for failure of the bar examination), been denied access to the bar exam of any jurisdiction, been accused of misconduct during the administration of any bar exam, or had an exam score nullified?</p> <p>Question 4: Have you ever had your fitness to practice law questioned through an informal interview, formal hearing, or through any other means?</p> <p>Question 5: Are there any jurisdictions in which you have applied for a license, including any jurisdiction in which you have taken the bar exam, but have not been admitted to practice law?</p> <p>Question 18(c): As a member of the armed forces of the United States: Were you ever the subject of charges in any court-martial? Were you allowed to resign in lieu of court-martial? Did you ever receive non-judicial punishment? Have you ever received a discharge for medical or other than "honorable" reasons? Were you administratively discharged?</p> <p>Question 12: Have you ever applied for a professional, state or local license in order to pursue a career in a field (other than law) requiring licensure? If YES, provide for each application...whether an examination was required, whether proof of good character was required....If no license was issued upon application, state the full reason.</p> <p>Question 22: Are you currently the subject of any charges, complaints, disciplinary or grievance actions (formal or informal) and/or have you ever been suspended, censured, or otherwise reprimanded or disqualified as an attorney or a member of any other profession, or as a holder of public office?</p> <p>Question 23: Have you ever been the subject of any charges, complaints or grievances (formal or informal) alleging that you engaged in the unauthorized practice of law, including any pending matters?</p>	<p>Question 17: Have you ever been required to pay alimony, maintenance or child support payments as a result of a divorce, annulment or other court proceeding?</p> <p>Question 27: Have any decrees, judgments, liens, or orders (including child support, maintenance, alimony or tax liens) ever been entered against you in favor of a creditor or other entity?</p> <p>Question 28: Have you been delinquent by more than 90 days in the payment of any debt, including student loans, had a credit card involuntarily revoked or canceled, a credit account involuntarily closed or any debt referred to a collection agency or "charged off" as not collectible?</p>	<p><a href="#">Bar application sample</a></p> <p><a href="#">Character and fitness standards and guidelines</a></p> <p><a href="#">Character and fitness process</a></p> <p><a href="#">Frequently asked character and fitness questions</a></p> <p><a href="#">Rules governing admission to the Colorado state bar</a></p>
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	<p>Question 41: Within the past five (5) years, have you asserted any condition or impairment as a defense, in mitigation, or as an explanation for your conduct in the course of any inquiry, any investigation, or any administrative or judicial proceeding, by an educational institution, government agency, professional organization, or licensing authority; or in connection with an employment or termination procedure?</p> <p>Question 42: Have you ever been declared incompetent or had a conservator appointed to help conduct your affairs?</p>	<p>Question 24: Have you ever been accused of a violation of an honor code or student conduct code, warned, placed on scholastic or disciplinary probation, suspended, requested or advised to discontinue your studies, dropped, expelled or requested to resign or otherwise subjected to discipline by any college, law school or other post-secondary institution?</p> <p>Question 25: Regardless of whether the record has been expunged, canceled, or annulled, or whether no record was made, have you ever been accused of cheating, plagiarism, or other academic dishonesty at any school you attended?</p> <p>Question 26: Have you ever been terminated, suspended, disciplined, laid-off or permitted to resign in lieu of termination from any job?</p> <p>Question 31: Have you ever had a complaint or action (including but not limited to, allegations of fraud, deceit, misrepresentation, forgery, or malpractice) initiated against you in any administrative forum?</p> <p>Question 32: Have you ever been named a party to any civil action?</p> <p>Question 33: Have you ever been held in contempt of court for any reason, have sanctions ever been entered against you or have you ever been disqualified from participating in any case?</p> <p>Question 34: Regardless of whether the record has been expunged, canceled or annulled have you ever been investigated, arrested, cited for, charged with, or convicted, imprisoned, placed on probation or parole or forfeited collateral for any offense against the law? Include matters that have been dismissed, expunged, sealed, subject to a diversion or a deferred prosecution program or otherwise set aside.</p> <p>Question 35: Have you ever been cited for, arrested for, charged with, or convicted of any alcohol- or drug-related traffic violation?... Include matters that have been dismissed, expunged, sealed, subject to a diversion or a deferred prosecution program or otherwise set aside.</p> <p>Question 36: Have you been cited for, charged with, or convicted of any traffic violations during the past seven (7) years, excluding parking violations?</p>	<p>Question 29: Have you ever failed to file federal, state, and/or local income tax returns since first becoming obligated to do so by law, excluding years not required to file based upon lack of income?</p> <p>Question 30: Have you ever filed a petition for bankruptcy or for establishment of a wage earners plan?</p>	
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		<p>Question 38: Within the past five (5) years, have you exhibited any conduct or behavior that could call into question your ability to practice law in a competent, ethical, and professional manner?</p> <p>Question 43: Is there any additional information with respect to possible misconduct or lack of moral qualifications on your part, which is not otherwise disclosed by your answers to questions in this application?</p>		
<p><b>Connecticut (Updated April, 2019)</b></p>	<p>Question 41: Except as provided in Questions 39 and 43 above, have you ever been a party to any civil or administrative proceeding or has any civil or administrative proceeding been instituted by you, on your behalf or against you including, but not limited to...competency or commitment proceedings,...[or] guardianship...?</p> <p>Question 42: Have you ever been convicted of a criminal charge [and] been acquitted by reason of mental disease or defect...?</p>	<p>Question 14: Have you ever been expelled, dropped, suspended, warned, placed on scholastic or disciplinary probation or been the subject of or party to any disciplinary proceeding by any college, university or law school?</p> <p>Question 15: Have you ever been absent from any post-secondary educational institution for more than ten consecutive days, other than for regularly scheduled school vacations?</p> <p>Question 18: Have you ever been discharged or terminated by an employer?</p> <p>Question 19: Have you ever resigned or been requested to resign in lieu of impending or anticipated disciplinary action by an employer?</p> <p>Question 20: Have you ever been absent from a job for more than ten consecutive work days, other than regularly scheduled vacations?</p> <p>Question 23: (a) Have you ever been reprimanded, suspended, disbarred or otherwise disciplined, or (b) are there any charges or complaints pending against you as an attorney, or (c) have you ever been accused of the unauthorized practice of law, (d) have you ever resigned or been requested to resign from the bar in lieu of impending or anticipated disciplinary action, or (e) have you ever been subject to any discipline or been penalized as a bar applicant in another jurisdiction?</p> <p>Question 24: Have you been entitled to practice law in each of the jurisdictions specified in Question 22 above and before each court continuously from the date you first became entitled until the date hereof? If not, state the dates during which you have not been so entitled, the nature of the disqualification, and the name and address of the person or authority in possession of the record thereof.</p>	<p>Question 27: Have you failed to file any local, state or federal income tax return as required by law or failed to pay any taxes when due?</p> <p>Question 31: Have you ever been bonded?</p> <p>Question 32: Have you ever been refused a bond or has anyone ever sought to recover on or cancel such bond?</p>	<p><a href="#">Bar Exam Application</a></p> <p><a href="#">Character and fitness - protocol for requesting, reviewing and handling medical documentation</a></p> <p><a href="#">Rules governing admission to the Connecticut state bar</a></p>

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		<p>Question 28: Have you ever been offered or been granted immunity, or have you ever testified or been called as a witness in any criminal action or proceeding in which you were not a party?</p> <p>Question 29: Have you ever applied for or held a license or permit, other than as an attorney at law, the procurement of which required proof of good character? If so, state the name of authority to which the application was made, the date granted or denied and the current status of that license or permit.</p> <p>Question 30: Have you had any license or permit suspended or revoked because of unprofessional conduct?</p> <p>Question 33: Within the past five years, have you engaged in any conduct that: (1) resulted in an arrest, discipline, sanction or warning; (2) resulted in termination or suspension from school or employment; (3) resulted in loss or suspension of any license; (4) resulted in any inquiry, any investigation, or any administrative or judicial proceeding by an educational institution, government agency, professional organization, or licensing authority, or in connection with an employment disciplinary or termination procedure; or (5) endangered the safety of others, breached fiduciary obligations, or constituted a violation of workplace or academic conduct rules?</p> <p>Question 34: Within the past five years, have you exhibited any conduct or behavior that could call into question your ability to practice law in a competent, ethical, and professional manner?</p> <p>Question 39: Have you ever filed a grievance against an attorney or a judge?</p> <p>Question 40: Have you ever been a defendant in any civil proceeding in which allegations of fraud, misrepresentation or other improper conduct were made against you? If so, provide the information below and submit a copy of the complaint, answer, judgment and any pending motions.</p>	<p>Question 35: Do you have any student loans which are currently overdue or have you ever been in default in the performance of an obligation on a student loan? If so, list each such loan, the name of the creditor, account number, amount owed and the steps you have taken to bring the account up to date.</p> <p>Question 36: Has a judgment ever been entered against you in favor of a creditor? If so, submit a copy of the complaint, answer, judgment and satisfaction of judgment.</p> <p>Question 37: Are you in arrears or default in the performance of any court ordered duty or obligation?</p>	
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		<p>Question 44: Except as provided in Questions 36 and 40 above, have you ever been a party to any civil or administrative proceeding or has any civil or administrative proceeding been instituted by you, on your behalf or against you including, but not limited to, suits in equity, actions at law, suits or petitions in bankruptcy, statutory proceedings, competency or commitment proceedings, divorce, civil restraining orders, guardianship, probate, paternity, any other civil and administrative proceeding, or any proceeding before a government agency, professional organization, licensing authority, the Law School Admission Council (LSAC), the National Collegiate Athletic Association (NCAA) or similar entity, or through online dispute resolution?</p> <p>Question 42: Have you ever been convicted of a criminal charge, been acquitted by reason of mental disease or defect, entered a pretrial diversion program or been the respondent in a criminal protective order or a family violence temporary restraining order? If so, submit a copy of the arrest report and all other documents relating to each conviction, acquittal by reason of mental disease or defect, pretrial diversion program, criminal protective order or family violence temporary restraining order. Submit an affidavit reciting in detail the facts and circumstances of each reported event. If you are uncertain as to whether a matter ought to be disclosed in accordance with this question, we advise you to disclose the matter fully.</p> <p>Question 43: Are there any criminal charges pending against you? If so, submit a copy of the arrest report and all other documents related to each pending charge. Submit an affidavit reciting in detail the facts and circumstances related to each pending charge.</p> <p>Question 44: Within the last five years, have you been charged with reckless driving, evading responsibility, driving under the influence (DUI) or driving while intoxicated (DWI)?</p> <p>Question 45: List every jurisdiction and submit a certified driving record (or “no record” or “clearance” letter) from the Department of Motor Vehicles for each of the following:… Any jurisdiction in which your driving privileges have ever been suspended or revoked.</p>	<p>Question 37: Are you presently, or have you ever been, in arrears or default in the performance of any court approved agreement, judgment or court order concerning child support?</p>	
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<p><b>Delaware</b></p>	<p>Question 27 (A): Do you currently have any condition or impairment (including, but not limited to, substance abuse, alcohol abuse, or a mental, emotional, or nervous disorder or condition) that in any way affects your ability to practice law in a competent and professional manner? For purposes of this question, "currently" means recently enough that the condition or impairment could reasonably affect your ability to function as a lawyer.</p> <p>Question 27(B): If you answered 'Yes' to Question 27A, are the limitations or impairments caused by your condition or impairment reduced or ameliorated because you receive ongoing treatment (with or without medication) or because you participate in a monitoring or support program?</p>	<p>Question 4: Have you ever been dropped, suspended, warned, placed on scholastic or disciplinary probation, expelled or requested to resign or allowed to resign in lieu of discipline from any college, university, law school or otherwise subjected to discipline by any such institution or requested or advised by any such institution to discontinue your studies therein?</p> <p>Question 5: Have you ever submitted an application to be admitted by examination, motion, or diploma privilege, or to be reinstated to the Bar in any state?... Provide a brief narrative explanation of the circumstances surrounding the reasons for any withdrawals of applications or failures to be admitted (including denials other than those due to failing the examination).</p> <p>Question 8(A): Have you ever been disbarred, suspended, censured, or otherwise reprimanded or disqualified as an attorney?</p> <p>Question 8(B): Have you ever been the subject of any formal or informal charge, complaint, grievance, investigation, or inquiry regarding your conduct as an attorney?</p> <p>Question 9: Have you ever been the subject of any formal or informal charge, complaint, grievance, investigation, or inquiry regarding the unauthorized practice of law?</p> <p>Question 10: Have sanctions ever been entered against you or have you ever been disqualified from participating in any case?</p> <p>Question 13 (A): Have you ever been terminated, suspended, disciplined or permitted to resign in lieu of termination from any job?</p> <p>Question 13 (B): Have you ever had an offer of employment rescinded, withdrawn, or altered in a way that you understood limited your ability to accept it, or that the prospective employer discouraged you from accepting?</p> <p>Question 14 (A): Have you ever been denied a license for a business, trade, or profession (e.g., CPA, real estate broker, physician, etc.)?</p> <p>Question 14 (B): Have you ever had a business, trade or professional license revoked?</p>	<p>Question 16: Has any surety on any bond on which you were the principal been required to pay any money on your behalf?</p> <p>Question 18: Have you or an Affiliated Entity ever failed to file a federal, state, or local income tax return when due and without a lawful extension or have you or an Affiliated Entity ever failed to pay federal, state, or local income taxes when due?</p> <p>Question 19: Have you or an Affiliated Entity ever filed a petition for bankruptcy?</p> <p>Question 24(A): Have you or an Affiliated Entity had any debts which have been more than 90 days past due within the past seven years?</p>	<p><a href="#">Bar application sample</a></p> <p><a href="#">Rules governing admission to the Delaware bar</a></p>
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	<p>Question 28: Within the past five years, have you asserted any condition, disability, or impairment as a defense to, in mitigation of, or as an explanation for your conduct in response to or in the course of: (a) any arrest; (b) any proposed or actual discipline, sanction, or warning; (c) any proposed or actual termination or suspension from school or employment; (d) any proposed or actual loss or suspension of a license; (e) any inquiry, investigation, or proceeding by an employer, educational institution, government agency, professional organization, or licensing authority; (f) any proceeding administrative or judicial proceeding by an employer, educational institution, government agency, professional organization, or licensing authority; or (g) any allegation that you endangered the safety of others, breached</p>	<p>Question 15 (A): Have you ever been suspended, censured, or otherwise reprimanded or disqualified as a member of another profession, or as a holder of public office?</p> <p>Question 15 (B): Have you ever been the subject of any formal or informal charge, complaint, grievance, investigation, or inquiry regarding your conduct as a member of another profession or occupation, or as a holder of public office?</p> <p>Question 17 (A): Have you or an Affiliated Entity ever been named as a party in any civil, administrative, or other proceeding?</p> <p>Question 17 (B): Has there ever been a civil, administrative, or other proceeding in which an allegation was made against you or the Affiliated Entity of fraud, deceit, misrepresentation, forgery or legal malpractice, without regard to whether you or the Affiliated Entity was a party in the proceeding? NOTE: Family law matters (including orders for child support) should be included here. For an Affiliated Entity, "other proceeding" includes criminal proceedings.</p> <p>Question 20: Have you ever been cited, arrested, charged, accused, prosecuted, or convicted for any offense, misdemeanor, felony, or other violation of any law (including moving traffic violations), which involved alcohol or drugs? NOTE: This includes matters that have been expunged, been subject to a diversionary program, pardoned or otherwise cleared.</p> <p>Question 21: Have you ever been cited, arrested, charged, accused, prosecuted, or convicted for any offense, misdemeanor, felony, or other violation of any law, in which alcohol or drugs were not involved? NOTE: This includes matters that have been expunged, been subject to a diversionary program, pardoned, or otherwise cleared. This does not include moving traffic violations, which are covered by Questions 20 and 22.</p> <p>Question 22: Have you been charged with any moving traffic violations during the past ten years? NOTE: This does not include moving traffic violations involving drugs or alcohol, which are covered by Question 20, and it does not include parking tickets.</p>	<p>Question 24(B): Have you or an Affiliated Entity ever had a credit card or charge account revoked?</p> <p>Question 24(C): Have you or an Affiliated Entity ever defaulted on any debt?</p> <p>Question 24(D): Have you or an Affiliated Entity ever surrendered a credit account in lieu of recovery action by one or more of your creditors?</p>	
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	<p>fiduciary obligations, or violated workplace or academic conduct rules?</p>	<p>Question 23: Have you ever been offered or granted immunity, testified or been called as a witness in any criminal action or criminal proceeding in which you were not a party?</p> <p>Question 26: Within the past five years, have you exhibited any conduct or behavior that could call into question your ability to practice law in a competent, ethical, and professional manner?</p> <p>Question 29: Is there any information (event, incidence, occurrence, etc.) that was not specifically addressed and/or asked of you in this application and/or in the instructions that could be considered a character issue?</p>	<p>Question 25: For you and any Affiliated Entity, list all creditors you have confirmed are not identified on the credit reports from the three major credit bureaus (TransUnion, Equifax, Experian), including the name, address, and telephone number of the creditor, the account number (if applicable), and the balance on the debt or account as of the date of this application. Upload a copy of the credit reports from the three major credit bureaus listed above you reviewed in order to respond to this question, which must have been obtained thirty (30) or fewer days before you filed your application.</p>	
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<p><b>District of Columbia</b> [Note: Uses NCBE Character and Fitness Application]</p>	<p>NCBE</p>	<p>NCBE</p>	<p>NCBE</p>	<p><a href="#">Rules governing admission to the District of Columbia bar</a></p>
<p><b>Florida<sup>2</sup></b> <b>(2015- see footnote; Also Updated April 2019)</b></p>	<p>Question 25: Within the past 5 years have you been diagnosed with, suffered from or been treated for a mental illness involving a severe thought disorder (including, but not limited to, schizophrenia), a severe mood disorder (including, but not limited to, major depressive disorder or bipolar disorder) or substance use disorder (including, but not limited to, abuse of or addiction to/dependence on alcohol, marijuana, cocaine, or prescription medications)?<sup>3</sup></p>	<p>Question 9(a): Have you ever been accused of a violation of an honor code or student conduct code, warned, placed on academic, scholastic or disciplinary probation, suspended, requested or advised to discontinue your studies, dropped, expelled or requested to resign or otherwise subjected to discipline by any college, law school or other post-secondary institution?</p> <p>Question 9(b): Regardless of whether the record has been expunged, canceled, or annulled, or whether no record was made, have you ever been accused of cheating, plagiarism, or other academic dishonesty at any school you attended?</p> <p>Question 12(a): Have you ever been discharged, terminated, suspended, relieved from duty with or without pay, or placed on paid or unpaid administrative leave with regard to any disciplinary action or potential disciplinary action taken by any employer?</p> <p>Question 12(b): Have you ever been requested, formally or informally, to resign from or terminate employment?</p> <p>Question 12(c): Have you ever applied for a position that required proof of good character and had that application denied for reasons involving your background or character, or in which you withdrew that application after questions about your character arose?</p> <p>Question 12(d): Has any charge or complaint, formal or informal, ever been made or filed or proceedings instituted against you by any employer?</p>	<p>Question 14(a): Within the past 5 years, have you been delinquent by more than 90 days in the payment of any tax, credit obligation, judgment, or other indebtedness?</p> <p>Question 14(b): Within the past 5 years, have you been delinquent by more than 90 days in the payment of any student loans?</p>	<p><a href="#">Bar exam FAQ regarding moral character</a></p> <p><a href="#">Rules governing admission to the Florida state bar</a></p> <p><a href="#">Checklist to File Bar Application</a></p>

<sup>2</sup> Due to restricted online access, questions here are from a 2015 copy.

<sup>3</sup> The Florida bar FAQ says the following: “Item 25 on the Florida Bar Application asks applicants to disclose any treatment for, or recurrence of, certain thought disorders (Schizophrenia and other psychotic disorders) and mood disorders (Bipolar Disorder and Major Depressive Disorder) that could impair an applicant’s ability to practice law. When applying, you should read Item 25 carefully. If you are unsure of how to answer it, consider consulting with your mental health provider. The Board supports applicants seeking mental health treatment, and views effective treatment from a licensed professional as enhancing the applicant’s ability to meet the essential eligibility requirements to practice law.”

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	<p>Question 26: Do you currently (as hereinafter defined) have a mental health condition (not reported above) which in any way impairs or limits, or if untreated could impair or limit, your ability to practice law in a competent and professional manner?<sup>4</sup></p>	<p>Question 16(i): Have you ever been held in contempt by any court for any reason?</p> <p>Question 19(a): In your entire life, have you ever been arrested, detained or restrained, taken into custody or accused formally or informally of a felony, whether or not the charge was later reduced to a misdemeanor or other lesser charge?</p> <p>Question 19(b): Have you ever been convicted of a felony?</p> <p>Question 19(c): Have you served time in any correctional institution, work-release program, or had any such sentence imposed and then suspended?</p> <p>Question 19(d): Are you currently serving any part of a sentence of felony probation, regardless of adjudication of guilt?</p> <p>Question 19(e): If you have been convicted of a felony, have your civil rights been restored?</p> <p>Question 20: Other than those incidents listed under Items 19, 21, and 22, since age 16 have you ever been arrested, detained or restrained, given a notice to appear or taken into custody for the violation of a law or ordinance or for committing a delinquent act?</p> <p>Question 21: In your entire life, have you ever been arrested, detained, or restrained, taken into custody or accused of driving while intoxicated, driving under the influence of alcohol or drugs, driving with an unlawful blood alcohol level or charged with vehicular manslaughter or vehicular homicide?</p> <p>Question 22(a): Since age 16, have you been charged with a traffic violation that resulted in a fine of \$200 or more, charged with a traffic violation that resulted in time spent in jail, or had your driver license or your driving privileges revoked or suspended?</p>	<p>Question 14(c): Whether or not they have been satisfied, have any judgments ever been entered against you, or have state or federal tax liens been placed against your property?</p>	
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<sup>4</sup> The Florida Bar FAQ says the following “Item 26 on the Florida Bar Application asks you to disclose any treatment for, or recurrence of, a substance-related disorder that could impair your ability to practice law. “Substance-related” includes, without limitation, alcohol, marijuana, cocaine, and misuse of prescription drugs.”

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		<p>Question 22(b): Other than those incidents listed under Item 22.a., during the last 3 years have you been given a citation or a written warning, taken into custody, or accused of the violation of a traffic law or ordinance, other than parking tickets, regardless of the result?</p> <p>Question 23(a): Have you ever been the target or subject of a grand jury investigation or other criminal investigation from which no formal charges against you resulted?</p> <p>Question 23(b): Have you ever been offered or granted immunity to testify in any grand jury proceeding, criminal action or criminal proceeding?</p> <p>Based upon the checklist online, applicants must provide military service information, information regarding arrests, charges or accusations of violation of law or ordinance, and their fingerprints.</p>	<p>Question 14(d): Within the past 2 years, have you issued a personal or business account check, draft, or other written order on any bank or depository, or used a debit card for the payment of money or its equivalent, that was returned, refused or reversed by the bank for insufficient funds, or have you ever had a worthless check, draft or debit card order turned over to the State Attorney's Office, or other agency, for collection or prosecution regardless of whether the item was later made good?</p>	
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			<p>Question 16(d): Have you ever filed a petition in bankruptcy, been the subject of an involuntary petition for bankruptcy, or made an assignment for benefit of creditors or had a receiver, conservator or liquidator appointed for any assets?</p> <p>Based upon the checklist, the applicant must provide financial information about delinquent credit, defaulted credit, judgments/liens, unfiled tax returns, payments returned for insufficient funds, and delinquent student loans</p>	
<b>Georgia</b>	<p>Question 18.1: Have there been any instances of litigation (...lunacy, guardianship...) in which you have been a party or which you initiated or which was initiated on your behalf?</p>	<p>Question 5.3: Have you ever, other than as a routine practice, had your fitness to practice law questioned through an informal interview, a formal hearing or by any other means?</p> <p>Question 7.1: Have you ever been denied admission to the practice of law in any jurisdiction, other than for failure of the bar examination, or been denied permission to take the bar examination of any jurisdiction?</p> <p>Question 8.5: Have any complaints been filed against you as an attorney with the disciplinary authority of any state in which you have been admitted to practice?</p>	<p>Question 4.1: Have you ever been under court ordered obligation to pay alimony or child support payments?</p>	<p><a href="#">Character and fitness questionnaire sample (digital)</a></p> <p><a href="#">Character and fitness questionnaire sample (print)</a></p>



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	<p>Question 25: Do you currently have any condition or impairment (including, but not limited to, substance abuse, alcohol abuse, or a mental, emotional, or nervous disorder or condition) that in any way affects your ability to practice law in a competent, ethical, and professional manner? As used in this question, "currently" means recently enough that the condition or impairment could reasonably affect your ability to function as a lawyer. Are the limitations caused by your condition or impairment reduced or ameliorated because you receive ongoing treatment or because you participate in a monitoring or support program? Note: Please be aware that you may be asked to contact your treating physician, counselor and/or hospital and request that your records and/or a summary of your treatment be sent to the</p>	<p>Question 8.6: Have you been the subject of any form of lawyer discipline, whether private or public, whether oral or written, in any jurisdiction in which you have been admitted to the practice of law?</p> <p>Question 12.1: Have you ever been dropped, suspended, warned, placed on scholastic or disciplinary probation, expelled or requested to resign from any college, university or law school or otherwise subjected to discipline by any such institution or requested or advised by any such institution to discontinue your studies therein?</p> <p>Question 12.2: Have you ever been formally charged with cheating, lying or otherwise taking unfair advantage of fellow students at any college, university or law school you attended or are presently attending?</p> <p>Question 12.3: Regardless of whether the record has been expunged, cancelled or annulled, or whether no record was made, have you ever been subject to proceedings before a school honor court or council (or any similar body)?</p> <p>Question 13.1: If you have been a member of the US armed forces you must provide your type of discharge. Additionally you must answer the following questions:</p> <p>Question 13.4: As a member of the armed forces, were court martial charges ever made or proceedings instituted against you?</p> <p>Question 13.5: As a member of the armed forces, was non-judicial punishment imposed upon you?</p> <p>Question 13.6: As a member of the armed forces, were you asked to resign or given the opportunity to resign in lieu of judicial or administrative proceedings being instituted or carried out against you?</p> <p>Question 13.7: Have you ever received a medical discharge or an administrative discharge for medical reasons?</p> <p>Question 14.2: Have you ever been discharged from any employment?</p>	<p>Question 4.2: State your compliance with such support payments and list the name and last known address of your former spouse(s) or the custodial parent of your child(ren) to whom support is or was to be paid. Please also provide a copy of the court order unless it is already provided by the requirements of the previous question.</p> <p>Question 15.3: Have you ever had any type of account or debt turned over to a collection agency or an account that has been charged off?</p> <p>Question 15.4: Has a judgment ever been entered against you in favor of a creditor or any other entity?</p>	<p><a href="#">Podcast on "Applying for Certification of Fitness"</a></p> <p><a href="#">Policy statement of the board to determine fitness of bar applicants</a></p> <p><a href="#">Rules governing admission to the Georgia state bar</a></p>
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	<p>Office Bar Admissions. The Board to Determine Fitness of Bar Applicants is aware of HIPAA requirements</p> <p>Question 26: Has your functioning at school or at work ever been sufficiently impaired (as the result of substance abuse, alcohol abuse, or a mental, emotional, or nervous or behavior disorder or condition) as to require inpatient or outpatient treatment?</p> <p>Question 27: Within the past five years, have you asserted any condition or impairment as a defense, in mitigation, or as an explanation for your conduct in the course of any inquiry, any investigation, or any administrative or judicial proceeding by an educational institution, government agency, professional organization, or licensing authority, or in connection with an employment disciplinary or termination procedure?</p>	<p>Question 14.3: Have you ever been disciplined by an employer, or requested, formally or informally, to resign from or terminate employment?</p> <p>Question 17.3: Have you ever been involved in any litigation or arbitration related to the business or businesses referred to in the previous section?</p> <p>Question 17.4: Have there been had any decrees, judgments, or liens against the business or businesses referred to in the previous section?</p> <p>Question 18.1: Have there been any instances of litigation (equity, actions at law, statutory proceedings, lunacy, guardianship or any other civil or administrative proceeding, other than bankruptcy) in which you have been a party or which you initiated or which was initiated on your behalf?</p> <p>Question 19.1: Excluding parking violations, have you ever been cited or charged with any traffic violation within the last 10 years (including violation(s) to which you were allowed to enter a "nolo- contendere" plea)?</p> <p>Question 19.4: Has your driver's license ever been suspended or revoked?</p> <p>Question 20.1: Have you ever been charged with or cited for driving under the influence of alcohol or drugs?</p> <p>Question 21.1: Have you ever been detained, arrested, formally accused, cited or prosecuted for the violation of any law?</p> <p>Question 21.6: Are you currently serving a probated sentence as a result of any criminal charge?</p> <p>Question 22.1: Have you ever been charged with or been under investigation for the unauthorized practice of law?</p> <p>Question 23.1: Have you ever been offered immunity from prosecution in any criminal action or criminal proceeding?</p>	<p>Question 15.5: Have you ever had any liens or garnishments filed against you?</p> <p>Question 15.6: Have you ever filed a petition in bankruptcy or for establishment of a wage earners plan?</p> <p>Question 16.1: Have you ever obtained a student loan?</p> <p>Question 16.2: Are your student loans in deferment?</p> <p>Question 16.3: Are your student loans in forbearance?</p> <p>Question 16.4: Total amount of student loans owed.</p> <p>Question 16.5: Have you ever defaulted on a student loan?</p>	
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		<p>Question 24: Within the past five years, have you exhibited any conduct or behavior that could call into question your ability to practice law in a competent, ethical, and professional manner?</p> <p>Question 29: Have any disciplinary proceedings been instituted against you on behalf of any licensing agency?</p>	<p>Question 16.3: Have you ever defaulted on a student loan? You must answer even if the debt is now satisfied.</p> <p>Question 16.4: Has a judgment ever been entered against you in favor of a student loan guarantor or lender?</p>	
<p><b>Hawaii</b> [Note: Uses combination of Hawaii state and NCBE applications for character and fitness questions]</p>	NCBE	<p>NCBE and the following state specific questions:</p> <p>Question 15: Have you been the subject of any grievance, charge, or complaint (formal or informal) about your conduct as an attorney, or have you been investigated concerning your conduct as an attorney? Include grievances, charges, or complaints that are pending, that have been dismissed, that did not result in discipline, or that resulted in discipline.</p> <p>Question 16: Other than parking violations, have you been charged with traffic violations in the past ten (10) years?</p>	<p>NCBE and the following state specific question:</p> <p>Question 17: Within the past ten (10) years, have you had a credit card or charge account revoked, defaulted on any loan or filed for bankruptcy?</p>	<p><a href="#">Bar application</a></p> <p><a href="#">Rules governing admission to the Hawaii bar</a></p>
<p><b>Idaho</b></p>	<p>Question 26: Have you ever been declared a ward of any court or adjudicated an incompetent person (including designation as a conservatee or protected person)?</p>	<p>Question 11(e): If you have ever served in the Armed Forces, whether or not you received less than an honorable discharge.</p> <p>Question 11(f): If you served in the Armed Forces, whether or not you were ever court martialed or subject to any court martial proceedings.</p>	<p>Question 25: Have you ever held a bonded position? Has anyone ever sought to recover on or cancel such a bond?</p>	<p><a href="#">Bar application</a></p> <p><a href="#">Rules governing admission to the Idaho state bar</a></p>

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	<p>Question 31: Within the past five years, have you asserted any condition or impairment as a defense, in mitigation, or as an explanation for your conduct in the course of any administrative or judicial proceeding or investigation; any inquiry or other proceeding; or any proposed termination by an educational institution, employer, government agency, professional organization or licensing authority?</p> <p>Question 32(b): Do you currently have any condition or impairment (including, but not limited to, substance abuse, alcohol abuse, or a mental, emotional or nervous disorder or condition) that in any way affects your ability to practice law in a competent and professional manner?</p>	<p>Question 19: Have you ever been arrested, served a summons, cited, questioned, indicted, taken into custody, charged, tried, or investigated for a felony, misdemeanor, infraction (including traffic tickets), or probation violation? Include all incidents as a juvenile or adult, no matter how minor the charge, whether guilty or not, whether exonerated or not, whether sentencing was withheld, excluding only non-moving traffic violations that resulted in a penalty less than \$25.00. You must include criminal and/or juvenile matters that have been expunged.</p> <p>Question 20: Have you ever, in any capacity, been a party to, named, or described in any civil proceeding, action, or suit, including divorce, any court case, bankruptcy, or administrative proceeding?</p> <p>Question 21: Have you ever been the subject of any complaint, grievance, or proceedings that either sought or resulted in your admonition, reprimand, censure, suspension, discipline, citation, contempt, or fine as a member of any profession or occupation, or as the holder of any license? This includes complaints made against you as an attorney in other states.</p> <p>Question 22: Have you ever been terminated from employment or requested to resign by an employer?</p> <p>Question 23: Have you ever been charged, formally or informally, with misrepresentation, fraud, misapplication, perjury/false swearing, or misappropriation of property, either individually or in a representative capacity (i.e., as an officer of a business entity, partner or other fiduciary relationship)?</p> <p>Question 24: Have you ever been investigated, suspended, expelled, or disciplined, formally or informally, by any school, college, or university above the high school level? This includes any academic probation.</p> <p>Question 27: Have you ever applied for a license or certificate requiring proof of good moral character? This includes any applications to the practice of law. Have you ever been denied any license or certificate requiring proof of good moral character?</p> <p>Question 28: Have you ever been denied admission or readmission to any school, college, law school or professional organization?</p>	<p>Question 29: Have you at any time in the past ten (10) years, either individually or in association with others, been in default on or past due for more than sixty (60) days on any indebtedness, including those barred by a Statute of Limitations?</p> <p>Question 30: Are you, either individually or in association with others, in default in any way in the performance or discharge of any duty or obligation imposed on you by decree of any court, including, but not limited to alimony, maintenance or child support?</p>	
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	<p>Question 32(c): If your answer to the question 32(b) is affirmative, are the limitations caused by your condition or impairment reduced or ameliorated because you receive ongoing treatment (with or without medication) or because you participate in a monitoring program?</p>	<p>Question 32(a): Within the past five years, have you exhibited any conduct or behavior that could call into question your ability to practice law in a competent, ethical, and professional manner?</p> <p>Question 33: Has your conduct ever been called into question with reference to the unauthorized practice of law in Idaho or any other jurisdiction?</p> <p>Question 34: Have you ever engaged in conduct which might be regarded as evidencing an inclination to be dishonest, to take unfair advantage of others or to be disloyal to those to whom a loyalty is legally owed?</p> <p>Question 35: Have you ever supported or advocated the overthrow of the U.S. government by force?</p> <p>Question 36: Have you ever had a record sealed which contained facts related to you?</p> <p>Question 37: Are there any facts not disclosed by your answers concerning your background, history, experience or activities which may cause one to question your character, fitness or ability to practice law?</p>		
<p><b>Illinois</b></p>		<p>Question 12: Have you ever been a member of the armed forces? A “yes” answer takes you to Form 12 which asks the following questions: Did you receive an honorable discharge? Were you ever court martialled? Were you ever awarded non-judicial punishment? Were you allowed to resign in lieu of a court marshall? Were you ever administratively discharged?</p> <p>In answering question 17, you are advised that no advice of counsel, statute, court order, or legal or administrative proceeding withholding adjudication, expunging information from any record, sealing any record, or purporting to authorize any person to deny the existence or occurrence of any information or matter shall excuse less than full disclosure of the information required.</p> <p>Question 17(a): Have you ever been accused of or charged with any social, academic, or other misconduct, including, without limitation, the violation of any statute, ordinance, code of student conduct, or institutional policy, practice, or requirement, by any school, university, law school or other educational institution above the age of 13?</p>	<p>Question 7: Have you ever been required to pay child support, alimony, or family support as a result of a divorce, annulment, dissolution of civil union or legally recognized domestic partnership, or other court proceeding, or is such matter pending?</p>	<p><a href="#">Character and fitness questionnaire sample (digital)</a></p> <p><a href="#">Rules governing admission to the Illinois bar</a></p>

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		<p>Question 17(b): Have you ever been the subject of a probable cause hearing or other initial inquiry or have you ever accepted or elected a lowering of grade or other academic discipline in lieu of or in addition to participation in the disciplinary procedures of such institution?</p> <p>Question 17(c): Have you ever been dropped, suspended, warned, placed on social probation, academic probation, or disciplinary probation, expelled, requested to resign, or requested or advised by any such institution to discontinue your studies therein?</p> <p>Question 20: Have you ever submitted documents for permission to provide legal services pursuant to Illinois Supreme Court Rule 707, 718, and/or 756?... Has permission to practice as reported above ever been terminated, or has a motion to terminate ever been filed?</p> <p>Question 23: Have you ever submitted to any jurisdiction other than Illinois an application for admission on examination, on motion, or any other basis, or withdrawn such an application that did not result, or has not, or not yet resulted, in your admission to the bar of that jurisdiction?... Indicate whether application (a) is pending, (b) has been withdrawn, (c) has been denied due to failure of the bar exam, or (d) has been denied on character and fitness grounds. If (a), (b), or (d), explain under question 44.</p> <p>Question 28: In any paid or volunteer employment setting and including unpaid internships and jobs of less than six months' duration not listed in response to questions 23 and 24, have you ever been accused of misconduct, disciplined, permitted to resign in lieu of discipline or discharge, discharged or permitted or requested, formally or informally, to resign from or terminate employment?</p> <p>Question 29: Have you ever applied for (or applied for and then withdrawn) or held a license, certification or permit for a business, trade, profession, or occupation other than attorney at law, the procurement of which required proof of good character and/or examination (e.g., CPA, real estate broker, physician, teacher, patent practitioner)?</p> <p>Question 30: Have you ever been denied a business, trade, professional or occupational license, certification or permit other than as attorney at law (e.g., CPA, real estate broker, physician, teacher, patent practitioner)?</p>	<p>Question 35: Has any surety on any bond on which you were the principal or obligor been required to pay any money on your behalf?</p> <p>Question 36 (a): Do you CURRENTLY have any debt or obligation greater than \$500, including, without limitation, credit card debts, charge accounts, medical bills, student loans, bank loans, and court-ordered obligations to pay child support, alimony and family support reported AS MORE THAN 2 MONTHS PAST DUE?</p> <p>Question 36(b): Have you ever had a credit card revoked or any debt referred to collection or charged off?</p> <p>Question 36(c): Have you ever defaulted on any student or other loan?</p>	
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		<p>Question 31: Have you ever had a business, trade, professional or occupational license, certification or permit revoked?</p> <p>Question 33: To the best of your knowledge, have there ever been or are there now any formal or informal charges, complaints, or grievances pending concerning your conduct as a member of another profession or as a holder of public office?</p> <p>Question 34: Have you ever been suspended, censured, or otherwise reprimanded, disqualified or disciplined as a member of another profession or as a holder of public office?</p> <p>Question 39: Have you ever had a complaint filed against you in any civil, criminal or administrative forum alleging fraud, deceit, misrepresentation, forgery, discrimination, or professional malpractice?</p> <p>Question 40: Have you ever been a plaintiff, defendant, or other party in any litigation or administrative forum, excluding criminal litigation and matters disclosed in response to preceding question 38?</p> <p>Question 41: Are there any decrees, judgments, liens, or orders entered against you which have not been satisfied including judgments listed in response to question 38 and 39?</p> <p>Question 42: Have you ever been held in contempt of court?</p> <p>Question 45: Have you ever been denied admission or not admitted for any reason to the bar of another jurisdiction on a ground related to character and fitness, are you the subject of a pending character and fitness hearing or have you withdrawn an application?</p> <p>NOTE: In connection with your answers to questions 4[6], 4[7] and 4[8], you are advised that no advice of counsel, statute, court order, or legal proceeding withholding adjudication reducing charges, expunging information from any record, sealing any record, or purporting to authorize any person to deny the existence or occurrence of any information or matter shall excuse less than full disclosure of the information required.</p>	<p>Question 37: Except if you were not required to file due to not meeting the minimum income threshold, have you ever failed to file any federal, state or local income tax return as required by law, failed to pay any taxes when due, including employers' withholding taxes, or entered into any repayment agreement with a taxing authority?</p> <p>Question 38: Have you ever filed for relief under federal bankruptcy law?</p>	
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		<p>Question 46: Have you ever been convicted of a felony or is there now pending against you any indictment, criminal information, or criminal complaint charging a felony offense?</p> <p>Question 47: During the last 25 years, have you been formally or informally detained, restrained, cited, summoned into court, taken into custody, arrested, accused, charged, convicted, placed on probation, placed on supervision, or forfeited collateral in connection with any offense against the law or an ordinance, or accused of committing a delinquent act, other than traffic offenses set forth in response to question 47 and as set forth in your Driving Record provided under question 48?</p> <p>Question 48: Have you ever been charged with a traffic violation involving felonious conduct, or the use of alcohol or drugs, or which resulted in time spent in custody, a fine of \$350 or more, or the revocation or suspension of your driver's license?</p> <p>Question 50: Do you have any outstanding parking violations?</p>		
<b>Indiana</b>	<p>Question 14(b): Question 14: Have you ever been a party in a civil court case or proceeding?... Guardianship.</p> <p>Question 24(a): Do you currently have any condition or impairment (including, but not limited to, substance abuse, alcohol abuse, or a mental, emotional, or nervous disorder or condition) that in any way affects your ability to practice law in a competent, ethical and professional manner?</p>	<p>Question 6: Have you ever served in the armed forces of the United States or any other country? If yes, you must answer the following question: "If discharge was other than "honorable", explain the circumstances with a written description of the facts in the space provided and upload any documents or photo copies thereof.</p> <p>Question 13(a): Have you ever been disciplined, expelled, dropped, suspended, warned, placed on academic suspension, academic probation, or allowed to resign from any college, university or law school?</p> <p>Question 13(b): Have you ever been accused by any college, university, law school, other education institution, or testing service of any act of academic misconduct, including, but not limited to, plagiarism or cheating on any examination or test?</p> <p>Question 13(c): Have you ever been disciplined, suspended, warned, or allowed to resign from any profession?</p>	<p>Question 20: Have you ever filed a petition for bankruptcy?</p> <p>Question 21(a): Have you ever had a credit card or charge account revoked?</p> <p>Question 21(b): Have you ever defaulted on any student loans?</p> <p>Question 21(c): Have you ever defaulted on any other debt?</p>	<p><a href="#">Rules governing admission to the Indiana bar</a></p> <p><a href="#">Character and fitness questionnaire sample (digital)</a></p> <p><a href="#">Character and fitness questionnaire sample (print)</a></p>



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	<p>Question 24(b): If your answer to Question 24(a) is yes, are the limitations caused by your condition or impairment reduced or ameliorated because you receive ongoing treatment or because you participate in a monitoring or support program?</p> <p>Question 25: Within the past ten years, have you asserted any condition or impairment as a defense, in mitigation, or as an explanation for your conduct in the course of any inquiry, any investigation, or any administrative or judicial proceeding by an educational institution, government agency, professional organization or licensing authority; or in connection with an employment disciplinary or termination procedure?</p>	<p>Question 13(d): Have you ever been removed from appointive or elective public office for cause, or have you been disciplined, suspended or disbarred as an attorney?</p> <p>Question 14: Have you ever been a party in a civil court case or proceeding?</p> <p>Question 15: Have you ever had a complaint or other action (including but not limited to, allegations of fraud, deceit, misrepresentation, forgery or malpractice) initiated against you in any administrative forum?</p> <p>Question 16: Have you ever received a warning, a ticket or been cited for, arrested for, charged with, or convicted of any traffic violation? Include all matters that have been expunged (including any matters expunged by a court pursuant to Ind. Code § 35-38-9), dismissed, subject to a diversion or deferred prosecution program, or otherwise set aside. Parking violations DO NOT need to be included.</p> <p>Question 17: Have you ever been adjudicated delinquent in a juvenile court? Include all matters that have been expunged (including any matters expunged by a court pursuant to Ind. Code § 35-38-9), dismissed, subject to a diversion or deferred prosecution program, or otherwise set aside.</p> <p>Question 18: Have you ever been convicted of any violation of law, including, but not limited to, all felonies, misdemeanors, infractions, and violations of military law? Include all matters that have been expunged (including any matters expunged by a court pursuant to Ind. Code § 35-38-9), dismissed, subject to a diversion or deferred prosecution program, or otherwise set aside.</p> <p>Question 19: In addition to the matters set forth in Questions 16, 17, and 18 above, have you ever been arrested for or accused of violations of law, been the subject of investigation of a violation of law, including, but not limited to, all felonies, misdemeanors, infractions, juvenile matters, military matters and anything else? Include all matters that have been expunged (including any matters expunged by a court pursuant to Ind. Code § 35-38-9), dismissed, subject to a diversion or deferred prosecution program, or otherwise set aside.</p>		
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		Question 22: Within the meaning of the term "good moral character" and "fitness" to practice law as set out and defined in Rule 12 of the Admission and Discipline Rules, since age 16 have you ever been involved in any incidents where there was any challenge to your character, honesty and integrity? Do not include any arrests or convictions that have been expunged by a court pursuant to Ind. Code § 35-38-9. Your answering of this question certifies that you have read and understand Rule 12. (Do not include the answers disclosed in Questions 13-21.)		
<b>Iowa</b>	<p>Question 41: Are you currently, or have you been in the last three years, engaged in the illegal use of drugs?</p> <p>Question 44: : Do you currently have any condition or impairment that in any way affects your ability to practice law in a competent, ethical, and professional manner?</p>	<p>Question 22: Have you ever been a party to any judicial or administrative proceedings? (This does NOT include criminal and bankruptcy proceedings).</p> <p>Question 23: Within the past five years, have you exhibited any conduct or behavior that could call into question your ability to practice law in a competent, ethical and professional manner?</p> <p>Question 37: Are there any unsatisfied judgments against you?</p> <p>Question 38: Have you ever been formally or informally investigated, reprimanded, disciplined, discharged, or asked to resign by an employer or educational institution for misconduct including: (a) acts of honesty, fraud, or deceit; (b) lying or misrepresentations on a resume or prior application or registration; (c) academic misconduct, such as cheating or plagiarism; (d) misconduct involving student activities; (e) theft; (f) excessive absences; (g) failure to complete assignments in a timely manner; (h) actions in disregard for health, safety, and welfare of others; (i) discrimination or harassment based upon sex, religion, age, disability, race, or national or ethnic origin, sexual orientation or gender identity; (j) neglect of financial responsibilities; (k) conduct related to the use of alcohol or any other drug in the last ten years?</p> <p>Question 39(b): As a member of the armed forces, have any charges ever been made or any proceedings been instituted against you (court martial, Article 15, etc.)?</p> <p>Question 39(c): Have you ever received a discharge other than an honorable discharge from the armed forces?</p> <p>Question 40: Have you ever been arrested, cited for, or charged with a crime or a delinquent act, <u>INCLUDING ANY TRAFFIC VIOLATIONS</u>, but excluding parking tickets?</p>	<p>Question 23: Have you ever been a party to a bankruptcy proceeding?</p> <p>Question 36(a): Have you ever been required to make child support or alimony payments?</p> <p>Question 36(b): Have you ever been more than 30 days past due in the payment of any child support obligation or alimony (spousal maintenance) obligation?</p> <p>See Question 38(j) under "Criminal History Provisions."</p>	<p><a href="#">Bar exam application form</a></p> <p><a href="#">Rules governing admission to the Iowa bar</a></p>

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	<p>Question 45: Within the past five years, have you asserted any condition or impairment as a defense, in mitigation, or as an explanation for your conduct in the course of any inquiry, any investigation, or any administrative or judicial proceeding by an educational institution, government agency, professional organization, or licensing authority; or in connection with an employment disciplinary or termination procedure?</p>	<p>Question 41: Are you currently, or have you been in the last three years, engaged in the illegal use of drugs?</p> <p>Question 42: Have you ever, under any circumstances not explained elsewhere on this form, been accused of fraud?</p> <p>Question 43: Within the past five years, have you exhibited any conduct or behavior that could call into question your ability to practice law in a competent, ethical, and professional manner?</p> <p>Question 46(a): Have you ever been prohibited from applying for, or applied for but been denied, a position, certificate, or license which required proof of good character?</p> <p>Question 46(b): Have you ever held a position, certificate, or license which required proof of good character, but then you were removed from the position or had the certificate or license suspended or revoked?</p> <p>Question 49: If there is any information (event, incident, occurrence, etc.) that was not specifically addressed or asked of you in this application that could be considered to reflect on your character or fitness to practice law, you are required to provide a detailed explanation for each event, incident, or occurrence. Given this requirement, do you have any additional information to disclose?</p> <p>Question 50(a): Have you ever been disbarred, suspended from practice, reprimanded, censured, or otherwise disciplined?</p> <p>Question 50(b): Have any complaints or charges, formal or informal, including any now pending, ever been made or proceedings instituted against you?</p> <p>Question 50(c): Have you ever appeared, formally or informally, before a grievance or other similar committee of any bar association or other law group?</p>	<p>Question 48: Have you filed federal and state income tax returns for all years when your income warranted such filings?</p>	
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<p><b>Kansas</b></p>	<p>Question 40: Do you currently have any condition or impairment (including, but not limited to, substance abuse, alcohol abuse, or a mental, emotional, or nervous disorder or condition) which in any way affects your ability to practice law in a competent and professional manner?</p>	<p>Question 15: Have you ever served in the Armed Forces of the United States or any other country?...If discharge was other than honorable, include a copy of your discharge papers.</p> <p>Question 26: Have you ever been dropped, suspended, placed on scholastic or disciplinary probation, expelled or been requested to resign from any school, college or university, or otherwise subjected to discipline by any school or institution or requested or advised by any such school or institution to discontinue your studies there for reasons other than failure to maintain a minimum GPA?</p> <p>Question 27: Despite whether the record has been expunged, canceled or annulled, or whether no record was made, have you ever been accused of personal or academic dishonesty at any school you attended or have you ever been subject to proceedings before a school honor court, honor council, or similar body?</p> <p>Question 30: Have you ever made application to take the bar examination in a state other than Kansas?... State the outcome of each application. For example: passed but not admitted, passed and admitted, failed, withdrew, denied for character and fitness, etc. If you were denied permission to take the examination for any reason, please list the reason for the denial.</p> <p>Question 31: Have you ever been the subject of a formal proceeding or requested to appear in person before a board of law examiners, or a representative of the board, in connection with an application filed on your behalf in any other state?</p> <p>Question 38: Have you ever been a party to an action in divorce?... If you were under a court-ordered obligation to pay alimony, maintenance, or child support, provide a detailed explanation regarding the status of each obligation immediately following this page.</p> <p>Question 39: Have you ever been a party to a civil law suit, <b>other</b> than an action in bankruptcy or divorce?</p>	<p>Question 41: At the present time, does your personal debt exceed \$150,000, excluding real estate loans?</p> <p>Question 42: Do you have any debts, including student loans, which are presently past due or which have been placed in collection?</p> <p>Question 43: Have you ever had a credit card revoked?</p> <p>Question 44: Has a creditor ever filed suit against you?</p> <p>Question 45: Have you ever been a party to bankruptcy proceedings?</p> <p>Question 46: Have you, within the last ten (10) years, failed to timely <b>file</b> any applicable local, state, or federal income tax return, schedule, or report required by law?</p>	<p><a href="#">Bar application</a></p> <p><a href="#">Character and fitness qualifications for admission to the bar</a></p> <p><a href="#">Rules governing admission to the Kansas bar</a></p>
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	<p>Question 49: Despite whether the record has been expunged, have you ever been summoned, charged, arrested, taken into custody, or indicted for driving under the influence of alcohol or any other controlled substance?</p> <p>Question 50: Despite whether the record has been expunged, other than listed above, have you ever been issued a citation, notice to appear or summons, charged, arrested, taken into custody, or indicted for any felony, misdemeanor, or infraction of the law excluding minor traffic infractions?</p> <p>Question 51: Since attaining the legal driving age, has your license to operate a motor vehicle ever been suspended or revoked?</p> <p>Question 52: Have you ever represented to the public or any court that you were an attorney when you were not in fact admitted to practice in that jurisdiction?</p> <p>Question 53: Have you ever been <b>disqualified</b> from practicing law for any reason before any state or federal trial or appellate court?</p> <p>Question 54: Have you ever been <b>disbarred, suspended, censured, admonished, or otherwise reprimanded or disqualified</b> as an attorney, as a member of another profession, or as a holder of public office?</p> <p>Question 55: Have there ever been or are there now any charges or complaints (formal or informal) concerning your conduct as an attorney, as a member of any other profession, or as a holder of public office?</p> <p>Question 56: Have you ever withdrawn any license application, have you ever been denied a license, or have you ever had a license revoked?</p> <p>Question 58: Has any professional liability claim been asserted against you arising out of your alleged errors or omissions?</p> <p>Question 59: Have you ever applied for (including applications that were withdrawn) or held a license for a business, trade or profession other than as an attorney at law, the procurement of which is required proof of good character and/or an examination (such as certified public accountant, patent practitioner, or real estate broker)?</p>	<p>Question 47: Have you, within the last ten (10) years, failed to timely <b>pay</b> any taxes owed pursuant to state or federal law?</p> <p>Question 48: Have you, within the last ten (10) years, collected federal withholding, social security, or medicare taxes from the wages of your employees and failed to timely forward such monies to the Internal Revenue Service?</p> <p>Question 57: Has a surety on any bond on which you were the principal been required to pay money on your behalf, or have you ever been refused a fidelity or other bond?</p>	
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<p><b>Kentucky</b><sup>5</sup></p>	<p>Question 17: Are you currently, or have you been, within the last five (5) years, (a) addicted to, or (b) undergone treatment for the use of narcotics, drugs, prescription drugs or the excessive use of intoxicating liquor? Treatment would include not only any medical program but also any rehabilitation, professional assistance or monitoring program, such as Alcoholics Anonymous, Narcotics Anonymous, or Cocaine Anonymous.</p>	<p>Question 6(a) Have you ever been disciplined, requested formally or informally to resign from or terminate employment?</p> <p>Question 6(b) Have you ever been discharged from any employment?</p> <p>Question 6(c) Have you ever been absent from a job for more than 30 consecutive days?</p> <p>Question 9: Have you ever been charged with fraud, deceit, misrepresentation, forgery, or other acts of dishonesty in any civil, criminal, administrative or other proceeding?</p> <p>Question 10: Have you ever been adjudged liable in a civil action or proceeding involving a claim of fraud, conversion, breach of fiduciary duty or professional malpractice?</p> <p>Question 12: Have you ever been charged with or convicted of DUI/DWI?</p> <p>Question 13: Have you ever received a citation for a code or ordinance violation, been taken into custody or been charged with any misdemeanor (excluding speeding and parking tickets), or any felony? A positive response is to be given, when appropriate, regardless of the ultimate disposition of a citation or charge and regardless of whether a citation or charge has been expunged, sealed, segregated, voided or diverted?</p> <p>Question 14: If convicted of a felony, have you received a full pardon, and/or restoration of political rights for that crime?</p> <p>Question 15: If convicted of a felony did the conviction result in a sentence of confinement in a state prison or penitentiary, even if such sentence or imprisonment was suspended?</p> <p>Question 16: Have you ever been offered or granted immunity in any criminal proceeding? expunged, sealed, segregated, voided or diverted.</p>	<p>Question 7(a): Are there any unsatisfied judgments, liens or court orders of continuing effect against you?</p> <p>Question 7(b): Have you ever had a credit card revoked?</p> <p>Question 7(c): Do you currently have any unpaid collection or charged off accounts?</p> <p>Question 7(d): Have you ever filed or been the subject of a petition in bankruptcy?</p> <p>Question 7(e): Have you ever defaulted on a student loan?</p> <p>Question 7(f): Have you ever been adjudged bankrupt or insolvent?</p>	<p><a href="#">Character and fitness FAQs</a></p> <p><a href="#">Rules governing admission to the Kentucky bar</a></p>
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<sup>5</sup> Due to restricted online access, questions here are from 2015 copy.

Appendix C-1

	<p>Question 18: Are you currently, or have you been within the last five years, (a) diagnosed with or, (b) treated for any of the following: Schizophrenia or any other psychotic disorder, delusional disorder, bipolar or manic depressive mood disorder, major depression, antisocial personality disorder, or any other condition which significantly impaired your behavior, judgment, understanding, capacity to recognize reality, or ability to function in school, work, or other important life activities? (If you are uncertain of a diagnosis, it is your responsibility to check with your treating health care professional)</p>	<p>Question 22: If convicted of a felony, have you received a full pardon, and/or restoration of political rights for that crime?</p> <p>Question 23: If convicted of a felony did the conviction result in a sentence of confinement in a state prison or penitentiary, even if such sentence or imprisonment was suspended?</p> <p>Question 24: Have you ever been offered or granted immunity in any criminal proceeding?</p>		
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	<p>Question 19: Are you currently, or have you been within the last five years, (a) diagnosed with or, (b) treated for any physical condition (e.g., stroke, head injury, dementia, brain tumor, heart disease) that has resulted in significant memory loss, significant loss of consciousness or significant confusion?</p> <p>Question 20: Within the past five years have you suffered from, been diagnosed with or been treated for kleptomania, compulsive gambling, pedophilia, exhibitionism or voyeurism?</p>			
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	<p>Question 21: Within the past five years, have you ever raised the issue of consumption of drugs or alcohol or the issue of a mental, emotional, nervous, or behavioral disorder or condition as a defense, mitigation or explanation for your actions in the course of any administrative or judicial proceeding or investigation; any inquiry or other proceeding; or any proposed termination or suspension by an educational institution, employer, government agency, professional organization, or licensing authority?</p>			
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	<p>Question 22(a): Do you currently have any condition or impairment including, but not limited to, (a) any related substance or alcohol abuse, or (b) a mental, emotional, or nervous disorder or condition not reported above which in any way affects, or if untreated could affect your ability to perform any of the obligations and responsibilities of a practicing attorney in a competent and professional manner? "Currently" means recently enough so that the condition could reasonably have an impact on your ability to function as a practicing attorney.</p>			
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	<p>Question 22(b): If your answer to Question 30(a) is "Yes", are the limitations or impairments caused by your condition or impairment reduced or ameliorated because you receive ongoing treatment (with or without medication) or because you participate in a monitoring program?</p> <p>Question 23: Have you been declared legally incompetent within the last five years?</p>			
<p><b>Louisiana</b> [Note: Uses NCBE Character and Fitness Application]</p>	<p>NCBE</p>	<p>NCBE</p>	<p>NCBE</p>	<p><a href="#">Character and fitness overview</a></p> <p><a href="#">Character and fitness FAQs</a></p> <p><a href="#">Rule governing admission to the Louisiana bar</a></p>

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<p><b>Maine</b></p>	<p>Question 25(A): Do you currently use any drug, narcotic or substance which use is illegal under state or federal law?</p> <p>Question 25(B): Have you ever claimed to be or been declared legally incompetent?</p> <p>Question 26(A): Within the last three years have you had any condition or impairment (including, but not limited to, substance abuse, alcohol abuse, or a mental, emotional, or nervous disorder or condition) which in any way currently affects, or if untreated could affect, your ability to practice law in a competent and professional manner?</p>	<p>Question 5: Have you ever been dropped, suspended, placed on disciplinary probation, expelled or requested to resign or allowed to resign in lieu of discipline from any school (including law school) or otherwise subjected to discipline by any such institution? NOTE: Academic probation need not be reported.</p> <p>Question 6(A): Have you ever been admitted to the bar in any other jurisdiction? If yes, has your admission been subject to any conditions and/or have you been admitted under a conditional admission agreement in any other jurisdiction?</p> <p>Question 9(A): Have you ever been disbarred, suspended, censured, or otherwise reprimanded or disqualified as an attorney in any jurisdiction?</p> <p>Question 9(B): Have there ever been or are there now any charges, complaints, or grievances (formal or informal) pending concerning your conduct as an attorney in any jurisdiction?</p> <p>Question 10: Have there ever been or are there now any inquiries, charges, complaints, or grievances (formal or informal) pending alleging that you engaged in the unauthorized practice of law?</p> <p>Question 11: Have sanctions ever been entered against you or have you ever been disqualified from participating in any case?</p> <p>Question 14(A): Have you ever been terminated, suspended, disciplined or permitted to resign in lieu of termination from any job?</p> <p>Question 14(B): Has an employer of yours ever been convicted of a violation of a state or federal law, rule or regulation, in whole or in part because of your conduct?</p> <p>Question 15: Have you or any business you had an ownership interest in ever applied for (even if the application was subsequently withdrawn) or held a license for a business, trade, or profession, other than as an attorney at law?</p> <p>Question 16(A): Have you or any business you had an ownership interest in ever been denied a license for a business, trade or profession (e.g., CPA, real estate broker, physician, patent practitioner)?</p>	<p>Question 18(A): Has any surety on any bond on which you were the principal been required to pay any money on your behalf?</p> <p>Question 18(B): Have you or any business in which you had an interest ever been refused a fidelity or other bond?</p> <p>Question 23: Have you ever filed a petition for bankruptcy?</p> <p>Question 24(A): Have you had any debts of \$500 or more (including alimony, child support, credit cards, charge accounts and student loans) which have been more than 90 days past due within the past three years?</p> <p>Question 24(B): Have you ever had a credit card or charge account revoked?</p>	<p><a href="#">Application procedures for Maine bar</a></p> <p><a href="#">Bar application</a></p> <p><a href="#">Rules governing admission to Maine state bar</a></p>
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	<p>Question 26(B): If your answer to Question 26(A) is Yes, are the limitations or impairments caused by your mental health condition or substance abuse problem reduced or ameliorated because you receive ongoing treatment (with or without medication) or because you participate in a monitoring program?</p>	<p>Question 16(B): Have you or any business you had an ownership interest in ever had a business, trade or professional license revoked?</p> <p>Question 16(C): Are there any businesses, including but not limited to corporations, partnerships, professional associations or individual partnerships, which you now or previously operate(d) or control(led) or in which you have or had an ownership interest? (Ownership of 10% or less in any business in which the stock is publicly trade need not be disclosed).</p> <p>Question 17(A): Have you or any business you had an ownership interest in ever been suspended, censured, or otherwise reprimanded or disqualified as a member of another profession, or as a holder of public office?</p> <p>Question 17(B): Have there ever been or are there now pending any charges, complaints of grievances (formal or informal) concerning your conduct as a member of any other profession, or as a holder of public office?</p> <p>Question 17(C): Have you ever been disciplined in any profession or other setting (excluding employment, educational or military) for any violation of the rules applicable to your behavior?</p> <p>Question 17(D): Have you ever been asked to resign or given the opportunity to resign in lieu of disciplinary action or termination from any organization for any reason?</p> <p>Question 19: Have you ever been a named party to any civil action? NOTE: Family law matters (including divorces and continuing orders for child support) should be included here.</p> <p>Question 20: Have you ever had a complaint filed against you in any civil, criminal or administrative forum alleging fraud, deceit, misrepresentation, forgery or legal malpractice?</p> <p>Question 21(A): Have you ever been cited for, arrested for, charged with, or convicted of any alcohol or drug related traffic violation other than a violation that was resolved in juvenile court?</p>	<p>Question 24(C): Have you ever defaulted on any student loan?</p> <p>Question 24(D): Have you ever defaulted on any other loan?</p> <p>Question 24(E): Have you filed state and federal income tax returns for each of the last five years?</p>	
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	<p>Question 27(A): Within the past five years, have you ever raised the issue of consumption of drugs or alcohol or the issue of a mental, emotional, nervous, or behavioral disorder or condition as a defense, in mitigation of, or as an explanation for your actions in the course of any administrative or judicial proceeding or investigation; any inquiry or other proceeding; or any proposed termination by an educational institution, employer, government agency, professional organization, or licensing authority?</p>	<p>Question 21(B): Have you been cited for, arrested for, charged with, or convicted of any moving traffic violations during the past ten years? (Not parking violations.)                  Question 21(D): Has your driver’s license in any state ever been suspended or revoked?                   Question 22: Have you ever, as an adult, been cited, arrested, charged or convicted for any violation of law (except traffic violations)? NOTE: This answer should include matters that have been expunged or been subject to a diversionary program.                   Question 27(B): Are there any other facts not disclosed hereto concerning your background, history, experience or activities which may have a negative bearing on your character, moral fitness, or eligibility to practice law in Maine?</p>		
<p><b>Maryland</b><sup>6</sup></p>	<p>8(a). The following is a complete list of all civil actions, including suits in ... and other statutory proceedings,... lunacy, guardianship... to which I am or ever have been a party.</p>	<p>Question 1(h): Have your driving privilege in any U.S. jurisdiction ever been suspended or revoked?                   Question 4(d) Have you ever been expelled, suspended, reprimanded, or otherwise formally disciplined by any school, college, or university?                   4(e). Have you ever been charged for any reason by any school, college or university with a disciplinary violation which charge was resolved without formal discipline, including by voluntary permanent resignation or temporary leave of absence from the institution, participation in a diversionary program, or other informal disposition?</p>	<p>7(a). Attach a current credit report.                   7(b). I presently owe money to the following creditors not appearing on the credit report attached in response to Question 7(a)</p>	<p><a href="#">Information regarding character and fitness process</a>   <a href="#">Rules governing admission to the Maryland bar</a></p>

<sup>6</sup> Due to restricted online access, questions here are from 2017 copy.

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	<p>14(a) Do you have any condition or impairment, including but not limited to any physical condition, alcohol, drug or other substance abuse, or any mental, emotional, nervous or behavioral condition, that in any way currently affects, or if untreated or not otherwise actively managed, could affect your ability to practice law in a competent, ethical and professional manner? (In this question "currently" means recently enough that the condition could reasonably have an impact on your ability to function as a lawyer. "Actively managed" means that you receive appropriate therapy (with or without use of medication), participate in supervised monitoring and/or a recognized peer support program, and/or utilize other appropriate support systems to manage your condition or impairment.)</p>	<p>5(c). Have you ever been investigated and/or disciplined for any alleged violation of any applicable ethical standard by the attorney or judicial disciplinary authority of any jurisdiction?</p> <p>6(b). Have you ever been a defendant in any court martial?</p> <p>8(a). The following is a complete list of all civil actions, including suits in equity, actions at law, divorce, annulment and other family law actions, administrative proceedings, suits in bankruptcy and other statutory proceedings, civil citations, matters in probate, lunacy, guardianship and every other judicial proceeding of every nature and kind except criminal matters disclosed in response to Question 9, below, to which I am or ever have been a party. When listing any divorce or annulment action, include in your brief description the grounds for divorce or annulment.</p> <p>9(a). The following is a complete list of all criminal proceedings (by case number, filing date, court name and location, offense charged, nature and circumstances of the offense, and disposition), arrests and summonses, including all traffic citations for moving violations to which I am or ever have been a party.</p> <p>9(b). I have attached to my Bar application certified copies of all charging documents, judgment/disposition documents and docket entries in each proceeding identified above; except that you need not attach documents related to motor vehicle offenses where a court appearance was not required. For any arrest or proceeding where you have NOT attached documents, describe below your efforts to obtain documents related to that arrest or proceeding, and/or the reason why documents are not attached. If your explanation exceeds 200 characters, attach a separate signed statement containing the requested information.</p> <p>10(b). If your answer to 10(a) is "Yes," are you now or were you ever subject to any disciplinary complaint or proceeding, or denied a license, by any licensing authority in connection with any professional license you hold or held or applied for?</p> <p>11. Are you now, or have you ever been subject to any disciplinary complaint or proceeding in connection with your membership in any labor union or any trade or professional organization?</p>	<p>7(c). I presently owe money, SOME PART OF WHICH HAS BEEN DELINQUENT FOR MORE THAN 90 DAYS, to the following:</p> <p>7(d)(ii). Are you currently involved in any ongoing dispute(s) over any obligation to pay taxes to the U.S. Internal Revenue Service and/or to the tax collection authorities of all U.S. jurisdictions?</p>	
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	<p>14(b) If your answer to 14(a) is "Yes," are the limitations caused by your condition or impairment reduced or ameliorated because you receive ongoing therapy or treatment (with or without medication) or because you participate in a monitoring program or other support system? If your answer to 14(b) is "Yes," in the space below, describe the treatment or therapy utilized to reduce or ameliorate the effects of your condition, disorder or substance abuse problem. If your description exceeds 200 characters, attach a separate signed statement containing the information requested.</p>	<p>13(b). Have you ever been terminated, suspended, laid off, discharged or permitted to resign in lieu of termination from any employment?</p> <p>13(c). Account for each period of unemployment lasting three (3) months or more occurring during the last five (5) years.</p> <p>15. Has there been any other unfavorable conduct or incidents in your life, whether at school (college, graduate school or law school), at work, at home, in business, or otherwise, which may reasonably call into question your character or fitness to practice law, that were not specifically called for in response to the previous questions contained in this questionnaire or not previously disclosed in your answers?</p> <p>8(d) State whether any court has ever ruled or determined that you acted in bad faith or without substantial justification in filing or maintaining any civil case or action, or in filing or serving any pleading or discovery in any civil case or action?</p>	<p>8(b). I have attached to my Bar application certified copies of any judgments rendered in the actions listed in the response to this question, whether favorable or adverse to you and whether satisfied or unsatisfied. If any judgment is adverse to you and is currently unsatisfied, set forth in the space provided below the name and address of the judgment holder, and your explanation as to why the judgment remains unpaid. If your explanation exceeds 200 characters, attach a separate signed statement containing the requested information.</p> <p>12(a). Has any surety, on any bond on which you were the principal, been required to pay any money on your behalf?</p>	
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	<p>14(c) Within the past three (3) years, have you asserted any condition or impairment as a defense, mitigation or explanation for conduct in any judicial or administrative proceeding or investigation (including any inquiry or investigation by an educational institution, employer, governmental agency, professional organization or licensing authority)? If your answer to 14(c) is "Yes," in the space below, explain the circumstances under which you raised such issue. If your explanation exceeds 200 characters, attach a separate signed statement containing the requested information.</p>		<p>12(b). Have you ever been refused a fidelity or other bond?</p>	
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	<p>If you answer "Yes" to any part of Question 14, you MUST supply in the space provided and/or in a separate signed statement, a description of the condition/impairment and of any treatment or therapy you have received in the past year. If you have been under the care or supervision of a healthcare professional for such condition/impairment, you MUST also attach a statement from that healthcare professional specifying the current diagnosis, treatment regimen, prognosis, and its bearing on your fitness to practice law.</p>			
<p><b>Massachusetts</b></p>		<p>Have you ever been reprimanded, sanctioned, disciplined or suspended or expelled from a college, university or law school?</p> <p>Have you ever been a member of the Armed Services? If yes, state the type of discharge. If dishonorably discharged, state circumstances surrounding your release and the details thereof, where the record can be obtained, your service number and rank, and the branch and dates of actual service.</p> <p>Have you ever been terminated, or resigned in lieu of termination, from any position?</p> <p>Have you ever filed any application for an official position or for professional licensure, other than as an attorney, that required proof of good character?</p>	<p>Have you ever been adjudged bankrupt or insolvent?</p>	<p><a href="#">Application for bar exam (pdf)</a></p> <p><a href="#">Character and fitness FAQs</a></p>

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		<p>Have you ever held any license, other than as an attorney, which required proof of good character?</p> <p>Have any charges, grievances or complaints ever been made concerning your conduct as a member of any profession, other than an attorney, or as a holder of any public office?</p> <p>Have any of your licenses or positions ever been suspended or revoked as a member of any profession, other than an attorney, or as a holder of any public office?</p> <p>Have you ever been charged with or been the subject of any investigation pertaining to the unauthorized practice of law?</p> <p>Have any charges, grievances or complaints ever been made concerning your conduct as an attorney?</p> <p>Have you ever been disbarred, suspended, reprimanded, censured, admonished or otherwise disciplined or disqualified as an attorney?</p> <p>Have you ever been a party on either side in a civil action or proceeding involving a claim of fraud, conversion, breach of fiduciary duty, professional malpractice or other wrongful conduct?</p> <p>Have you been a party, other than as representing counsel, in any other legal or administrative proceedings?</p> <p>Have you ever been charged with or been the subject of any investigation for a felony or misdemeanor other than a minor traffic charge?</p> <p>Are there <u>any</u> unsatisfied judgments or <u>any</u> court orders of continuing effect against you?</p>		<p><a href="#">Character and fitness standards of admission: Rules governing admission to the Massachusetts bar</a></p>
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<p><b>Michigan</b></p>	<p>Question 52(A): Have you ever used, or been addicted to or dependent upon, intoxicating liquor or narcotic or other drug substances, whether prescribed by a physician or not, the use of, addiction to, or dependency upon which permanently, presently or chronically impairs or distorts your judgment, behavior, capacity to recognize reality or cope with the ordinary demands of life?</p>	<p>Question 21: Since leaving high school have you, for other than scholastic performance, ever been: denied enrollment; disciplined; denied course credit; had a grade lowered or were allowed to withdraw from a class in lieu of other disciplinary action; warned; reprimanded; suspended; been the subject of a probable cause hearing or other initial inquiry*; expelled or requested to terminate your enrollment; or withdrew from school while allegations were pending by any college, university, law school, other educational institution, or any entity whose existence is sanctioned by any of the above schools? If so, provide the name and address of each institution, the dates, and explain the circumstances. *For purposes of this question, an inquiry is defined as any instance where an applicant has been accused of a violation of a school's or school sanctioned entities' honor code/code of conduct/disciplinary code/rules of equivalent such that he or she has been required to respond in writing.</p> <p>Question 28: Have you ever been disciplined by any employer, discharged, asked to resign, or resigned from any employment for reasons other than career advancement or full-time schooling?</p> <p>Question 30: Have you ever been convicted in any military service court martial proceeding including a proceeding under Article 15 of the Uniform Code of Military Justice?</p> <p>Question 31: Have you ever been discharged other than honorably from military service, or have you ever been medically or administratively discharged?</p> <p>Question 32: Have you ever been rejected for military service?</p> <p>Question 36: Have you ever applied for or held a license, other than as an attorney, which required that you possess good moral character and fitness?</p> <p>Question 37: To your knowledge, have you ever been accused of engaging in the Unauthorized Practice of Law in any jurisdiction?</p> <p>Question 38: Have you ever been suspended, disbarred or otherwise disciplined from practicing law, or from membership in any professional organization, or as the holder of any office or license?</p>	<p>Question 25: Have you ever made application for or obtained employment that required bonding?</p> <p>Question 26: Have you ever been refused bonding? If so, give the date of the application for the bond, the purpose for bonding, the name of the company refusing coverage and the reasons for refusal.</p> <p>Question 27: With regard to employment listed in Question 25: Has anyone ever sought to cancel or collect upon the bond?</p> <p>Question 46: Do you have any debts which are more than 90 days past due?</p>	<p><a href="#">Bar application sample Questions about character and fitness</a></p> <p><a href="#">Rules governing admission to the Michigan bar</a></p> <p><a href="#">Supplemental information: Unraveling the Mystery of the Character and Fitness Process</a></p>
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Appendix C-1

	<p>Question 52(B): Have you ever used, or been addicted to or dependent upon, intoxicating liquor or narcotic drug substances, whether prescribed by a physician or not, the use of, addiction to, or dependency upon which permanently, presently or chronically impairs your ability to exercise such responsibilities as being candid and truthful, handling funds, meeting deadlines, or otherwise representing the interest of others?</p> <p>Question 53: Are there any pending proceedings, or is there any presently effective order, for the appointment of a legal guardian or conservator for you?</p>	<p>Question 39: Have you ever been reprimanded, censured or otherwise publicly or privately disciplined as an attorney, or as a member of any professional organization, or as the holder of any office or license?</p> <p>Question 40: Have formal charges by a grievance, investigative or similar body ever been made against you as an attorney, or as a member of any professional organization, or as the holder of any office of license, or is there presently pending any complaint against you which could result in such charges being made?</p> <p>Question 43: For each business identified in your answers to Questions 41 and 42, during the period indicated: Has the business been a party to any civil litigation, commercial arbitration or administrative proceedings, or has the business been convicted of committing a crime?</p> <p>Question 44: Have you ever been a party to any civil litigation; including but not limited to: divorce, child support matters, personal protection orders, bankruptcy, show cause orders, administrative agency proceedings, arbitration or small claims actions?</p> <p>Question 45: Have judicial enforcement proceedings ever been instituted against you alleging your nonperformance of any judgment, order, decision or award against you?</p> <p>Question 48: Are there any criminal charges against you: (a) which are currently pending? (b) for which you are currently on supervised or unsupervised probation? (c) in which sentencing has been delayed or not disposed of? (d) in which a pretrial diversion program has not been completed? (e) in which there is any other non-final status?</p>	<p>Question 47: Have you personally or in any fiduciary capacity, had a check or transaction returned or rejected for insufficient funds during the twelve months preceding the filing of this application? (Also to be considered for your response to this question, the activation of “overdraft protection” more than four times during the same time frame should prompt a positive response.)</p>	
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	<p>Question 54(A): Have you ever had, been treated or counseled for, or refused treatment or counseling for, a mental, emotional, or nervous condition which permanently, presently or chronically impairs or distorts your judgment, behavior, capacity to recognize reality or ability to cope with ordinary demands of life?</p> <p>Question 54(B): Have you ever had, been treated or counseled for, or refused treatment or counseling for, a mental, emotional, or nervous condition which permanently, presently or chronically impairs your ability to exercise such responsibilities as being candid and truthful, handling funds, meeting deadlines, or otherwise representing the interest of others?</p> <p>Question 55: Have you ever engaged in compulsive gambling?</p>	<p>Question 49: Have you ever been convicted of any felony or misdemeanor offense? Include any conviction resulting from an appearance in court in which a judge or jury made a finding of guilt, or in which a guilty plea or <i>nolo contendere</i> plea was accepted by the court. Exclude driving convictions that do not require a court appearance, and which are or would be presently treated as civil infractions... Disclose all convictions stemming from originally charged driving offenses that retain criminal status, such as all alcohol or drug-related driving offenses and reckless or felonious driving, or convictions for driving while privileges are suspended or revoked.</p> <p>Question 50: Have you ever: (a) Entered a guilty plea or a no contest plea to a criminal offense which was taken under advisement or otherwise did not result in a conviction? (b) Had a criminal conviction expunged or set aside?</p> <p>Question 51: Have you ever agreed to testify or provide information or assistance to prosecuting officials in order to obtain immunity from criminal prosecution?</p>		
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<p><b>Minnesota</b></p>	<p>Question 4.34: Have you EVER raised the issue of consumption of drugs or alcohol, or the issue of a mental, emotional, or behavioral disorder or condition, or the issue of compulsive gambling as a defense, in mitigation, or as an explanation for your actions in any administrative or judicial proceeding or investigation?</p> <p>Question 4.35: Since the age of eighteen have you EVER been declared legally incompetent, been placed under conservatorship or guardianship, been involuntarily hospitalized, or been placed under an involuntary hold?</p> <p>Question 4.36: Have you EVER been diagnosed with and/or received treatment for pedophilia, exhibitionism, voyeurism, kleptomania, pyromania, or compulsive gambling?</p>	<p>Question 4.01: Have you EVER been charged with, arrested for, pleaded guilty to, or been convicted of a felony or gross misdemeanor or the equivalent?</p> <p>Question 4.02: Have you EVER been charged with, cited for, arrested for, pleaded guilty to, or been convicted of a violation of any law, including traffic laws?</p> <p>Question 4.03: Has your Driver’s License EVER been canceled, suspended, or revoked for any reason?</p> <p>Question 4.04: Are you currently subject to a court-ordered probation of any kind?</p> <p>Question 4.05: Have you individually, or as an officer or director of a corporation, as a member of a partnership, or as a fiduciary of a trust EVER been accused of or charged with, or found to have committed civil fraud, criminal fraud, misconduct, or dishonorable conduct in ANY legal, administrative, or military proceeding, or in any decision or finding made by an administrative agency?</p> <p>Question 4.06: Have you EVER been a party to any legal proceeding? This includes any civil, criminal, administrative, family law or domestic abuse proceeding, or arbitration.</p> <p>Question 4.07: As an officer or director of a corporation, as a member of a partnership, or as a fiduciary of a trust, have you EVER been a party to or a witness in any legal proceeding?</p> <p>Question 4.08: Have you EVER been found in contempt by any court, tribunal, or legislative body?</p> <p>Question 4.09: Have you EVER failed to comply with any court order directed against you, including child support and other family law orders?</p> <p>Question 4.12: Have you EVER been discharged or terminated from employment for any reason?</p> <p>Question 4.13: Have you EVER been suspended, disciplined, reprimanded from employment, or permitted to resign in lieu of termination, for any reason.</p>	<p>Question 4.10: Have you EVER been ordered by a court to pay or otherwise agreed to pay child support?</p> <p>Question 4.11: Have you EVER been ordered by a court to pay or otherwise agreed to pay spousal maintenance or alimony?</p> <p>Question 4.20(A): Do you currently have any debt, loan, or other credit account that is 120 days or more past due, is in a “charged off” status, or is in collections?</p> <p>Question 4.20(B): Have you EVER had any debt, loan, or other credit account that was charged off or placed in collections?</p>	<p><a href="#">Bar application</a></p> <p><a href="#">Character and fitness for admission to the bar</a></p> <p><a href="#">Character and fitness FAQs</a></p> <p><a href="#">Character and fitness requirements</a></p> <p><a href="#">Rules governing admission to the Minnesota bar</a></p>
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	<p>Question 4.37: Do you have, or have you had within the last two years, any condition, including but not limited to the following: (a) an alcohol, drug or chemical abuse or dependency condition, (b) a mental, emotional, or behavioral illness or condition, (c) a compulsive gambling condition, that impairs, or has within the last two years impaired, your ability to meet the Essential Eligibility Requirements for the practice of law set forth in Rule 5A of the Rules for Admission to the Bar?</p>	<p>Question 4.14: Have you EVER been requested (formally or informally) to resign from or terminate any employment?</p> <p>Question 4.15: Have you EVER been denied an employment-related or occupational license or bond?</p> <p>Question 4.16: Has a report of misconduct or irregularity or a written charge of alleged misconduct or irregularity EVER been issued against you by the Law School Admission Council in connection with the admission process to law school?</p> <p>Question 4.17: Have you EVER been warned, placed on probation, suspended, requested to discontinue your studies, allowed to discontinue your studies in lieu of discipline, expelled, or otherwise disciplined, from a post-secondary school, college, university, or law school for academic or non-academic reasons?</p> <p>Question 4.18: Have allegations, complaints, or charges (formal or informal) EVER been made against you during your enrollment in a post-secondary school, college, university, or law school alleging academic or personal misconduct, including but not limited to, honor code violations or plagiarism?</p> <p>Question 4.19: Have you EVER been warned, placed on probation, suspended, requested to discontinue your studies, allowed to discontinue your studies in lieu of discipline, expelled, or otherwise disciplined, by any educational institution for conduct in any way related to alcohol or other drugs?</p> <p>Question 4.28: Have you EVER held a license, other than as an attorney, the issuance of which required proof of good character (e.g., certified public accountant, teacher, real estate broker, patent agent, securities broker, or law enforcement officer)?</p> <p>Question 4.29: Have any charges or complaints EVER been filed, or are any charges or complaints presently pending concerning your conduct as an attorney, as a member of any other profession, or as a holder of a public office?</p>	<p>Question 4.21: Have you EVER failed to file ANY local, state or federal tax return when required to do so?</p> <p>Question 4.22: Have you EVER failed to pay any taxes due, including employers' withholding taxes, or entered into any repayment agreement with a taxing authority?</p> <p>Question 4.23: Have any liens or judgments EVER been filed against you?</p> <p>Question 4.24(A): Do you currently have any student loans in default or student loans alleged to be in default?</p> <p>Question 4.24(B): Have you EVER had any student loans in default or student loans alleged to have been in default?</p>	
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	<p>Question 4.38: If your answer to Question 4.37 is “Yes,” is the condition that impairs or has impaired your ability to meet the Essential Eligibility Requirements for the practice of law set forth in Rule 5A reduced or ameliorated because you have had treatment, are receiving ongoing treatment, are taking medication, or are participating in a support program (such as Alcoholics Anonymous), counseling, or therapy?</p> <p>Question 4.39: Within the past two years, have you continued to use drugs or alcohol after a professional advised you to discontinue use?</p> <p>Question 4.40: Within the past two years, have you continued to gamble after a professional advised you to discontinue gambling?</p>	<p>Question 4.30: Have you EVER been disciplined, suspended, reprimanded, censured, disbarred, the subject of a grievance, or formally or informally warned by an attorney-regulating authority, by the disciplinary authority of any other profession, or while you were a holder of public office?</p> <p>Question 4.31: Have you EVER been sanctioned in a legal matter or have you EVER been disqualified from participating in any legal matter?</p> <p>Question 4.32: Have you EVER failed to fulfill the obligations of a professional license, including but not limited to, maintaining records of accounts, complying with continuing professional education, or paying required fees?</p> <p>Question 4.33(A): Have you EVER filed an application for a professional, occupational, or business license or certificate that was denied, that was withdrawn by you after question about your character or qualifications arose, or that otherwise was unfavorably acted upon by the licensing authority?</p> <p>Question 4.33(B): Have you ever been accused of, or investigated for, cheating on a professional exam?</p> <p>Question 4.33(C): In connection with your application for admission to practice law in any jurisdiction, were you required to appear before any board, committee, or other examining authority for examination or inquiry about any matter, other than a written examination on the law?</p> <p>Question 4.43: Notwithstanding the answers to Questions 4.01 through 4.42, are there any other incidents or circumstances that may relate to your character and fitness for admission to the bar?</p>	<p>Question 4.25: Are there any unsatisfied judgments against you?</p> <p>Question 4.26: Have you EVER owned a property which was foreclosed upon or given a mortgage holder a deed in lieu of foreclosure?</p> <p>Question 4.27: Have you EVER filed a voluntary petition for relief under the U.S. Bankruptcy Code or been the subject of an involuntary petition?</p>	
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	<p>Question 4.41: Within the past two years, have you discontinued treatment or medication for a condition that at any time impaired your ability to meet the Essential Eligibility Requirements for the practice of law set forth in Rule 5A?</p> <p>Question 4.42: Within the past two years, have you failed in any way to comply with the recommendations of a professional that treatment or medication was necessary to avoid negatively affecting your ability to meet the Essential Eligibility Requirements for the practice of law set forth in Rule 5A?</p> <p>Question 4.44: If you answered "Yes" to any questions between 4.01 and 4.43: Have you provided an explanation and attached supplemental records as required?</p>			
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<p><b>Mississippi</b></p>		<p>Question 15: Have you ever been suspended, placed on disciplinary probation, expelled or requested to resign from high school, college, university or law school, or otherwise subjected to discipline by any such school or other institution or requested or advised by any such school or institution to discontinue your studies therein for disciplinary reasons?</p> <p>Question 16: Have you ever been involved in any student or honor code violation(s)?</p> <p>Question 19: Have you ever been terminated, suspended, disciplined, or permitted to resign in lieu of termination from any job?</p> <p>Question 20(a): Have you ever been a named party to any civil court action, with the exception of adoption? NOTE: Family law matters (including divorce or continuing orders for child support) should be included here.</p> <p>Question 20(b): Have you ever had a complaint filed against you in any civil, criminal, or administrative forum, alleging fraud, deceit, misrepresentation, forgery or professional malpractice?</p> <p>Question 21: Have you been charged with any moving traffic violations during the past ten years? NOTE: Alcohol or drug-related traffic violations should be discussed in this question.</p> <p>Question 22(a): Have you, either as an adult or a juvenile, been cited, arrested, charged or convicted for any violation of any law (except traffic violations)? NOTE: This should include matters that have been expunged or been subject to a diversionary program.</p> <p>Question 22(c): Have you ever had your driving privileges suspended or revoked?</p> <p>Question 23: Did any of the instances listed in questions 20a, 20b, 21 or 22a result in conviction of a misdemeanor?</p> <p>Question 24: Did any of the instances listed in questions 20a, 20b, 21 or 22a result in conviction of a felonious crime?</p>	<p>Question 25(a): Have you ever been adjudicated a bankrupt, or has a petition in bankruptcy ever been filed by you or against you, either alone or in association with others?</p> <p>Question 25(b): Have you ever been brought in as a party to any proceedings in a bankruptcy court; or have you ever been sued or threatened with suit by the receiver, trustee, or other authority of any bankruptcy estate, for unlawful transfer, conspiracy to conceal assets, or any other fraud or offense, whether or not punishable by criminal law?</p>	<p><a href="#">Bar application sample</a></p> <p><a href="#">Rules governing admission to the Mississippi bar</a></p>
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		<p>Question 30: Have you ever applied for or held a license, other than as an attorney at law, which required proof of good character? (E.g. certified public accountant, real estate broker, etc.)</p> <p>Question 32: Have you engaged in any inappropriate, illegal, immoral or irresponsible behavior over the last five years that you or others have attributed to consumption or use of prescription, non-prescription or other drugs, alcohol or other intoxicating substances?</p> <p>Question 33: Have you engaged in any inappropriate, illegal, immoral or irresponsible behavior over the last five years that resulted in an investigative process, disciplinary or legal consequences or your separation from employment or from an educational institution?</p> <p>Question 34: Within the past five years, have you been involved in any inquiry, any investigation, any insurance claim, or any administrative or judicial proceeding by an educational institution, government agency, professional organization, or licensing authority; or in connection with an employment disciplinary or termination procedure?</p> <p>Question 36: Have you ever submitted an application to be admitted by examination, reciprocity/comity/motion or diploma privilege, or to be reinstated to the bar of any Jurisdiction in the United States (including Mississippi) or foreign country?...For each withdrawal of application or failure to being admitted, other than those due to failing the examination, in the comment box below provide a brief narrative explanation of the circumstances surrounding the reason.</p> <p>Question 37: Have you ever been denied admission to the practice of law in any jurisdiction of the United States (including Mississippi) or foreign country, other than for failure of the bar examination, or been denied admission to the bar examination of any jurisdiction or foreign country?</p> <p>Question 39: Have any complaints been filed against you as an attorney with the disciplinary authority of any jurisdiction in the United States (including Mississippi) or foreign country in which you have been admitted to the practice of law?</p>	<p>Question 26(a): Are you presently, or have you ever been, in default on any loan(s) or indebtedness, including, but not limited to, child support obligations and guaranteed student loans?</p> <p>Question 26(b): Within the three (3) years preceding the date of this Application, have you had any debt or financial obligation (this includes child support obligations, guaranteed student loans, credit cards, bank notes, tax liens, etc.) exceeding \$500 in amount, become ninety (90) days or more past due?</p> <p>Question 31: Have you ever applied for or held a bonded position?</p>	
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		Question 40: Have you been the subject of any lawyer discipline, whether private or public, whether oral or written, in any jurisdiction of the United States (including Mississippi) or foreign country to which you have been admitted to the practice of law?		
<b>Missouri</b>	<p>Question 17: In the past ten years, have you been the subject of any proceeding for commitment based upon incompetency, mental health, or substance abuse?</p> <p>Question 21: In the past five years, have you been required to undergo any court-ordered evaluation or treatment for the use or abuse of any substance including drugs or alcohol? (Include evaluations or treatment required in connection with any arrest for DWI, DUI, etc.)</p>	<p>Question 5: Regardless of whether the record has been expunged, cancelled, annulled, or whether no record was ever made, have you ever been suspended, placed on probation, expelled, warned, reprimanded, or disciplined formally or informally for any academic or non-academic reason at any college, university, or law school?</p> <p>Question 5(a): Were you ever the subject of a complaint, probable cause hearing or other initial inquiry for any academic or non-academic reasons at any college, university, or law school?</p> <p>Question 6: Have you ever been absent from school for 30 or more consecutive days, other than regularly scheduled vacations and semester breaks?</p> <p>Question 8(a): Have you ever applied to sit for the bar examination or applied to the bar admissions authority in any U.S. jurisdiction (state, territory, or D.C.) or foreign jurisdiction for admission on examination, on motion, or any other basis that DID NOT RESULT, OR HAS NOT RESULTED, in your admission to practice law in that jurisdiction?... If you withdrew your application or your application was denied, explain in detail the reason for withdrawal or denial.</p> <p>Question 8(b): In connection with any application, regardless of admission status, were you required to appear for a hearing or inquiry before any board, committee, or admissions authority?</p> <p>Question 9(b): Has your license to practice law in any jurisdiction ever been limited, restricted, monitored, or conditioned upon compliance with any terms or conditions?</p> <p>Question 10(a): As an attorney, have you ever been disbarred, suspended, censured, placed on probation, reprimanded, disciplined, or allowed to resign or offered diversion in lieu of disciplinary action? Include matters where discipline was stayed or held in abeyance subject to a diversion or other agreement and include matters deemed confidential or closed.</p>	<p>Question 22: Has any surety on any bond on which you were a principal been required to pay any money on your behalf?</p> <p>Question 23: Have you ever been required to pay child support or maintenance obligations?</p> <p>Question 24: In the past five years, have you been delinquent by more than 90 days in the payment of any credit account (student loans should be reported under Q25), had a credit card involuntarily revoked or canceled, a credit account involuntarily closed, or a debt referred to collection or "charged off" as not collectable?</p>	<p><a href="#">Application for Character and Fitness Report (digital)</a></p> <p><a href="#">Application for Character and Fitness report (print)</a></p> <p><a href="#">Character and Fitness FAQs</a></p> <p><a href="#">Rules governing admission to the Missouri bar</a></p>

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	<p>Question 29(a): Do you currently have any condition or impairment (including, but not limited to, substance abuse, alcohol abuse, or mental, emotional, or nervous disorder or condition) that in any way affects your ability to practice law in a competent, ethical and professional manner?</p> <p>Question 29(b): If you answered "YES" to question 29.A., are the limitations caused by your condition or impairment reduced or ameliorated because you receive ongoing treatment or because you participate in a monitoring or support program?</p>	<p>Question 10(b): Have you ever been the subject of any formal or informal charges, complaints, or grievances concerning your conduct as an attorney, including any now pending? Disclose all matters, even if the outcome was favorable, it was dismissed, no discipline was imposed, discipline was stayed or held in abeyance subject to a diversion or other agreement, or it is deemed confidential or closed.</p> <p>Question 11: Have you ever been the subject of any formal or informal charges, complaints, or grievances (regardless of outcome) alleging that you engaged in the unauthorized practice of law, including any now pending?</p> <p>Question 12: Have you ever been held in contempt of court, had sanctions entered against you, or otherwise been disqualified from participating in any case?</p> <p>Question 14(a): As a holder of public office, or as a member of any profession other than law, including those you have/had a license for, have you ever been suspended, censured, reprimanded, disqualified, subject to discipline, or allowed to resign in lieu of discipline? Include matters where discipline was stayed or held in abeyance subject to a diversion or other agreement and include matters deemed confidential or closed.</p> <p>Question 14(b): As a hold of public office, or as a member of any profession other than law, including those you have/had a license for, have you ever been the subject of any formal or informal charges, complaints, or grievances concerning your conduct, including any now pending? Disclose all matters, even if the outcome was favorable, it was dismissed, no discipline was imposed, discipline was stayed or held in abeyance subject to a diversion or other agreement, or it is deemed confidential or closed.</p> <p>Question 15: In the past ten years, have you been a party to any noncriminal legal proceeding, including but not limited to any civil, administrative, family court, or domestic abuse proceeding, or any arbitration?</p>	<p>Question 25: In the past five years, have you been delinquent by more than 90 days in the payment of any student loan account?</p> <p>Question 26: In the past ten years, have you filed or been the subject of a petition in bankruptcy?</p> <p>Question 27(a): Have you ever failed to file any federal, state, or local tax return, when required by law?</p> <p>Question 27(b): Have you ever failed to timely pay any personal taxes due, including but not limited to any federal or state income taxes; state, county, or municipal private property taxes; or real estate assessment taxes?</p>	
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	<p>Question 30: Within the past five years, have you asserted any condition or impairment as a defense, in mitigation, or as an explanation for your conduct in the course of any inquiry, any investigation, or any administrative or judicial proceeding by an educational institution, government agency, professional organization, or licensing authority; or in connection with an employment disciplinary or termination procedure?</p>	<p>Question 16: Has any business entity that you owned, managed, or participated in the control or management of been charged with fraud, larceny, embezzlement, misappropriation of funds, misrepresentation, or similar misconduct, in any civil, criminal, or administrative legal proceeding?</p> <p>Question 18(a): Have you ever been issued a summons, cited, charged, taken into custody, or arrested for a felony, whether or not the charge was later reduced to a misdemeanor or other lesser charge?</p> <p>Question 18(b): Have you ever been convicted of a felony?</p> <p>Question 18(c): Have you served time in any correctional institution or work-release program?</p> <p>Question 18(d): Have you served any part of a sentence of felony probation, regardless of adjudication of guilt?</p> <p>Question 19: Have you ever been taken into custody, issued a summons, cited, charged, or arrested for driving under the influence (DUI), driving while intoxicated (DWI), driving with an unlawful blood alcohol level, minor in possession (MIP), public intoxication, or for any other alcohol or controlled substance related offense?</p> <p>Question 20: Have you ever been taken into custody, issued a summons, cited, charged or arrested for the violation of any law? (Exclude violations of traffic laws unless it resulted in time spent in jail or resulted in revocation or suspension of your driver's license. Exclude incidents included in Q. 19.)</p> <p>Question 28: Within the past five years, have you exhibited any conduct or behavior that could call into question your ability to practice law in a competent, ethical or professional manner?</p>	<p>Question 27(c): Have you or any business or corporation or other entity in which you hold or held more than 20% equity interest or for which you served as an executive officer ever failed to pay or remit any business related taxes, including but not limited to, excise taxes, FICA taxes, income taxes, sales taxes, unemployment taxes, or withholding taxes?</p>	
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<p><b>Montana</b> [Note: Uses NCBE Character and Fitness Application]</p>	<p>NCBE</p>	<p>NCBE</p>	<p>NCBE</p>	<p><a href="#">Rules for admission to the Montana bar</a>  <a href="#">Rules for Commission on Character and Fitness</a></p>
<p><b>Nebraska<sup>7</sup></b></p>	<p>Question 26(A): Do you currently have any condition or impairment (including, but not limited to, substance abuse, alcohol abuse, or a mental, emotional, or nervous disorder or condition) that in any way affects your ability to practice law in a competent, ethical, and professional manner?</p> <p>Question 26(B): If your answer to Question 26(A) is yes, are the limitations caused by your condition or impairment reduced or ameliorated because you receive ongoing treatment or because you participate in a monitoring or support program?</p>	<p>Question 5: Have you ever been dropped, suspended, warned, placed on scholastic or disciplinary probation, expelled, requested to resign, or allowed to resign in lieu of discipline from any college or university (including law school), or otherwise subjected to discipline by any such institution or requested or advised by any such institution to discontinue your studies there?</p> <p>Question 8: Have you ever been terminated, suspended, disciplined, laid-off, or permitted to resign in lieu of termination from any job?</p> <p>Question 11: Have you ever been the subject of any charges, complaints, or grievances (formal or informal) alleging that you engaged in the unauthorized practice of law, including any now pending?</p> <p>Question 12: Have sanctions ever been entered against you, or have you ever been disqualified from participating in any case?</p> <p>Question 13: This question refers to Form 1 which asks the following questions: Were you ever court-martialed? Were you ever awarded non-judicial punishment? Did you receive an honorable discharge? Were you allowed to resign in lieu of a court martial? Were you administratively discharged?</p> <p>Question 16: Have you ever been denied a license or had a license revoked for business, trade, or profession (e.g., CPA, real estate, broker, physician, patent practitioner)?</p>	<p>Question 18: Has any surety on any bond on which you were the principal been required to pay any money on your behalf?</p> <p>Question 23: Have you ever filed a petition for bankruptcy?</p> <p>Question 24(A): Have you ever had a credit card or charge account revoked?</p> <p>Question 24(B): Have you ever defaulted on any student loans?</p> <p>Question 24(C): Have you ever defaulted on any other debt?</p>	<p><a href="#">Character and fitness standards</a>  <a href="#">Rules governing admission to the Nebraska bar</a>  <a href="#">Form 7</a>  <a href="#">Form 8</a></p>

<sup>7</sup> Due to restricted online access, questions are not available to the public. Questions are from the 2017 NCBE sample character and fitness application.



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	<p>Question 27: Within the past five years, have you asserted any condition or impairment as a defense, in mitigation, or as an explanation for your conduct in the course of any inquiry, any investigation, or any administrative or judicial proceeding by an educational institution, government agency, professional organization, or licensing authority; or in connection with an employment disciplinary or termination procedure?</p> <p>Questions 25 and 26 refer to mental health and link to Form 7 which is an authorization to release medical information. It states: By signing below, I authorize the above provider to provide information, without limitation, relating to mental illness or the use of drugs and alcohol, including copies of records, concerning advice, care, or treatment provided to</p>	<p>Question 17 (A): Have you ever been suspended, censured, or otherwise reprimanded or disqualified as a member of another profession, or as a holder of public office?</p> <p>Question 17 (B): Have you ever been the subject of any charges, complaints, or grievances (formal or informal) concerning your conduct as a member of any other profession, or as a holder of public office, including any now pending?</p> <p>Question 19: Have you ever been a named party to any civil action?</p> <p>Question 20: Have you ever had a complaint or action (including, but not limited to, allegations of fraud, deceit, misrepresentation, forgery, or malpractice) initiated against you in any administrative forum?</p> <p>Question 21(A): Have you ever been cited for, arrested for, charged with, or convicted of any alcohol- or drug-related traffic violation other than a violation that was resolved in juvenile court?</p> <p>Question 21(B): Have you been cited for, arrested for, charged with, or convicted of any moving traffic violation during the past ten years? (Omit parking violations.)</p> <p>Question 22: Have you ever been cited for, arrested for, charged with, or convicted of any violation of any law other than a case that was resolved in juvenile court?</p> <p>Question 25: Within the past five years, have you exhibited any conduct or behavior that could call into question your ability to practice law in a competent, ethical, and professional manner?</p>	<p>Question 24(D): Have you had any debts of \$500 or more (including credit cards, charge accounts, and student loans) that have been more than 90 days past due within the past three years?</p> <p>Question 24(E): If your answer to Question 23 is yes, are there any additional debts not reported in Questions 24(A-D) that were not discharged in bankruptcy?</p>	
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	<p>me, to representatives of the Nebraska State Bar Commission who are involved in conducting an investigation into my moral character, professional reputation, and fitness for the practice of law. I understand that any such information as may be received will be reported only to the Nebraska State Bar Commission. The information will be used or disclosed at my request. This authorization will expire one year from the date of my notarized signature below.</p> <p>Form 8: Asks for dates of treatment, provider information, description of the condition, and any treatment or monitoring program.</p>			
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<p><b>Nevada<sup>8</sup></b></p>	<p>Question 40: Are you now or have you ever been dependent upon, an abuser of, or treated for any condition involving your use of any drug, chemical, narcotic, hypnotic or hallucinatory or other illegal or controlled substance or alcohol?</p> <p>Question 41: Have you ever been subject to any proceedings which sought your declaration as a ward of any court, other than as a juvenile ward, or an adjudication that you were incompetent or mentally ill?</p>	<p>Question 15: With respect to each school or institution of higher learning you identified in answer to question No. 14, have you ever been dropped, placed on probation, suspended, disciplined, expelled, dismissed, or subject to discipline for violation of any school policy, including but not limited to code of conduct or honor code violations or, for any reason, including scholastic or moral?</p> <p>Question 28: Have you ever been arrested, cited, indicted, or tried for or convicted of any criminal charges including juvenile matters or moving traffic violation?</p> <p>Question 30: Have you ever had any judgment, order, or decision entered against you for any reason by any court, administrative board, or any other authority?</p> <p>Question 31: Have you ever received a pardon?</p> <p>Question 32: Have you ever applied for a security clearance for any purpose?</p> <p>Question 33: Have you ever had a record sealed which contained facts relating to you?</p> <p>Question 46: Have you ever been dismissed from any position or requested to resign by an employer?</p> <p>Question 47: Have you ever been under investigation for or charged, formally or informally, with misrepresentation, fraud, misapplication or misappropriation of property, either individually or in a representative capacity (e.g., as an officer of a corporation or other business entity, trustee, partner, joint venturer, agent or other fiduciary relationship)?</p> <p>Question 49: Have you ever been under investigation for any conduct which could result in your suspension or removal from any public or private office, trust or guardianship, before the expiration of the term of office, trust or guardianship?</p> <p>Question 48: Is there any other incident which has occurred in your past which would bear unfavorably upon your character or fitness for admission to the bar?</p>	<p>Question 29: Have you in any capacity ever been a party to, or named or described in, any civil proceedings, action or suit, including court cases, bankruptcy and administrative proceedings?</p> <p>Question 34: Have you personally or in any capacity had a check dishonored within the last five (5) years?</p> <p>Question 35: Have you ever had a credit card revoked or cancelled?</p>	<p><a href="#">Rules governing admission to Nevada bar</a></p>
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<sup>8</sup> Due to restricted online access, questions here are from 2013 copy.

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	<p>Question 42: In the past ten years, have you been diagnosed with, been treated or sought counseling for bi-polar disorder, schizophrenia, paranoia, or any other psychiatric disorder, or have you ever been committed to any institution for the treatment of any such condition?</p>		<p>Question 36: Do you have any debts which are more than 90 days past due? <i>Debts include, but are not limited to, disputed debts, student loans, credit card accounts, promissory notes, accounts payable, child support obligations, alimony or personal support obligations, discipline costs or fines, obligations to the Internal Revenue Service, and state taxes of any nature.</i></p> <p>Question 37: Have you ever defaulted on a student loan?</p> <p>Question 38: Do you have any student loans outstanding? (This includes student loans that have not yet come due because of your status as a student (law or otherwise).</p>	
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<p><b>New Hampshire</b></p>	<p>Question 7(a): Have you ever been a named party to any civil action, including...guardianship, competency... or any other civil judicial or administrative proceeding of any kind?</p> <p>Question 11: Do you currently have any condition (including but not limited to substance abuse, alcohol abuse, or a mental, emotional, nervous, or behavioral disorder or condition) which in any way currently affects your ability to practice law in a competent and professional manner?</p>	<p>Question 4: Have you ever been the subject of any disciplinary investigation, proceeding or charges at any academic institution or have you ever been dropped, suspended, placed on probation, expelled or requested to resign from any school, college, university or law school, or requested or advised by any such school or institution to discontinue your studies? Note: Do not include academic probation, suspension, or expulsion based on grades.</p> <p>Question 5(b): Were any disciplinary charges (formal or informal) instituted against you including, but not limited to, actions under Article 15 of the Uniform Code of Military Justice and/or court martial charges or proceedings?</p> <p>Question 5(c): As a member of the armed services, were you asked to resign or given the opportunity to resign in lieu of judicial or administrative proceedings being instituted or carried out against you?</p> <p>Question 7(a): Have you ever been a named party to any civil action, including a suit in equity or action at law, bankruptcy or other statutory proceeding, guardianship, competency, divorce, arbitration, mediation or other alternative dispute resolution, or any other civil judicial or administrative proceeding of any kind? Note: Family law matters, including divorce and/or continuing orders for child support, must be included here.</p> <p>Question 7(b): Have you ever had a complaint or action filed against you asserting claims of fraud, deceit, misrepresentation, forgery, or malpractice?</p> <p>Question 7(c): Have any judgments or contempt orders ever been entered against you?</p> <p>Question 8(a): Have you ever been cited for, arrested for, charged with, or convicted of any felony, misdemeanor or violation? Note: Traffic offenses are not addressed here, but in the following sections 8 (b) and (c).</p> <p>Question 8(b): Have you been cited for, arrested for, charged with, or convicted of three or more motor vehicle violations during the past fifteen years? (Omit parking violations)</p> <p>Question 8(c): Have you ever been cited for, arrested for, charged with, or convicted of any alcohol or drug-related traffic offense?</p>	<p>Question 6(b): Have you ever had a credit card or charge account revoked?</p> <p>Question 6(c): Have you ever defaulted on any student loans?</p> <p>Question 6(d): Have you had in the past year, any debts or charges that have been more than 90 days past due?</p> <p>Question 6(e): Have you failed to file any local, state or federal income tax returns as required by law or failed to pay any taxes when due?</p> <p>Question 7(d): Are you presently, or have you ever been, in arrears or default in the performance of any court approved agreement, judgment or court order concerning child support?</p>	<p><a href="#">Petition and Questionnaire for Admission to the New Hampshire Bar</a></p> <p><a href="#">Rules on character and fitness standards</a></p> <p><a href="#">Rules governing admission to the New Hampshire bar</a></p>
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	<p>Question 12: If the answer to question 11 is yes, please attach an explanation and provide the names and present addresses of the doctors or other health care professionals with whom you currently consult, or from whom you receive treatment. Note: The Committee on Character and Fitness may be requesting reports from treating doctor or other health care professionals concerning such treatment. In the event that the committee or committee staff decides to contact your treating professionals, you will be so notified prior to the contact.</p>	<p>Question 10: Have you ever been terminated, suspended, requested to resign, or permitted to resign in lieu of termination from any employment?</p> <p>Question 15(b): If the answer to (a) is yes, was your license ever revoked or suspended, or were you ever reprimanded, censured, or otherwise disciplined or disqualified as the holder of the license?</p> <p>Question 15(c): Have you ever been denied a license for a business, trade, or profession (other than law)?</p> <p>Question 15 (d): Have there ever been or are there now any charges, complaints, or grievances (formal or informal) pending concerning your conduct as a member of any other profession?</p> <p>Question 16(a): List every state or foreign country in which you have ever submitted an application to be admitted to the bar by examination, motion, diploma privilege, or sought reinstatement or readmission. ...Provide a brief narrative explanation of the circumstances surrounding any withdrawals or failures to be admitted (other than those due to failing the examination).</p> <p>Question 16(b): Have you ever been disbarred, suspended, censured, or otherwise reprimanded or disqualified as an attorney?</p> <p>Question 16(c): Have there ever been any letters of complaint, grievances or charges (formal or informal) submitted to any disciplinary authority concerning your conduct or have there ever been, or are there now, any charges, complaints or grievances (formal or informal) pending against you?</p> <p>Question 16(e): Have you ever been sanctioned or disqualified from participating in a case?</p>	<p>Question 7(e): Have you ever filed a petition for bankruptcy for yourself or any entity in which you have an interest?</p> <p>Question 9: Has a surety on any bond on which you were the principal been required to pay any money on your behalf?</p>	
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	<p>Question 13: Within the past five years, have you asserted any condition or impairment as a defense, in mitigation, or as an explanation for your conduct in the course of any inquiry, any investigation, or any administrative or judicial proceeding by an educational institution, government agency, professional organization, or licensing authority, or in connection with an employment disciplinary or termination procedure?</p>			
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<p><b>New Jersey</b></p>	<p>Section 9(l): Subsequent to your 18th birthday, have you or your property EVER been placed under the control of a guardian, conservator, trustee, receiver, special fiscal agent or any other custodian?</p> <p>Section 12(B): Do you <b>CURRENTLY</b> have any condition or impairment (including but not limited to substance abuse, alcohol abuse, or a mental, emotional or nervous disorder or condition) that in any way affects your ability to practice law in a competent, ethical and professional manner and in compliance with the Rules of Professional Conduct, the Rules of Court, and applicable case law?</p>	<p>Section 3(D):</p> <ul style="list-style-type: none"> <li>● After high school, have you been placed on academic probation, suspended, expelled, taken a leave of absence or had an interruption in your education for academic or personal reasons, been asked to leave school, or asked to resign or permitted to withdraw?</li> <li>● After high school graduation, have you been disciplined, reprimanded, suspended, placed on probation, expelled, asked to resign, or permitted to withdraw from any educational institution for other than academic reasons including but not limited to housing violations, warnings, any step in progressive discipline, student code of conduct or honor code violations?</li> <li>● Since high school, have you been the subject of a formal or informal disciplinary procedure, honor code charge, and/or student conduct code charge that was not disclosed above, regardless of the disposition of the charges? <b>NOTE:</b> The acceptance of a lower grade or F, the imposition of community service or other requirements or sanctions <b>IS</b> considered <b>Informal Discipline</b>. Accepting resolution in lieu of a hearing <b>IS</b> considered <b>Informal Discipline</b>.</li> <li>● Since entering college, have you ever been approached or confronted, in person or in writing, including e-mail, by a professor, instructor, teacher, dean, or other member of the academic community concerning excessive absences, fluctuations in grades, or failure to complete assignments or any behavior or misconduct not disclosed above?</li> </ul> <p>Section 4(B):</p> <ul style="list-style-type: none"> <li>● Have you <b>EVER</b> been discharged from any employment or requested or permitted to resign in lieu of disciplinary action or in lieu of criminal charges being filed against you?</li> <li>● In connection with your employment, have you <b>EVER</b> been subject to any formal or informal charges of improper behavior that had any part in your quitting, being permitted to resign, being discharged or resulting in a suspension, demotion or loss of pay?</li> <li>● Have you <b>EVER</b> been approached or confronted by an employer, supervisor, or colleague concerning excessive absences or lateness, lack of diligence, failure to maintain confidential material, or employment-related misconduct or deficiency?</li> </ul>	<p>Section 8(C): Have you <b>EVER</b> been charged with fraud, larceny, embezzlement, misappropriation of funds, misrepresentation, perjury, false swearing, conspiracy to conceal, or a similar offense in any legal proceeding, civil or criminal, or in bankruptcy, regardless of the age or the disposition of the charges?</p>	<p><a href="#">Character and fitness questionnaire (digital)</a></p> <p><a href="#">Character and fitness questionnaire (print)</a></p> <p><a href="#">Rules governing admission to the New Jersey bar</a></p>
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	<p>Section 13(E): Has any other jurisdiction in which you applied EVER requested that you submit to an alcohol, drug, mental health or other evaluation in connection with your application?</p>	<ul style="list-style-type: none"> <li>● Have you <b>EVER</b> applied for a position that required proof of good character and had that application denied for reasons involving your background or character, or in which you withdrew that application after questions about your character arose?</li> <li>● Have you <b>EVER</b> applied for a position that required a pre-employment drug test and had that application denied because you failed the test?</li> </ul> <p>Section 5(A)</p> <ul style="list-style-type: none"> <li>● Were any courts martial, Article 15 proceedings, or administrative discharge proceedings lodged against you during your period of service?</li> </ul> <p>Section 6(B):</p> <ul style="list-style-type: none"> <li>● Have you <b>EVER</b> been disciplined as a member of any licensed profession or occupation (except law), including, but not limited to, being suspended from practice, reprimanded, censured, disqualified, revoked, permitted to resign, admonished, sanctioned or removed, or have any complaints or charges, formal or informal, ever been made or filed or proceedings instituted against you in such capacity?</li> <li>● Have you <b>EVER</b> held a professional or occupational license (except law), that was administratively suspended or revoked (e.g., for failure to pay required fees or failure to complete required courses)?</li> <li>● Have you <b>EVER</b> filed an application for a professional, occupational, or business license or certificate that was denied, that was withdrawn by you after questions about your character or qualifications arose, or that otherwise was unfavorably acted on by the licensing authority?</li> </ul> <p>Section 7(B): Have you <b>EVER</b> been dismissed, discharged, reprimanded, censured, requested or permitted to resign in lieu of disciplinary action or potential disciplinary action, removed from office or otherwise disciplined as a holder of an official position or public office?</p>	<p>Section 8(G.1): Has any business in which you had a financial interest, managed or in which you actively participated in the control or management of <b>EVER</b> been charged with fraud, larceny, embezzlement, misappropriation of funds, misrepresentation, conspiracy to conceal, or a similar offense in any legal proceeding, civil or criminal, or in bankruptcy?</p> <p>Section 9(A): <b>In the past twelve (12) months</b>, have you had any debts more than ninety (90) days overdue?</p> <p>Section 9(B): Are you now, or have you <b>EVER</b> been, the subject of any court-ordered obligation to provide child support or alimony?</p>	
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		<p>Section 8(A): Have you <b>EVER</b> 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?... 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.</p> <p>Section 8(B): Have you <b>EVER</b> been cited for, charged with, taken into custody for, arrested for, indicted, tried for, pled guilty to, or convicted of, the violation of any law (other than a minor traffic violation) or been the subject of a juvenile delinquent or youthful offender proceeding or received a conditional discharge, adjournment in contemplation of dismissal, or pretrial diversionary program? (NOTE: driving while intoxicated or impaired, driving without insurance, reckless driving, leaving the scene of an accident, and driving while suspended are not considered minor traffic offenses for the purposes of this section).</p> <p>Section 8(D): Have you <b>EVER</b> been a party to Deportation, Removal or Exclusion Proceedings, or otherwise denied entry to or removed from any country?</p> <p>Section 8(E): Have you <b>EVER</b> been denied access, had your access restricted for any period of time or been banned from any of the following, whether or not criminal charges were ever filed: (a) from this country or any other country; (b) from any educational, religious or charitable institution or governmental or judicial facility; (c) from a casino or gambling establishment; (d) from a bar, restaurant or any public facility; (e) from any form of transportation including, but not limited to, public transportation, including buses, trains, subways, airplanes, taxicabs, or private transportation including travel for fee (e.g. Uber or Lyft, etc.)?</p> <p>Section 8(F): <b>Are you currently</b> under investigation or <b>have you EVER</b> been offered or granted immunity to testify in any grand jury proceeding, criminal action or criminal proceeding?</p>	<p>Section 9(C): Are you now, or have you <b>EVER</b> been, in arrears on any court-ordered obligation including child-support or alimony not covered by Section B, supra?</p> <p>Section 9(D): Has a judgment <b>EVER</b> been entered against you?</p> <p>Section 9(E): Have any liens <b>EVER</b> been placed against your property? Do not include real estate mortgage liens, but include any tax liens.</p> <p>Section 9(F): Have you <b>EVER</b> filed a petition in bankruptcy or for establishment of a wage earner plan, or has one been involuntarily filed against you?</p>	
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		<p>Section 8(G.2): To your knowledge, have you or any business that you had a financial interest in, managed, or actively participated in the control of <b>EVER</b> been the subject of any investigation or inquiry by any Federal, State, Local, or administrative agency relating to the alleged violation of law, rule, regulation, or other legal standard?</p> <p>Section 8(H): Are you presently on probation or parole?</p> <p>Section 11(B): Has your driver's license <b>EVER</b> been suspended or revoked in any state or jurisdiction, including foreign jurisdictions (including for excessive or unpaid parking tickets)?</p> <p>Section 11(C): Have you <b>EVER</b> been refused a driver's license by any state or jurisdiction, including foreign jurisdictions?</p> <p>Section 11(D): Have you <b>EVER</b> been late to timely answer or failed to answer a ticket or summons for any legal proceeding (including parking tickets)?</p> <p>Section 11(E): Have you <b>EVER</b> been charged with driving under the influence of drugs or alcohol or refusing to provide a breath sample?</p> <p>Section 12(A): Have you, within the last five (5) years, exhibited any conduct or behavior that could call into question your ability to practice law in a competent, ethical and professional manner?</p> <p>Section 13(B): Did any other jurisdiction in which you <b>EVER</b> applied request an interview or hearing or conduct an investigation to evaluate your character or fitness or regarding improprieties on a bar examination?</p> <p>Section 13(C): Has your application to sit for a bar examination or to be admitted to practice by examination, UBE score transfer or motion <b>EVER</b> been denied or withheld?</p> <p>Section 13(D): Have you ever been accused of <b>OR</b> ever been the subject of an inquiry for any alleged improprieties on the bar examination?</p>	<p>Section 9(G): Has any business in which you had a financial interest <b>EVER</b> filed for bankruptcy?</p> <p>Section 9(H):</p> <ul style="list-style-type: none"> <li>● Do you currently have any outstanding student loans?</li> <li>● Have you <b>EVER</b> been in arrears or defaulted on any student loan?</li> </ul> <p>Section 9(J): To your knowledge, has a Currency Transaction Report (CTR) or Suspicious Activity Report (SAR) <b>EVER</b> been filed for your activities?</p> <p>Section 10(A): Have you <b>EVER</b> failed to file a federal, state, or local income tax return when due and without a lawful extension or have you <b>EVER</b> failed to pay federal, state, or local income taxes when due?</p>	
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		<p>Section 13(F): In the State of New Jersey, have you EVER applied for any of the following certifications, limited licenses, registrations and/or admissions: In-House Counsel, or Foreign In-House Counsel, Foreign Legal Consultant, Pro Hac Vice, or Multi-Jurisdictional Practitioner?... Was the application for certification denied or withheld?</p> <p>Section 14(A): Have you <b>EVER</b> made late disclosure, been accused of or been the subject of an inquiry for alteration, falsification, omission and/or misrepresentation of any document or copy thereof referring to your professional qualification to be a lawyer before or after law school, including but not limited to, online or late disclosures on your law school applications or applications to other bar jurisdictions, bar examination results letter, recommendation letter, report, etc. Have you ever been accused of OR been the subject of an inquiry for any alleged improprieties on a standardized test, including, but not limited to, SAT, LSAT, MPRE, MCAT, GRE, etc. Have you ever been accused of OR ever been the subject of an inquiry for any alleged improprieties on the bar examination?</p> <p>Section 14(B): Have you ever been accused of OR been the subject of an inquiry for any alleged improprieties on a standardized test, including, but not limited to, SAT, LSAT, MPRE, MCAT, GRE, etc?</p> <p>Section 14(C): Have you <b>EVER</b> been accused of engaging in the Unauthorized Practice of Law in any jurisdiction?</p> <p>Section 15(A): ...Have you <b>EVER</b> been disciplined as a member of the bar of this jurisdiction, including, but not limited to, being disbarred, suspended, disqualified, reprimanded, censured, permitted to resign, admonished, sanctioned or removed, or have any complaints, charges or grievances, formal or informal, ever been made or filed or proceedings instituted against you in such capacity?... Have you EVER held a law license in any jurisdiction that was administratively suspended or revoked (e.g., for failure to pay required fees or failure to complete required courses)?</p>	<p>Section 10(B): Have you or any business, corporation or other entity in which you held an equity interest <b>EVER</b> failed to pay employer's withholding taxes or ever failed to remit sales, excise, or other taxes to the appropriate taxing authority?</p> <p>Section 10(C): Has the Internal Revenue Service or any <b>EVER</b> other taxing authority ever obtained a judgment or made a levy against you for unpaid taxes, assessments or penalties?</p>	
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		Section 17: Is there any information (event, incident, occurrence, etc.) that was not specifically addressed and/or asked of you in this application and/or in the instructions that could be considered a character issue?... Within the past five years, have you engaged in any conduct that: (1) resulted in an arrest, discipline, sanction or warning not already disclosed in Sections 1 through 16; (2) resulted in termination or suspension from school or employment not already disclosed in Sections 1 through 16; (3) resulted in loss or suspension or other discipline for any license not already disclosed in Sections 1 through 16; (4) resulted in any inquiry, investigation, administrative or judicial proceeding by an educational institution, governmental agency, professional organization, or licensing authority, or in connection with an employment disciplinary or termination procedure not already disclosed in Sections 1 through 16; or (5) endangered the safety of others, breached fiduciary obligations or violated workplace or academic conduct rules not already disclosed in Sections 1 through 16?		
<b>New Mexico</b> [Note: Uses NCBE Character and Fitness Application]	NCBE	NCBE	NBE	<a href="#">Character and Fitness Statement</a>  <a href="#">Rules governing admission to the New Mexico bar (digital)</a>

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<p><b>New York</b></p>	<p>Question 34: <b>Do you currently have any condition or impairment</b> including, but not limited to a mental, emotional, psychiatric, nervous or behavioral disorder or condition, or an alcohol, drug or other substance abuse condition or impairment or gambling addiction, which in any way impairs or limits your ability to practice law? If your answer is <b>Yes</b>, describe the nature of the condition or impairment. If your answer is <b>Yes</b>, are the limitations caused by your condition or impairment reduced or ameliorated because you receive ongoing treatment or because you participate in a monitoring or support program? If your answer is <b>Yes</b>, the Committee on Character and Fitness may require that you provide an Authorization for the Release of Health Information Pursuant to HIPAA (OCA Official Form No.:960) for some or all</p>	<p>Question 12: Have you ever been denied admission to any school, college, law school, or other similar institution for stated cause which might reflect upon your character? Question 13: Have you ever been placed on probation, dropped, suspended, expelled or otherwise been subjected to discipline by any institution of learning above elementary school level for conduct which might reflect upon your character? Question 14: Have you ever been requested or advised by any college, law school, or other professional or graduate school for any reason to discontinue your studies therein? Question 16: Are you now, or have you ever been, engaged on your own account or with others in any occupation, business enterprise, or profession (other than law and not included in question 15) in the State of New York or elsewhere?... List any action now pending against such firm or corporation and any judgment entered against it during the period of your association with it. Question 17: In connection with <b>any</b> employment, whether or not listed in question 15, have you ever been discharged or requested to resign from or leave your position <b>for cause</b>? Question 21. Have you ever engaged in or has your conduct ever been called into question with reference to the unauthorized practice of law? Question 22. Have you ever been employed by or otherwise connected with any person, firm or corporation who or which, to your knowledge, engaged in conduct that was called into question on the subject of unauthorized practice of law while you were so employed or connected? Question 26. Note: Answer <u>only</u> if you answered '<b>Yes</b>' to questions <b>24</b> or <b>25</b>. As a member of any armed forces, have you been the subject of any charge, or have any proceedings been instituted against you, or have you been a defendant in any court martial proceeding?</p>	<p>Question 37: As of the date this application for admission is filed, <b>state whether you are or are not under an obligation to pay child support.</b> If you answered '<b>I AM</b>', answer the following questions: (a) Are you four months or more in arrears in the payment of child support? (b) Are you making payments by income execution or by court agreed payment or repayment plan or by plan agreed to by the parties? (c) Is the child support obligation the subject of a pending court proceeding? (d) Are you receiving public assistance or supplemental security income? Question 38: Are there any unsatisfied judgments against you?</p>	<p><a href="#">Application for admission questionnaire</a> <a href="#">Rules governing admission to the New York bar</a></p>
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	<p>of the providers of your treatment.</p>	<p>Question 27: <b>Have you ever, either as an adult or a juvenile</b>, been cited, ticketed, arrested, taken into custody, charged with, indicted, convicted or tried for, or pleaded guilty to, the commission of any felony or misdemeanor or the violation of any law, or been the subject of any juvenile delinquency or youthful offender proceeding? Traffic violations that occurred more than ten years before the filing of this application need not be reported, except alcohol or drug-related traffic violations, which must be reported in all cases, irrespective of when they occurred. Do not report parking violations. Although a conviction may have been expunged from the records by order of a court, it nevertheless should be disclosed in the answer to this question.</p> <p>Question 28: State whether you have ever testified, refused to testify, or been granted immunity, as a complainant, party or witness in any action or proceeding, or before any prosecuting or investigative agency in any matter.</p> <p>Question 29: State whether you have ever failed to answer any ticket, summons or other legal process served upon you at any time.</p> <p>Question 30: If you answered <b>Yes</b> to question <b>29</b>, was any warrant, subpoena or further process issued against you as a result of your failure to respond to such legal process?</p> <p>Question 31: State whether there are any <u>unpaid</u> traffic or parking tickets in your name or attributable to a motor vehicle registered in your name.</p> <p>Question 32: State whether you have ever been charged with fraudulent conduct or any other act involving moral turpitude.</p> <p>Question 33: State whether you have ever been a complainant, party or witness to or otherwise involved in any civil or criminal action, proceeding or investigation not covered by answers to the above questions <b>28-32</b>.</p> <p>Question 35: Are you currently using any illegal drugs?</p>	<p>Question 39: Are you in default in the performance or discharge of any duty or obligation imposed upon you by a judgment, decree, order or directive of any court or governmental agency?</p> <p>Question 40: Do you owe any debt for \$300 or more, which is past due for over 90 days?</p> <p>Question 41: Have you ever applied for or been granted a discharge in bankruptcy?</p> <p>Question 43: Has anyone ever sought to recover on or cancel a fidelity bond on account of your conduct in connection with a bonded position held by you?</p>	
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		<p>Question 36: Within the past five years, have you engaged in any conduct that: (a) resulted in an arrest, discipline, sanction or warning; (b) resulted in termination or suspension from school or employment; (c) resulted in loss or suspension of any license; (d) resulted in any inquiry, any investigation, or any administrative or judicial proceeding by an employer, educational institution, government agency, professional organization, or licensing authority, or in connection with an employment disciplinary or termination procedure; or (e) endangered the safety of others, breached fiduciary obligations, or constituted a violation of workplace or academic conduct rules? If so, provide a complete explanation and include all defenses or claims that you offered in mitigation or as an explanation for your conduct.</p> <p>Question 42 (a): Have you ever applied for a license the procurement of which required proof of good character (other than Bar applications listed under question 18–20 above)?</p> <p>Question 42 (b): If your application for such a license was not granted, state the facts.</p> <p>Question 42 (c): If any such license was revoked or suspended, state the facts.</p> <p>Question 44: Have you ever organized or helped to organize or become a member of any organization or group of persons which, during the period of your membership or association, you knew was advocating or teaching that the government of the United States or any state or any political subdivision thereof should be overthrown or overturned by force, violence or any unlawful means?</p>		
<p><b>North Carolina</b> [Note: Uses NCBE Character and Fitness Application]</p>	NCBE	NCBE	NCBE	<p><a href="#">Rules governing admission to the North Carolina bar</a></p>
<p><b>North Dakota</b> [Note: Uses NCBE Character and Fitness Application]</p>	NBE	NCBE	NCBE	<p><a href="#">Rules governing admission to the North Dakota bar</a></p>



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<p><b>Ohio</b> [Note: Uses NCBE Character and Fitness Application, submitted during 2L year, along with a supplemental questionnaire, submitted during 3L year.]</p>	<p>NCBE and the following state specific questions:</p> <p>Question 6: State whether, since filing the Registration Application, you:... (v) have been declared legally incompetent or placed under a guardianship or conservatorship as an adult?</p> <p>Question 10(a): Do you currently have any condition or impairment (including, but not limited to, substance abuse, alcohol abuse, or a mental, emotional, or nervous disorder or condition) that was not disclosed in your Registration Application and that in any way affects your ability to practice law in a competent, ethical, and professional manner?</p>	<p>NCBE and the following state specific questions:</p> <p>Question 3 : State whether, since filing the Registration Application, you (a): Have been disciplined, placed on probation, suspended, expelled or requested to terminate your enrollment at any law school?(b): Have violated or been formally charged with a violation of the honor code of any law school?</p> <p>Question 6: State whether, since filing the Registration Application, you: (b) to your knowledge, either have been denied a security clearance or have had revoked a security clearance previously granted to you; (c) have been discharged or asked to resign by any employer; (d) have been or are a party to or otherwise involved (except as a witness) in: (1) any civil or administrative action or legal proceeding; (2) any criminal or quasi-criminal action or legal proceeding (including, but not limited to, a misdemeanor, minor misdemeanor, traffic offense, or felony); (3) any action or legal proceeding in a juvenile court; (e) have been summoned for a violation of any statute, regulation, or ordinance;...(g) have been removed, resigned, or asked to resign as a guardian, executor, administrator, trustee or other fiduciary; (h) have been granted immunity from prosecution; (i) have been cited or arrested for contempt of court for any reason including, but not limited to, failure to appear as a witness or answer a subpoena or a jury summons;...(p) have been questioned regarding the unauthorized practice of law; (q) have engaged in the unauthorized practice of law in Ohio or any other state; (r) have been employed by or otherwise connected with any person, firm or corporation whose conduct was questioned on the subject of unauthorized practice of law while you were so employed or connected; (s) have been suspended, disqualified, or disciplined as a member of any profession; (t) have had any disciplinary complaint filed against you (including any complaints that were dismissed) as a member of any profession; (u) have been removed from any office, public or private, because of conduct reflecting upon your character, or charged with conduct reflecting on your character that could result in removal from office...?</p>	<p>NCBE and the following state specific questions:</p> <p>Question 6: State whether, since filing the Registration Application, you: (a) have been refused a fidelity or other type bond; ... (f) have any outstanding or unpaid fines, court costs, or tickets, including those for traffic or parking violations;...(j) have filed or been the subject of a petition in bankruptcy; (k) have been the subject of a trusteeship, receivership, or wage attachment or garnishment proceeding;...(m) have had a credit card revoked; (n) have any debts, including student loans, that have been more than 90 days past due; (o) have any unsatisfied judgments against you or have had a judgment against</p>	<p><a href="#">Rules governing admission to the Ohio bar</a></p> <p><a href="#">Summary of character and fitness process in Ohio</a></p> <p><a href="#">Supplemental Character Questionnaire</a> (password: open)</p>
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	<p>Question 10(b): If your answer to Question 10(a) is yes, are the limitations caused by your condition or impairment reduced or ameliorated because you receive ongoing treatment or because you participate in a monitoring or support program?</p> <p>Question 12(a): Since filing the Registration Application, have you suffered from, been diagnosed with, or been treated for kleptomania, compulsive gambling, pedophilia, exhibitionism, or voyeurism?</p>	<p>Question 7: (a) Since filing the Registration Application, have you held or applied for a license or certificate, including but not limited to any license or certificate to practice law in any jurisdiction, the procurement of which required proof of good character? (b) If so, as to each license or certificate state...(v) whether it was refused or revoked; and (vi) whether you have been reprimanded, censured, or otherwise disciplined as the holder of the license.</p> <p>Question 9: Since filing the Registration Application, have you exhibited any conduct or behavior that could call into question your ability to practice law in a competent, ethical, and professional manner?</p> <p>Question 11(a): Since filing the Registration Application, have you engaged in any conduct that: (1) resulted in arrest, discipline, sanction or warning; (2) resulted in termination or suspension from school or employment; (3) resulted in loss or suspension of any license; (4) resulted in any inquiry, any investigation, or any administrative or judicial proceeding by an employer, educational institution, government agency, professional organization, or licensing authority, or in connection with an employment disciplinary or termination procedure; or (5) endangered the safety of others, breached fiduciary obligations, or constituted a violation of workplace or academic conduct rules?</p>	<p>you that remained unpaid for more than 90 days...?</p>	
<p><b>Oklahoma<sup>9</sup></b></p>	<p>NCBE</p>	<p>NCBE and the following state specific questions:</p> <p>OK Part B: Supplement to Prior Application: [Since your previous application]: Have you had any alcohol or drug related offenses?</p> <p>OK Part B: Supplement to Prior Application: [Since your previous application]: Have you been a party to any civil actions, including divorce and child support matters?</p> <p>OK Part B: Supplement to Prior Application: [Since your previous application]: Have you been cited, arrested, charged, or convicted for any violation of any law other than as a juvenile? This includes traffic violations. NOTE: This should include matters that have been expunged or been subject to a diversion program</p>	<p>NCBE and the following state specific questions:</p> <p>OK Part B: Supplement to Prior Application: [Since your previous application]: Have you filed a petition for bankruptcy?</p>	<p><a href="#">Bar exam application (supplemental questionnaire)</a></p> <p><a href="#">Character and Fitness FAQs</a></p> <p><a href="#">Rules governing admission to the Oklahoma bar</a></p>

<sup>9</sup> Oklahoma uses NCBE Character and Fitness Application, submitted during 2L year, along with a supplemental questionnaire, submitted during 3L year.

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		<p>OK Part B: Supplement to Prior Application: [Since your previous application]: Have you been the subject of a complaint or hearing in any administrative forum?</p> <p>OK Part B: Supplement to Prior Application: [Since your previous application]: Have you been subject to any disciplinary actions by your law school?</p> <p>OK Part B: Supplement to Prior Application: [Since your previous application]: Are there any additional changes not covered in the questions above that you should report?</p>	<p>OK Part B: Supplement to Prior Application: [Since your previous application]: Do you have student loans to repay?</p> <p>OK Part B: Supplement to Prior Application: [Since your previous application]: Do you have other loans to repay?</p>	
<b>Oregon</b>	<p>Question 21(o): Has any proceeding ever been instituted to declare you an incompetent person, an insane person or a mentally diseased person?</p> <p>Question 22(b): Do you currently have any condition or impairment (including, but not limited to, substance abuse, alcohol abuse, or a mental, emotional, or nervous disorder or condition) that affects your ability to practice law in a competent, ethical, and professional manner?</p>	<p>Question 10: ...If you are no longer a member of the armed forces, were you honorably discharged?</p> <p>Question 18: If, in connection with any application you made for admission to practice law in any other state, territory or country you were requested to give any information regarding character and fitness beyond completing that jurisdiction's standard application for admission, explain what occurred.</p> <p>Question 21(a): Have you ever been dropped, suspended, investigated, expelled, disciplined or subjected to a disciplinary inquiry or proceeding by any college or law school for any cause whatsoever?</p> <p>Question 21(b):. Have you ever been discharged or asked to resign from employment?</p> <p>Question 21(c): Have you ever been a party to any civil proceeding, including any bankruptcy or administrative proceeding?</p> <p>Question 21(d): Have you ever been charged with fraud or dishonesty in any civil proceeding?</p>	<p>Question 9: Have you ever been required to pay child support, alimony, or family support as a result of a divorce, annulment or other court proceeding? If yes, are you current on your child support, alimony or family support payments?</p> <p>Question 21(e): Have you had more than five checks dishonored because of insufficient funds during the past three years?</p>	<p><a href="#">Bar application</a></p> <p><a href="#">Rules governing admission to the Oregon bar</a></p>

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	<p>Question 22(c): If your answer to Question 22(b) is yes, are the limitations caused by your condition or impairment reduced or ameliorated because you receive ongoing treatment or because you participate in a monitoring or support program?</p> <p>Question 22(d): Within the past five years, have you asserted any condition or impairment as a defense, in mitigation, or as an explanation for your conduct in the course of any inquiry, any investigation, or any administrative or judicial proceeding by an educational institution, government agency, professional organization, or licensing authority; or in connection with an employment disciplinary or termination procedure?</p>	<p>Question 21(j): Including any matters that may have been expunged, except expunged juvenile matters, have you ever been cited, arrested, charged or convicted of a criminal offense?</p> <p>Question 21(k): In the last five years, have you been cited for any civil (non-criminal) infractions such as speeding, and/or other minor traffic violations?... You may exclude parking tickets.</p> <p>Question 21(l): Have you ever been charged with contempt of court?</p> <p>Question 21(m): Have you ever been accused of dishonesty in connection with employment?</p> <p>Question 21(n): Have you ever applied for a license, other than as an attorney at law, the procurement of which required proof of "good moral character" (i.e., CPA, patent agent, notary public, real estate broker, physician, nurse)?</p> <p>Question 21(p): Have you ever been disciplined, discharged, or resigned in lieu of termination from employment for the use of a controlled substance or alcohol?</p> <p>Question 21(q): Have you or anyone you have worked with ever been charged with the unauthorized practice of law?</p> <p>Question 21(r): Have you or anyone you have worked with ever been sanctioned, censured, reprimanded, disciplined, suspended, disqualified or disbarred as a member of any profession or as a practitioner before any administrative agency?</p> <p>Question 21(s): Have you ever been suspended or removed from public office because of conduct reflecting adversely upon your character?</p> <p>Question 21(t): Within the past five years, have you engaged in any conduct or behavior that could affect your ability to practice law in a competent and professional manner?</p> <p>Question 21(t): Have you ever been subject to any disciplinary action in connection with military service?</p>	<p>Question 21(f): Have you ever had a check for more than \$100 dishonored because of insufficient funds?</p> <p>Question 21(g): Do you now have any loans, accounts, judgments or financial obligations of any nature, including child support payments and student loans, past due for payment more than 60 days?</p> <p>Question 21(h): Has any surety on any bond on which you were the principal or obligor been required to pay any money on your behalf?</p> <p>Question 21(i): Have you ever been denied a bond, had a bond revoked, or had anyone seek to recover upon or cancel a bond?</p>	
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		<p>Question 21(u): Has anyone to your knowledge, ever complained to your law school or other supervising body in connection with your conduct under a student practice or legal intern rule?</p> <p>Question 21(v): Is there any additional information with respect to possible misconduct or lack of moral qualification or general fitness on your part that is not otherwise disclosed by your answers to questions in this application?</p> <p>Question 22(a): Within the past five years, have you exhibited any conduct or behavior that could call into question your ability to practice law in a competent, ethical and professional manner?</p> <p>Question 27: If anyone has ever complained to any bar association, court or administrative office about your professional services or conduct, state the facts fully, identifying the client, the approximate date the complaint was made, the bar association, judge or office to which it was made and the disposition made of the complaint.</p> <p>Question 28: If you have ever been the subject of any disciplinary proceeding in connection with your practice of law in any jurisdiction, or have ever received a warning, reprimand or sanction concerning your practice, state the facts fully, identifying the nature of the alleged violation, the disposition of the matter and the name and address of the person or entity who would have the record.</p>		
<p><b>Pennsylvania</b></p>	<p>Are you currently addicted to, or dependent upon narcotics, intoxicating liquors, or other substances?</p>	<p>Please list every state and country in which you were arrested, charged, cited, accused or prosecuted in, but did not live, work, attend school or serve in the military for more than 6 months.</p> <p>Please list every state and country in which you were issued a driver's license. Additionally, if you were arrested for Driving Under the Influence (DUI) or any serious traffic violation (i.e.; fleeing the scene of an accident, homicide by vehicle, fleeing and eluding police, excessive speed (100+ mph), etc.), but did not hold a driver's license from that state or country, you must list that state or country as well.</p> <p>From the date that you were first admitted as a licensed attorney, have you ever been denied to practice, for any length of time, for any reason, before any court within any of the jurisdictions that you are admitted as a licensed attorney as listed in the Bar Related - Other Bar Applications section?</p>	<p>Have you ever filed a petition in bankruptcy, or has anyone ever filed a petition in bankruptcy against you?</p>	<p><a href="#">Bar application sample</a></p> <p><a href="#">Character and fitness resources</a></p> <p><a href="#">Rules governing admissions to the Pennsylvania bar</a></p>

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		<p>As a licensed attorney, have any charges of professional misconduct ever been filed against you?</p> <p>As a licensed attorney, have you ever been reprimanded, censured, suspended, or disbarred (including informal admonishments) for professional conduct?</p> <p>As a licensed attorney, are there any charges for professional misconduct presently pending against you?</p> <p>Have you ever been confronted, questioned, counseled, or approached by an employer, supervisor, teacher or other educator about your truthfulness, your excessive absence, your inability to work with others, the manner in which you handled or preserved the money or property of others, the thoroughness and/or timeliness of your preparation of work and/or your work itself, your competence, your promptness, your diligence, and/or your ability to maintain the confidentiality of information? (This does NOT include constructive criticism.)</p> <p>Have you ever been terminated or suspended from a job, disciplined by an employer, or permitted to resign in lieu of termination, or have you ever had a job offer rescinded?</p> <p>Have you been rejected for induction, enlistment, or commission in the armed forces of the United States of America or any other country?</p> <p>Have you ever been a defendant in any courts-martial, or Article 15 proceedings, or have any formal charges or complaints ever been made or filed, or proceedings instituted against you as a member of the armed forces?</p> <p>Have any charges of judicial or official misconduct ever been filed against you?</p> <p>Have you ever been reprimanded, censured, suspended, or removed from judicial or public office for misconduct?</p> <p>Are you currently under investigation for judicial or official misconduct?</p>	<p>Do you currently have any debts in arrears (e.g., 120+ days past due, charge offs, bad debts/loss write offs) and/or unpaid claims against you? This includes delinquent student loans, child or spousal support, court ordered fines, costs, restitution or judgments. This does not include student loans in deferment.</p> <p>Have you ever been ordered or required to pay child or spousal support?</p>	
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		<p>Have you ever been denied enrollment, dismissed, suspended, expelled, subject to discipline, including disciplinary probation for plagiarism, cheating, dishonesty, fraud, or any other reason, or withdrawn in lieu of discipline from any academic institution or organization, beyond high school, for any reason (does NOT include academic discipline or probation for poor or failing grades)?</p> <p>Have you ever altered or falsified any official or unofficial document or copy thereof (e.g., bar application or examination result letter, recommendation letter, transcript, report, law school application, etc.)?</p> <p>Are you currently, or have you ever been arrested, charged, cited, accused, or prosecuted for any crime by a law enforcement agency, or have you ever been the subject of any investigation by a law enforcement agency, civil or administrative agency, professional organization, corporation, board or any other agency (including, but not limited to the lawyer Disciplinary Board, Attorney General's Office, government entity, law firm, etc.)? This does NOT include summary (minor) motor vehicle violations for which you were given a citation (ticket). It does include all alcohol-related traffic citations (e.g. OWI, DUI).</p> <p>Have you ever applied for a permit or license, other than one to practice law, that required proof of good character (e.g., CPA, medical professional, teacher, stock broker, etc.)?</p> <p>Have you ever withdrawn an application for a permit or license (other than one to practice law), been denied a permit or license, had a permit or license revoked, and/or voluntarily surrendered a permit or license for any reason, and/or have you ever been the subject of any complaints, proceedings, investigations, or inquiries relating to a profession for which licensure is required that involved: allegations of unauthorized practice, censure, removal, suspension, revocation of license, discipline, and/or any other formal or informal charges, by any agency, organization or individual?</p> <p>Have you ever had a petition for Protection From Abuse (PFA), restraining, or peace order filed against you?</p>	<p>Have you ever failed to file any applicable local, state or federal income tax return and/or report required by law within the last 10 years? This does not include tax extensions, late filings, or returns not filed due to earned income being under the legally established income threshold.</p> <p>Have you ever been investigated for, or accused of fraud, commingling, withholding or misusing funds, or any other charges involving the handling of funds?</p>	
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		<p>Have you ever been named as a party to any civil proceeding or has any civil proceeding been instituted by you, on your behalf, or against you including, but not limited to, suits in equity, actions at law, statutory proceedings, or any other civil or administrative proceeding? Do NOT include divorce proceedings or minor motor vehicle accidents.</p> <p>If there is any information (event, incident, occurrence, etc.) that was not specifically addressed and/or asked of you in the online application and/or in the instructions that could be considered a character issue, you are required to provide a detailed explanation for each event, incident/occurrence. Do you have any additional issues to disclose before submitting your application?</p>		
<b>Rhode Island<sup>10</sup></b>	<p>Question 26(A): Do you currently have any condition or impairment (including, but not limited to, substance abuse, alcohol abuse, or a mental, emotional, or nervous disorder or condition) that in any way affects your ability to practice law in a competent, ethical, and professional manner?</p>	<p>Question 5: Have you ever been dropped, suspended, warned, placed on scholastic or disciplinary probation, expelled, requested to resign, or allowed to resign in lieu of discipline from any college or university (including law school), or otherwise subjected to discipline by any such institution or requested or advised by any such institution to discontinue your studies there?</p> <p>Question 6: Have you ever submitted an application to pre-register as a law student, applied for bar admission, applied as a foreign legal consultant or in-house counsel, or been admitted, licensed, or authorized to practice law in any U.S. jurisdiction (state, territory, or the District of Columbia), tribal court, or foreign jurisdiction, including admission to the bar by examination, motion, or diploma privilege?...Provide a brief narrative explanation of the circumstances surrounding the reason for any withdrawals of applications or failures to be admitted (other than those due to failing the examination).</p> <p>Question 8: Have you ever been terminated, suspended, disciplined, laid-off, or permitted to resign in lieu of termination from any job?</p> <p>Question 10(A): Have you ever been disbarred, suspended, censured, or otherwise reprimanded or disqualified as an attorney?</p>	<p>Question 23: Have you ever filed a petition for bankruptcy?</p> <p>Question 24(A): Have you ever had a credit card or charge account revoked?</p> <p>Question 24(B): Have you ever defaulted on any student loans?</p> <p>Question 24(C): Have you ever defaulted on any other debt?</p>	<p><a href="#">Rules governing admission to the Rhode Island bar</a></p> <p><a href="#">Instructions for Rhode Island bar admission application</a></p> <p><a href="#">Rhode Island bar admission application</a></p>

<sup>10</sup> Rhode Island uses a modified NCBE application (final link in far right column) as a Petition for Admission which had restricted online access. The questions therefore refer to the modified NCBE application.



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	<p>Question 26(B): If your answer to Question 26(A) is yes, are the limitations caused by your condition or impairment reduced or ameliorated because you receive ongoing treatment or because you participate in a monitoring or support program?</p> <p>Question RI-23: During your adulthood, have you ever been placed under guardianship or conservatorship in any legal proceeding?</p>	<p>Question 10(B): Have you ever been the subject of any charges, complaints, or grievances (formal or informal) concerning your conduct as an attorney, including any now pending?</p> <p>Question 11: Have you ever been the subject of any charges, complaints, or grievances (formal or informal) alleging that you engaged in the unauthorized practice of law, including any now pending?</p> <p>Question 12: Have sanctions ever been entered against you, or have you ever been disqualified from participating in any case?</p> <p>Question 16: Have you ever been denied a license or had a license revoked for business, trade, or profession (e.g., CPA, real estate, broker, physician, patent practitioner)?</p> <p>Question 17 (A): Have you ever been suspended, censured, or otherwise reprimanded or disqualified as a member of another profession, or as a holder of public office?</p> <p>Question 17 (B): Have you ever been the subject of any charges, complaints, or grievances (formal or informal) concerning your conduct as a member of any other profession, or as a holder of public office, including any now pending?</p> <p>Question 19: Have you ever been a named party to any civil action? NOTE: Family law matters (including divorce actions and continuing orders for child support) should be included here.</p> <p>Question 20: Have you ever had a complaint or action (including, but not limited to, allegations of fraud, deceit, misrepresentation, forgery, or malpractice) initiated against you in any administrative forum?</p> <p>Question 21(A): Have you ever been cited for, arrested for, charged with, or convicted of any alcohol- or drug-related traffic violation other than a violation that was resolved in juvenile court?</p> <p>Question 21(B): Have you been cited for, arrested for, charged with, or convicted of any moving traffic violation during the past ten years? (Omit parking violations.)</p>	<p>Question 24(D): Have you had any debts of \$500 or more (including credit cards, charge accounts, and student loans) that have been more than 90 days past due within the past three years?</p> <p>Question 24(E): If your answer to Question 23 is yes, are there any additional debts not reported in Questions 24(A-D) that were not discharged in bankruptcy?</p> <p>Question RI-5: Were you required to pay support or alimony payments?</p>	
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		<p>Question 22: Have you ever been cited for, arrested for, charged with, or convicted of any violation of any law other than a case that was resolved in juvenile court?</p> <p>Question 25: Within the past five years, have you exhibited any conduct or behavior that could call into question your ability to practice law in a competent, ethical, and professional manner?</p> <p>Question RI-8: Have you ever been involved in, reprimanded for, or disciplined by an employer or educational institution for misconduct including: acts of dishonesty, fraud or deceit; lying on a resume, or misrepresentation; academic misconduct, including such acts as cheating; misconduct involving student activities; theft; excessive absences; failure to complete assignments in a timely manner; actions in disregard of the health, safety and welfare of others; sexual harassment; neglect of financial responsibilities; or conduct related to the use of alcohol or any other drug in the last ten (10) years</p> <p>Question RI-9: Have you ever been terminated or granted a leave of absence by an employer or withdrawn from an educational institution? (Do not include leaves of absence specifically authorized by state or federal law, e.g., family and bereavement leave, etc.)</p> <p>Question RI-16: Have any of the entities listed above been involved in litigation or other proceedings (including every cease and desist order, or other order) in any court of law or equity or any criminal court or before any government board or agency, or any arbitration board (a) during the period of time in which you owned 10% or more of the capital stock or other property interest in any said entity listed above or (b) during the period of time in which you were an officer, director or trustee, managing or general partner of any said entity listed above?</p> <p>Question RI-18: List all suits in equity, actions at law, or other statutory proceedings, matters in probate, support, administrative proceedings, quasi-judicial proceedings and every other judicial proceeding of every nature and kind, except criminal proceedings, to which you are or have ever been a party If none, please write N/A or NOT APPLICABLE.</p>	<p>Question RI-10: List all sources from which you borrowed or with which you have established credit, including any credit cards, during the last five (5) years, and the status, i.e. current or delinquent. [Information regarding student loans should be listed in subsection Question RI-12.] A reference to your credit report will not answer this question sufficiently. If none, please write N/A or NONE.</p> <p>Question RI-11: List all current debts over five hundred dollars (\$500.00), and indicate status, i.e. current or delinquent. A reference to your credit report will not answer this question sufficiently. If none, please write N/A or NONE</p>	
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		<p>Question RI-19: List all instances in your life (including while you were a juvenile) in which you have been arrested, detained or restrained, given a warning or taken into custody or accused, formally or informally, of violating a law or ordinance, or accused, formally or informally, of committing a delinquent or wayward act. Also include any instance in which you have been questioned regarding any criminal matter. Traffic violations should be listed in NCBE Questions 21A and 21B, as applicable. If none, please write N/A or NOT APPLICABLE.</p> <p>Question RI-20: List all criminal proceedings to which you were or have been a party and all proceedings in which you were or have ever been a party and all proceedings in which you committed or were accused of committing a delinquent or wayward act or violation of the law while you were a juvenile. If none, please write N/A or NOT APPLICABLE.</p> <p>Question RI-21: Have you ever been offered or granted immunity, testified or been called as a witness in any grand jury proceeding, criminal action or criminal proceeding in which you were not a party?</p> <p>Question RI-25: In connection with your any prior or current application for admission to practice law, were you required to appear before any board, committee, or other examining authority for examination or inquiry about any matter, other than on examination upon legal subjects?</p>	<p>Question RI-12: List all student loans and indicate status, i.e., current, deferred, or delinquent. A reference to your credit report will not answer this question sufficiently. If none, please write N/A or NONE.</p> <p>Question RI-13: Have any judgments ever been entered against you in favor of a creditor?</p> <p>Question RI-17: Are any judgments, liens, orders and decrees which have entered against any entity listed above unsatisfied as of the present date?</p>	
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			Question RI-22: Have you ever been bonded under a surety bond? Have you ever been refused a bond? If you have ever been bonded, has anyone ever sought to recover upon such bond or to cancel the same?	
<b>South Carolina</b>	Question 11(b): [B]elow list all...incapacity [or] guardianship [proceedings] to which you are or have ever been a party.	<p>Question 2(b): [Regarding prior character and fitness applications: ...If not admitted or if your application was withdrawn, specify the reason for each instance.</p> <p>Question 9: Has any disciplinary proceeding of any kind, formal or otherwise, been taken against you at any school or college you have attended?</p> <p>Question 11(a): Are you now or have you ever been a party to any civil proceeding?</p> <p>Question 12(a): Have you ever been arrested or taken into custody or accused, formally or informally, of the violation of a law including instances which have been expunged by Order of the Court and including juvenile offenses whether or not the records are sealed?</p> <p>Question 13: Have you ever invoked the protection of the Fifth Amendment to the Constitution of the United States, or of any other provision of the Constitution of the United States or of any State, in refusing to testify under oath in any proceeding on the ground or for the reason that your answer might tend to incriminate you?</p> <p>Question 14(a): Within the past five years, have you exhibited any conduct or behavior that could call into question your ability to practice law in a competent, ethical, and professional manner?</p>	<p>Question 10(a): Have you ever held a bonded position?</p> <p>Question 10(b): Have you ever been denied a bond?</p> <p>Question 10(c): Have you ever been denied a position because you could not be bonded?</p> <p>Question 14(h): Are you delinquent in the payment of any financial obligations?</p> <p>Question 15: Are there any pending actions or suits or any unsatisfied judgments or decrees against you?</p>	<p><a href="#">Bar application sample</a></p> <p><a href="#">Rules governing admission to the South Carolina bar</a></p>

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	<p>Question 14(b)(i): Do you currently have any condition or impairment (including, but not limited to, substance abuse, alcohol abuse, or a mental, emotional, or nervous disorder or condition) that in any way affects your ability to practice law in a competent, ethical, and professional manner? As used in Question 14 (b), "currently" means recently enough that the condition or impairment could reasonably affect your ability to function as a lawyer.</p> <p>Question 14(b)(ii): If your answer to Question 14 (b)(i) is YES, are the limitations caused by your condition or impairment reduced or ameliorated because you receive ongoing treatment or because you participate in a monitoring or support program?</p>	<p>Question 14(c): Have you ever been discharged from employment or accused by any person of dishonesty in connection therewith?</p> <p>Question 14(d): Have you ever been denied any license or certificate, the obtaining of which required proof of good moral character?</p> <p>Question 14(e): Has your conduct, or that of anyone by whom you have been employed or with whom you have been associated, ever been called in question with reference to the unauthorized practice of law?</p> <p>Question 14(f): Have you, or has anyone by whom you have been employed or with whom you have been associated, ever been censured, reprimanded, disciplined, suspended, disqualified or disbarred as a member of any profession or as a practitioner before any administrative agency, or have you ever been suspended or removed from any public or private office because of conduct reflecting upon your character?</p> <p>Question 14(g): Have you ever been charged with professional misconduct?</p> <p>Question 16(a): Have you ever knowingly organized or helped to organize or become a member of any organization or group of persons which, during the period of your membership or association, you knew was advocating or teaching that the government of the United States or any State or any political subdivision thereof should be overthrown or overturned by force, violence, or any unlawful means?</p> <p>Question 16(b): If your answer to (a) is YES, did you, during the period of such membership or association, have the specific intent to further the aims of such organization or group of persons to overthrow or overturn the government of the United States or any State or political subdivision thereof by force, violence, or any other unlawful means?</p> <p>Question 18: Are there any other facts not disclosed by your answers herein but concerning your background, history, experience, or activities which in your opinion may have a bearing on your character, moral fitness, or eligibility to practice law in South Carolina and which should be placed at the disposal or brought to the attention of the examining authorities?</p>		
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<p><b>South Dakota</b> [Note: South Dakota uses the NCBE Character and Fitness application as well as its own separate bar application.]</p>	<p>NCBE</p>	<p>NCBE and the following state specific questions:</p> <p>Part 7, Question : Have you ever been cited, arrested, charged or convicted for any violation of any law as a juvenile?</p> <p>Part 8, Question 1: Within the past five years, have you engaged in any conduct that: a. resulted in an arrest, discipline, sanction or warning; b. resulted in termination or suspension from school or employment; c. resulted in loss or suspension of any license; d. resulted in any inquiry, any investigation, or any administrative or judicial proceeding by an employer, educational institution, government agency, professional organization, or licensing authority, or in connection with an employment disciplinary or termination procedure; or e. endangered the safety of others, breached fiduciary obligations, or constituted a violation of workplace or academic conduct rules?</p>	<p>NCBE</p>	<p><a href="#">Bar application sample</a></p> <p><a href="#">Rules governing admission to the South Dakota bar</a></p>
<p><b>Tennessee</b> [Note: Uses NCBE Character and Fitness Application]</p>	<p>NCBE</p>	<p>NCBE</p>	<p>NCBE</p>	<p><a href="#">Rules governing admission to the Tennessee bar</a></p>
<p><b>Texas</b></p>	<p><b><u>In State Application Questions</u></b> Question 7.1: Since filing your Declaration of Intention to Study Law, have you abused, been addicted to, or received treatment (including court-ordered treatment) for the use or abuse of alcohol or any other substance?</p>	<p><b><u>In State Application Questions</u></b> Question 2.3: Since the filing of your Declaration, have you been disciplined in any way for any matter by any college, university, law school, or other institution of higher learning, or by any professor, administrator, employee or entity representing any college, university, law school or other institution of higher learning, or have you been allowed to withdraw from such an institution to avoid such discipline, whether or not the record of such action was retained in your file? (Discipline includes, without limitation, a letter or other written notice of reprimand or warning, suspension, expulsion, adjustment of grade, assignment of community service, any form of probation, or any other adverse action). (Entity includes, without limitation, residential facilities or other facilities owned or managed by a college, university, law school or other institution of higher learning.)</p> <p>Question 2.4: Since the filing of your Declaration, have you been the subject of a determination of misconduct or irregularity by the Law School Admission Council (LSAC)?</p>	<p><b><u>In State Application Questions</u></b> Question 8.2: Since filing your Declaration of Intention to Study Law, have you filed or been the subject of a petition in bankruptcy?</p> <p>Question 8.3: Since filing your Declaration of Intention to Study Law, have you been ordered by a court to pay child support?</p>	<p><a href="#">Bar exam application for in-state law students (digital)</a></p> <p><a href="#">Bar exam application for in-state law students (print)</a></p> <p><a href="#">Bar exam application for out-of-state law students (digital)</a></p>

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	<p>Question 7.3: Since filing your Declaration of Intention to Study Law, do you have bipolar disorder or any psychotic disorder (including but not limited to schizophrenia or paranoia) that in any way might affect your activities of daily living or ability to practice law in a competent, ethical, and professional manner?</p>	<p>Question 3.2: Have you ever initiated the process to become licensed to practice law, or have you ever filed an application to take a bar examination, in any jurisdiction (including Texas) and were not licensed in that jurisdiction?</p> <p>Question 4.3: Since the filing of your Declaration, have there been any formal or informal charges, complaints, or grievances filed (regardless of the outcome) concerning your conduct as a member of any profession, licensed occupation, or as the holder of any public office?</p> <p>Question 4.4: Since filing your Declaration of Intention to Study Law, are there now pending any formal or informal charges, complaints, or grievances concerning your conduct as a member of any profession, licensed occupation, or as the holder of any public office?</p> <p>Question 5.1: (Non-legal employment): Were you terminated, suspended, disciplined, or permitted to resign in lieu of termination suspension or discipline, from this employment?</p> <p>Question 5.2: (Legal employment) Were you terminated, suspended, disciplined, or permitted to resign in lieu of termination suspension or discipline, from this employment?</p> <p>Question 6.1: Since filing my Declaration of Intention to Study Law, have you been formally charged with any violation of law, excluding cases which have been dismissed for reasons other than technical defects in the charging instrument; cases in which you have been found not guilty; minor traffic violations; cases in which the record of arrest or conviction has been expunged by court order; pardoned offenses; and Class C misdemeanors?</p> <p>Question 6.2: Since the filing of your Declaration of Intention to Study Law, have you become the target or subject of a grand jury or other governmental agency investigation?</p> <p>Question 7.2: Since filing your Declaration of Intention to Study Law, have you exhibited any conduct or behavior that could call into question your ability to practice law in a competent, ethical, and professional manner?</p>	<p>Question 8.4: Since filing your Declaration of Intention to Study Law, have you been past due in any such court-ordered child support payments?</p> <p>Question 8.5: Since filing your Declaration of Intention to Study Law, have you had an arrearage judgment taken against you?</p> <p>Question 9.1: Since filing your Declaration of Intention to Study Law, do you have any student loan debts that are 90 days or more past due?</p>	<p><a href="#">Bar exam application for out-of-state law students (print)</a></p> <p><a href="#">Character and fitness information</a></p> <p><a href="#">Rules governing admission to the Texas bar</a></p>
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<p>Question 7.4: Since filing your Declaration of Intention to Study Law, have you asserted any condition or impairment as a defense, in mitigation, or as an explanation for your conduct in the course of any inquiry, investigation, or administrative or judicial proceeding by an educational institution, governmental agency, professional organization, or licensing authority; or in connection with an unemployment claim, employer discipline, or termination procedure?</p> <p><b><u>Out of State Application Questions</u></b></p> <p>Question 8.1: Within the last 5 years, have you abused, been addicted to, or received treatment (including court-ordered treatment) for the use or abuse of alcohol or any other substance? Have you received any treatment as part of this abuse?</p>	<p>Question 8.1: Since filing your Declaration of Intention to Study Law, have you been a party to any civil suit or proceeding?</p> <p>Question 8.6: Since filing your Declaration of Intention to Study Law, have you been held in contempt of court or sanctioned by a court?</p> <p>Question 9.6: Since filing your Declaration of Intention to Study Law, have you been the subject of an investigation for the unauthorized practice of law in Texas or any other jurisdiction?</p> <p><b><u>Out of State Application Questions</u></b></p> <p>Question 2.4: Have you ever been disciplined in any way for any matter by any college, university, law school, or other institution of higher learning, or by any professor, administrator, employee or entity representing any college, university, law school or other institution of higher learning, or have you been allowed to withdraw from such an institution to avoid such discipline, whether or not the record of such action was retained in your file? (Discipline includes, without limitation, a letter or other written notice of reprimand or warning, suspension, expulsion, adjustment of grade, assignment of community service, any form of probation, or any other adverse action). (Entity includes, without limitation, residential facilities or other facilities owned or managed by a college, university, law school or other institution of higher learning.)</p> <p>Question 2.5: Within the last 10 years, have you been the subject of a determination of misconduct or irregularity by the Law School Admission Council (LSAC)?</p> <p>Question 3.6: In connection with any application, regardless of admission status, were you required to appear for a hearing or inquiry before any board, committee, or admissions authority?</p> <p>Question 3.7: Have you ever been disbarred, suspended from practice, disciplined, disqualified, placed on a diversion program, or allowed to resign in lieu of disciplinary action, or has your license ever been qualified or conditioned in any way, as a member of any profession, licensed occupation, or as the holder of any public office?</p>	<p>Question 9.2: Since filing your Declaration of Intention to Study Law, do you have any other debts that are 90 days or more past due (including tax debts owed pursuant to federal or other law)?</p> <p>Question 9.3: Since filing your Declaration of Intention to Study Law, have you failed to timely file any applicable state or federal income tax return and/or report required by law?</p> <p>Question 9.4: Since filing your Declaration of Intention to Study Law, have you failed to pay any taxes owed pursuant to state or federal law at the time such taxes were due?</p>
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	<p>Question 8.3: Do you currently have bipolar disorder or any psychotic disorder (including but not limited to schizophrenia or paranoia) that in any way might affect your activities of daily living or ability to practice law in a competent, ethical, and professional manner?</p> <p>Question 8.4: Within the past 5 years, have you asserted any condition or impairment as a defense, in mitigation, or as an explanation for your conduct in the course of any inquiry, investigation, or administrative or judicial proceeding by an educational institution, governmental agency, professional organization, or licensing authority; or in connection with an unemployment claim, employer discipline, or termination procedure?</p>	<p>Question 3.8: Have there ever been any formal or informal charges, complaints, or grievances filed (regardless of the outcome) concerning your conduct as a member of any profession, licensed occupation, or as the holder of any public office?</p> <p>Question 4.3: Have there ever been any formal or informal charges, complaints, or grievances filed (regardless of the outcome) concerning your conduct as a member of any profession, licensed occupation, or as the holder of any public office?</p> <p>Question 4.4: Are there now pending any formal or informal charges, complaints, or grievances concerning your conduct as a member of any profession, licensed occupation, or as the holder of any public office?</p> <p>Question 5.1: [Regarding non-law-related employment] Were you terminated, suspended, disciplined, or permitted to resign in lieu of termination suspension or discipline, from this employment?</p> <p>Question 5.2: [Regarding law-related employment] Were you terminated, suspended, disciplined, or permitted to resign in lieu of termination suspension or discipline, from this employment?</p> <p>Question 6: Were any courts martial, Article 15 proceedings, or administrative discharge proceedings lodged against you during your period of service?</p> <p>Question 7.1: Have you ever been convicted of an offense, placed on probation, or granted deferred adjudication or any type of pretrial diversion? You must report any such offenses involving alcohol or drugs. You must report any failure to appear conviction resulting from any offense. You must report any conviction for failure to maintain financial responsibility (legally required auto insurance). You may exclude only Class C misdemeanor traffic violations.</p>	<p>Question 9.5: Since filing your Declaration of Intention to Study Law, have you collected federal withholding, social security, or Medicare taxes from the wages of your employees, and failed to timely report and forward such monies to the Internal Revenue Service?</p> <p><b><u>Out of State Application Questions</u></b></p> <p>Question 9.2: Within the last 10 years, have you filed or been the subject of a petition in bankruptcy?</p> <p>Question 9.3: Have you ever been ordered by a court to pay child support?</p>	
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		<p>Question 7.2: Have you, within the last 10 years, been arrested, cited or ticketed for, or charged with any violation of the law? You must report any such offenses involving alcohol or drugs. You must report any failure to appear charge or warrant resulting from any such offense. You must report any failure to maintain financial responsibility (legally required auto insurance) arrest, citation, ticket or charge. You may exclude only Class C misdemeanor traffic violations.</p> <p>Question 7.3: Are you currently the target or subject of a grand jury or other governmental agency investigation?</p> <p>Question 8.2: Within the past 5 years, have you exhibited any conduct or behavior that could call into question your ability to practice law in a competent, ethical, and professional manner?</p> <p>Question 9.1: Within the last 10 years, have you been a party to any civil suit or proceeding?... Were there any allegations of fraud in this civil proceeding?</p> <p>Question 9.6: Have you ever been held in contempt of court or sanctioned by a court?</p> <p>Question 10.6: Within the last 10 years, have you been the subject of an investigation for the unauthorized practice of law in Texas or any other jurisdiction?</p>	<p>Question 9.4: Are you now, or have you been within the last 10 years, past due in any such court-ordered child support payments?</p> <p>Question 9.5: Have you ever had an arrearage judgment taken against you?</p> <p>Question 10.1: Do you have any student loan debts that are 90 days or more past due?</p> <p>Question 10.2: Do you have any other debts that are 90 days or more past due (including tax debts owed pursuant to federal or other law)?</p> <p>Question 10.3: Within the last 10 years, have you failed to timely file any applicable state or federal income tax return and/or report required by law?</p>	
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			<p>Question 10.4: Within the last 10 years, have you failed to pay any taxes owed pursuant to state or federal law at the time such taxes were due?</p> <p>Question 10.5: Within the last 10 years, have you collected federal withholding, social security, or Medicare taxes from the wages of your employees, and failed to timely report and forward such monies to the Internal Revenue Service?</p>	
<b>Utah</b>	<p>Question 60: Within the last five years have you used illegal drugs or substances, or prescription medications without the authorization or supervision of a licensed health care professional, or in a manner contrary to the health care professional's recommendations?</p>	<p>Question 10(c): Have you ever had a driver's license suspended or revoked?</p> <p>Question 22: Has a report or charge of misconduct or irregularity ever been issued against you by the Law School Admission Council in connection with the admission process to law school? The admission process includes, but is not limited to, application for admission to law school, application to take the LSAT, and sitting for the LSAT.</p> <p>Question 23(a): Have you ever been investigated for a violation of any policy (academic or non-academic) at a college, university or law school, whether or not any action was taken against you or whether or not the school agreed not to disclose the incident on your permanent record? Include pending matters.</p>	<p>Question 18: Are you the obligor on any spousal and/or child support? If yes, are you current on all spousal and/or child support payments?</p>	<p><a href="#">Bar admissions FAQs</a></p> <p><a href="#">Bar application sample</a></p> <p><a href="#">Rules governing admission to the Utah bar</a></p>

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	<p>Question 61: Within the last five years have you conducted yourself in such a manner as to endanger the health or safety of yourself or others? (Examples: suicide attempts, reckless driving, substance abuse).</p> <p>Question 62: Do you have a current condition or impairment (including, but not limited to, substance abuse, alcohol abuse, or a mental, emotional, or nervous disorder or condition) which affects your conduct that has not been or is not currently being treated effectively or for which the treatment is unstable?</p>	<p>Question 23(b): Have you ever been dropped, suspended, warned, sanctioned, placed on scholastic or disciplinary probation, expelled or requested to resign or allowed to resign in lieu of discipline, been advised to discontinue your studies, or otherwise had disciplinary action of any sort taken against you (academic or non-academic) by a college, university or law school?</p> <p>Question 26(a): Have you ever been confronted by an employer, supervisor, or colleague concerning excessive absences or lateness, lack of diligence, failure to maintain confidential material or employment-related misconduct or deficiency?</p> <p>Question 26(b): Have you ever been laid-off, terminated, suspended, disciplined, permitted to resign in lieu of termination, or otherwise discharged from any job?</p> <p>Question 29: Have you ever been denied a license for a business, trade, or profession (e.g., CPA, real estate broker, physician, patent practitioner) or had a business, trade or professional license revoked?</p> <p>Question 30: Have you ever been disciplined by a professional licensing or regulatory agency?</p> <p>Question 33: Have you ever had a judgment against you?</p> <p>Question 43: Have you, in any capacity, ever been a party to or named or described in any civil proceeding, action, suit, arbitration, or administrative proceeding, including family law cases such as divorce or child support matters? Include suits against businesses or law firms of which you are an owner, partner, or fiduciary.</p> <p>Question 44: Have you ever been found in contempt by any court, tribunal, or legislative body?</p> <p>Question 45: Have you ever failed to comply with any court order directed against you, including child support or other family law orders?</p>	<p>Question 28: Has any business that you had a financial interest in, managed, or actively participated in the control of been investigated or charged, formally or informally, with fraud, larceny, embezzlement, misrepresentation, conspiracy to conceal, or a similar offense?</p> <p>Question 34: In the last ten years, have you had an account or a bill charged off, sent to collections, or settled for less than the full balance?</p> <p>Question 35: In the last two years, have you been more than 60 days late on any payment to a creditor, including the holder of student loans?</p>	
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	<p>Question 63: Are there any other incidents, issues, or behaviors, not herein before described, having bearing on your character or fitness for admission to the Bar? This would include, but is not limited to, excessive alcohol use (e.g. drinking at work, binge drinking) or illegal activities (e.g. domestic abuse, drunk driving, stealing) that may not have come to the attention of law enforcement.</p>	<p>Question 46: As an adult or a juvenile, have you ever been arrested, served with a summons, cited, indicted, charged, tried, or investigated for an infraction, felony or misdemeanor in any jurisdiction? Include all such incidents no matter how minor, whether guilty or not. Please include all matters that have been expunged or subject to a diversionary program. Include traffic offenses that involved drugs or alcohol. (Do not include other traffic violations as these will be addressed in Q.47.)</p> <p>Question 47: Within the last ten years have you ever been cited for a traffic violation, moving or non-moving, other than parking offenses? Include all such incidents, no matter how minor, whether guilty or not, and regardless of whether they were dismissed or subject to a diversionary program. (If the traffic violation involved drugs or alcohol, it must be reported under Q.46.)</p> <p>Question 47(a): Have you ever had a bench warrant issued for failure to appear or failure to comply related to a traffic citation?</p> <p>Question 48: Are you in violation of any federal or state criminal statute?</p> <p>Question 49: Have you ever been charged, accused, or indicted, formally or informally, civilly or criminally, for misrepresentation, fraud, misapplication, perjury/false swearing, or misappropriation of property, either individually or in a representative capacity (e.g., as an officer or owner of a business entity, partner or other fiduciary relationship)?</p> <p>Question 50: Have you ever been suspended, censured, or otherwise reprimanded or disqualified as a member of another profession, or as a holder of public office?</p> <p>Question 51: Have there ever been or are there now any formal or informal charges, complaints, or grievances concerning your conduct as a member of any other profession, or as a holder of public office?</p> <p>Question 54: Have you ever engaged in the unauthorized practice of law in the state of Utah, or has such a complaint ever been filed against you?</p>	<p>Question 36: In the last ten years have you had a credit card or charge account revoked or closed for nonpayment?</p> <p>Question 37: Have you ever been adjudicated a bankrupt, or has a petition for bankruptcy been filed at any time by you or against you, either alone or in association with others, either personally or in a business capacity?</p>	
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		<p>Question 55(a): Have you ever been investigated for, questioned about or disciplined for cheating on a bar examination or otherwise violating a bar examination rule or policy? Include pending matters.</p> <p>Question 57: Have you ever or do you currently have difficulty communicating with others in an organized, clear, and professional manner?</p> <p>Question 58: Have you ever or do you currently struggle to act diligently and reliably in fulfilling your obligations to others? (Examples: failing to comply with deadlines or time constraints, frequent or excessive work absences, etc.).</p> <p>Question 59: Have you ever or do you currently fail to conduct your business, fiduciary and financial dealings in an honest, trustworthy and competent manner?</p> <p>Question 65: Have there ever been or are there now any public or private, formal or informal claims, allegations, complaints, charges, or grievances concerning your conduct as an attorney?</p> <p>Question 66: Have you ever been disbarred, suspended, censured, sanctioned, disciplined or otherwise reprimanded or disqualified, whether publicly or privately, as an attorney?</p> <p>Question 67: Have you ever been sanctioned in a legal matter or have you ever been disqualified from participating in any case?</p>	<p>Question 38: Have you ever been brought in as a party to any proceedings in a bankruptcy court; or have you ever been sued or threatened with suit by the receiver, trustee, or other authority of any bankrupt estate, for unlawful preference, conspiracy to conceal assets, or any other fraud or offense, whether punishable by criminal law or not?</p> <p>Question 39: Has an adversary proceeding ever been filed against you to except a scheduled debt from discharge?</p> <p>Question 40: Have any state or federal tax liens ever been placed against your personal or business property?</p>	
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			<p>Question 41: Have you ever failed to file a personal income or business tax return, filed late without an extension, or failed to pay your taxes when due?</p> <p>Question 42: Have you or your business or corporation or other entity in which you hold or held more than 20% equity interest or for which you served as an executive officer ever failed to pay employer's withholding taxes or failed to remit sales or excise taxes paid by customers?</p> <p>Question 52: Has any surety bond on which you were the principal been required to pay any money on your behalf?</p>	
<p><b>Vermont</b> [Note: Uses NCBE Character and Fitness Application]</p>	NCBE	NCBE	NCBE	<p><a href="#">Rules governing admission to the Vermont bar</a></p>

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<p><b>Virginia (Updated April 2019)</b></p>	<p>Question 17.1(B): Within the past five (5) years, have you sought or been directed to seek treatment for your conduct or behavior?</p>	<p>Question 4.5: Have you had any actions filed in any domestic court, including but not limited to, motions, citations in contempt, child custody actions, or motions filed in any jurisdiction by any person or agency?</p>	<p>Question 4.3: Have you ever been or are you currently under any obligation to pay spousal support?</p>	<p><a href="#">Bar application sample</a></p>
	<p>If the previous two questions apply to an applicant, they must complete the Character and Fitness Health Form: The Character &amp; Fitness Healthcare Form addresses recent mental health and chemical or psychological dependency matters. The purpose of such inquiries is to determine the current fitness of an applicant to practice law. The Board does not, by its questions, seek information that is fairly characterized as situational counseling. Examples of situational counseling include stress counseling, domestic counseling, grief counseling, and counseling for eating or sleeping disorders. Generally, the Board does not view these types of counseling as germane to the issue of</p>	<p>Question 6.1: Have you ever been academically, administratively or otherwise disciplined, placed on probation, suspended, expelled, requested to terminate your enrollment, or allowed to resign in lieu of disciplinary action at any college, university, law school, trade school or any other post-high school educational facility?</p>	<p>Question 4.4: Have you ever been or are you currently under any obligation to pay child support?</p>	<p><a href="#">Character and fitness resources</a></p>
		<p>Question 6.2: Have you ever been charged with violating the honor code of any educational facility (regardless of the disposition of the charge)?</p>		<p><a href="#">Character and fitness questionnaire sample</a></p>
		<p>Question 6.3: Have you ever been accused of or investigated for improper conduct or alleged cheating on any standardized test or licensing exam?</p>	<p>Question 14.2: Do you have any <u>outstanding or unpaid fines</u>, court costs, or tickets, including those for traffic or <b>past-due</b> parking violations?</p>	<p><a href="#">Rules governing admission for the Virginia bar</a></p>
		<p>Question 7.1: Have you ever been rejected for service in any branch of the Armed Forces of the United States?</p>		<p><a href="#">Character and Fitness Healthcare Form</a></p>
		<p>Question 7.4: While serving in the Armed Forces of the United States, were you ever a defendant in any court- martial?</p>		
		<p>Question 8.2: Have you ever been terminated by any employer?</p>		
		<p>Question 8.3: Have you ever been asked to resign or been given the choice of resigning in lieu of being terminated by any employer?</p>		
		<p>Question 10.4: Are you currently or have you ever been granted conditional admission to practice law in any jurisdiction (even if you were later admitted without conditions)?</p>		
		<p>Question 10.5: Have you ever applied for admission to practice law in any jurisdiction where the outcome resulted in your not being admitted (i.e., failed, denied, withdrawn, etc.) to the bar of such jurisdiction (even if you were later admitted)?</p>		
		<p>Question 10.7: Have you ever been denied permission to take the bar examination in any jurisdiction?</p>		
			<p>Question 14.4: Have you ever been removed, resigned, or asked to resign as a guardian, executor, administrator, trustee, or other fiduciary?</p>	



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	<p>whether an applicant is qualified to practice law.</p> <p>Question 18.1: Within the past five (5) years, have you ever raised the issue of consumption of drugs or alcohol or the issue of a mental, emotional, nervous or behavioral disorder/condition as a defense, mitigation, or explanation for your actions in the course of any of the following: (A) Administrative proceeding or investigation? (B) Judicial proceeding or investigation? (C) Probation, suspension or dismissal by an educational institution?</p>	<p>Question 11.1: Other than applications for bar admission, have you ever applied for, or held a license or certificate (e.g., CPA, real estate broker, physician, patent practitioner, etc.) which required proof of good character?</p> <p>Question 11.2: Have you ever been suspended, censured, reprimanded, disqualified or otherwise disciplined as a member of any profession?</p> <p>Question 11.3: Have there ever been or are there now pending any charges, complaints or grievances (formal or informal) concerning your conduct as a member of any profession or as a holder of public office?</p> <p>Question 11.4: Have you ever been removed from any office, public or private, because of conduct reflecting upon your character, or have any charges been made or filed, or proceedings instituted against you because of conduct reflecting on your character?</p> <p>Question 11.5: To your knowledge, have you ever been investigated or charged with the unauthorized practice of law?</p> <p>Question 11.6: To your knowledge, have you ever been employed by or otherwise affiliated with any person, firm or corporation who was investigated or charged with the unauthorized practice of law while you were so employed or affiliated?</p> <p>Question 11.7: To your knowledge, have you ever been denied a security clearance or has a security clearance previously granted to you ever been revoked?</p> <p>Question 13.1: Are you presently or have you ever been a party to or otherwise involved (except as a witness) in any civil or administrative action or legal proceeding?</p> <p>Question 13.2: Are you presently or have you ever been a party to or otherwise involved (except as a witness) in any action or legal proceeding in a juvenile court?</p>	<p>Section 15 - Credit Information: ALL APPLICANTS: You must attach ONE (1) current credit report meeting the following criteria: Obtained from Experian, Equifax OR TransUnion ONLY Dated within sixty (60) days of the date of filing this Questionnaire Credit summary or profiles are NOT acceptable. A FULL credit report is required.</p> <p>Question 15.1: I enclose a credit report (dated within sixty (60) days of the date of filing this Character &amp; Fitness Questionnaire) obtained from Experian, Equifax OR TransUnion ONLY. Credit summary or profiles are not acceptable.</p>	
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	<p>Question 18.2: Within the past five (5) years, has the issue of drugs or alcohol or the issue of a mental, emotional, nervous or behavioral disorder/condition brought about a termination, proposed termination, request to resign, or any other disciplinary action by any of the following: (A) Educational institution? (B) Employer? (C) Government agency? (D) Professional organization? (E) Licensing authority?</p>	<p>Question 13.3: Are you presently or have you ever been a party to or otherwise involved (except as a witness) in a criminal or quasi-criminal action or legal proceeding, whether involving a felony, misdemeanor, minor misdemeanor, or <b>any traffic offense or infraction</b>, (including charges which did not require your appearance in court, such as any camera violations)?</p> <p>Question 14.1: Other than provided in Section 13 - Legal Proceedings (Civil and Criminal), have you ever been summoned for a violation of any other statute, regulation or ordinance?</p> <p>Question 14.3: Have you ever failed to comply with any court-ordered obligation(s)?</p> <p>Question 14.5: Have you ever been granted immunity from prosecution?</p> <p>Question 14.6: Have you ever been cited or arrested for contempt of court for any reason, including, but not limited to, failure to appear as a witness, or answer a subpoena or jury summons?</p> <p>Question 14.7: Has your driver's license been suspended or revoked within the last ten (10) years?</p> <p>Question 15.7(C): Have any of your businesses or enterprises ever been involved in litigation?</p> <p>Question 17.1: Within the past five (5) years, have you exhibited any conduct or behavior that could call into question your ability to perform any of the obligations and responsibilities of a practicing lawyer in a competent, ethical and professional manner?</p>	<p>Question 15.2: Within the last seven (7) years, have you had a credit card revoked?</p> <p>Question 15.3: Currently, do you have any debts that are more than 90 days <b>past-due</b>, including student loans? This should include current claims, settlement offers, payment plans in effect with any creditor or taxing authority (local, state, or federal).</p> <p>Question 15.4: Do you any unsatisfied judgments against you?</p> <p>Question 15.5: Have you ever filed or been the subject of a petition in bankruptcy?</p>	
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			<p>Question 15.6: Have you ever been the subject of a trusteeship, receivership, wage attachment, or garnishment proceeding?</p> <p>Question 15.7(B): Have any of your businesses or enterprises ever been insolvent or filed for protection from its creditors?</p> <p>Question 15.8: Have you failed to timely file any state or federal tax return?</p> <p>Question 16.2: Have you ever defaulted on any student loan? (Answer yes even if the debt is now satisfied)</p> <p>Question 16.3: Has a judgment ever been entered against you in favor of a student loan guarantor or lender?</p>	
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<p><b>Washington</b></p>		<p>Question 5: Have you ever been dropped, suspended, warned, placed on academic or scholastic probation, placed on disciplinary probation, expelled, requested to withdraw, or allowed to withdraw in lieu of discipline from any college or university (including law school), or otherwise subjected to discipline or investigation by any such institution or requested or advised by any such institution to discontinue your studies there?</p> <p>Question 6: Have you ever submitted an application to pre-register as a law student, applied for bar admission, applied as a foreign legal consultant or in-house counsel, or been admitted, licensed, or authorized to practice law in any U.S. jurisdiction (state, territory, or the District of Columbia), tribal court, or foreign jurisdiction, including admission to the bar by examination, motion, or diploma privilege?...Provide a brief narrative explanation of the circumstances surrounding the reason for any withdrawals of applications or failures to be admitted (other than those due to failing the examination).</p> <p>Question 8: Have you ever been investigated, warned, terminated, suspended, disciplined, laid-off for misconduct or dishonesty, or permitted to resign in lieu of termination from any job?</p> <p>Question 10(A): Have you ever been disbarred, suspended, censured, or otherwise disciplined or sanctioned or disqualified as an attorney by any regulatory or licensing agency or court?</p> <p>Question 10(B): Have you ever been the subject of any charges, complaints, investigations, or grievances (formal or informal) concerning your conduct as an attorney, including any now pending?</p> <p>Question 11: Have you ever been the subject of any charges, complaints, investigations, or grievances (formal or informal) alleging that you engaged in the unauthorized practice of law, including any now pending?</p> <p>Question 12. Have sanctions ever been entered against you, or have you ever been disqualified from participating in any case?</p> <p>Question 15: Have you ever been denied a license or had a license suspended, terminated or revoked for a business, trade, or profession (e.g., CPA, real estate broker, physician, patent practitioner, etc.)?</p>	<p>Question 17: Has any surety on any bond on which you were the principal been required to pay any money on your behalf?</p> <p>Question 22: Have you ever filed a petition for bankruptcy?</p> <p>Question 23(A): Have you ever defaulted on any student loans?</p> <p>Question 23(B): Have you ever defaulted on any other debt?</p> <p>Question 23(C): If your answer to Question 22 is yes, are there any additional debts not reported in Questions 23(A &amp; B) that were not discharged in bankruptcy?</p>	<p><a href="#">Bar application sample</a></p> <p><a href="#">Character and fitness FAQ</a></p> <p><a href="#">Rules governing admission to the Washington bar</a></p>
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		<p>Question 16(A): Have you ever been suspended, censured, or otherwise disciplined or disqualified as a member of another profession, or as a holder of public office?</p> <p>Question 16(B): Have you ever been the subject of any charges, complaints, investigation, or grievances (formal or informal) concerning your conduct as a member of any other profession, or as a holder of public office, including any now pending?</p> <p>Question 18: Have you ever been a named party to any civil action? NOTE: Family law matters (including continuing orders for child support) should be included here.</p> <p>Question 19: Have you ever had a complaint or action (including, but not limited to, allegations of fraud, deceit, misrepresentation, forgery, or malpractice) initiated against you in any administrative forum?</p> <p>Question 20(A): Have you ever been cited for, arrested for, charged with, or convicted of any alcohol- or drug-related traffic violation including any cases resolved in juvenile court?</p> <p>Question 20(B): Have you been cited for, arrested for, charged with, or convicted of any moving traffic violation during the past ten years? (Omit parking violations.)</p> <p>Question 21: Have you ever been cited for, arrested for, charged with, or convicted of any violation of any law including any cases resolved in juvenile court? (Report traffic violations at Questions 20.)</p> <p>Question 24: Within the past five years, have you been confronted, questioned, warned, or asked or encouraged to resign or withdraw by an employer, supervisor, teacher or other educator based on: a) your truthfulness, b) your excessive absences, c) the manner in which you handled or preserved the money or property of others, d) a serious or repeated failure to submit your work in a timely manner, e) your competence or diligence in the performance of job or academic duties, f) your ability to maintain the confidentiality of information, or g) your endangering the safety of others?</p>		
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Appendix C-1

<p><b>West Virginia</b> [Note: Uses NCBE Character and Fitness Application]</p>	<p>NCBE</p>	<p>NCBE</p>	<p>NCBE</p>	<p><a href="#">Rules governing admission to the West Virginia bar</a></p>
<p><b>Wisconsin</b></p>	<p>Question 33(a): Within the past five years have you ever cited consumption of drugs or alcohol in the course of any inquiry or investigation, administrative or judicial proceeding, or proposed termination or other disciplinary action as an explanation for your failure to meet a deadline or as a defense, mitigation or explanation of those matters?</p>	<p>Question 17(a): Have you ever been the subject of any charges, complaints, or grievances concerning you as an attorney? (Include all allegations of misconduct of which you have been notified on a formal or informal basis by a lawyer disciplinary authority despite the outcome. Include all allegations, charges, complaints, or grievances now pending.)</p> <p>Question 17(b): Have you ever been disbarred, suspended, reprimanded, admonished, warned, censured, or otherwise disciplined or disqualified as an attorney? (Include both private and public dispositions.)</p> <p>Question 17(c): Have you ever been denied admission in any jurisdiction for reasons other than Bar exam failure?</p> <p>Question 17(d): Have you ever been accused of practicing law without a license in any jurisdiction?</p> <p>Question 17(e): Have you ever been or are you now conditionally admitted in any other jurisdiction?</p> <p>Question 18: Are any claims pending or have any been paid by your professional liability carrier(s)?</p> <p>Question 19: Have you ever been suspended, terminated, permitted to resign in lieu of termination in any position (paid or voluntary), regulated profession, or as a holder of any public office?</p> <p>Question 20(a): Have you ever been charged with misconduct, dismissed, dropped, suspended, expelled, asked to withdraw, placed on academic, social or administrative probation, or disciplined, or allowed to withdraw to avoid the same by a college, university, or law school in any way, or been subject to proceedings before an honor court, council, or similar body?</p>	<p>Question 25: Have you ever been adjudged bankrupt or insolvent, or are you presently the subject of any such proceedings?</p> <p>Question 26: Has any surety on any bond on which you were the obligor ever been required to pay any money on your behalf?</p> <p>Question 30: Are there any unsatisfied judgments or court orders of continuing effect against you, or are you in default in the performance of any court-ordered duty or obligation? (Include orders to pay child support.)</p>	<p><a href="#">Bar applicant questionnaire and affidavit sample</a></p> <p><a href="#">Rules governing admission to the Wisconsin bar</a></p>

Appendix C-1

	<p>Question 33(b): Within the past five years have you ever cited physical or mental illness, or an emotional, nervous or behavioral disorder in the course of an inquiry or investigation, administrative or judicial proceeding, or proposed termination or other disciplinary action as an explanation for your failure to meet a deadline or as a defense, mitigation or explanation of those matters?</p> <p>Question 33(c): Within the past five years have you ever cited consumption of drugs or alcohol as an explanation for your poor academic or professional performance?</p> <p>Question 33(d): Within the past five years have you ever cited physical or mental illness, or an emotional, nervous or behavioral disorder as an explanation for your poor academic or professional performance?</p>	<p>Question 21(a): Have you ever received a traffic citation, including those for moving violations within the past five (5) years? Applicants must report any citations received at any time involving the use of a motor vehicle (e.g., auto, boat, motorcycle) while under the influence of either alcohol and/or a controlled substance(s). However, parking violations may be omitted.</p> <p>Question 21(b): Has your driver’s license ever been revoked or suspended?</p> <p>Question 21(c): Have you ever been <u>required</u> to attend a driver’s safety course?</p> <p>Question 22: Have you ever been arrested for, charged with, or issued a citation for any criminal violations, civil law violations, or local ordinance violations (non-traffic)? You must disclose each instance however adjudicated, whether or not the charge and the plea or conviction differ, whether arrest, judgment, conviction, or sentence has been withheld or expunged, or the record sealed. Include instances where you ever paid restitution or served probation in lieu of being arrested, charged, convicted, or entering a plea (whether a plea of guilty or no contest). Any and all non-traffic violations must be reported in their entirety on Law Violations Form (BE-008), regardless of when they occurred.</p> <p>Question 23: While in the military, were you ever court-martialed or the subject of a non-judicial punishment? You must disclose each instance however adjudicated, whether or not the charge and the plea or conviction differ, whether arrest, judgment, conviction, or sentence has been withheld or expunged, or the record sealed. Include instances where you ever paid restitution or served probation in lieu of being arrested, charged, convicted, or entering a plea (whether a plea of guilty or no contest). Any and all non-traffic violations must be reported in their entirety on Law Violations Form (BE-008), regardless of when they occurred.</p> <p>Question 24: Have you ever been offered or granted immunity to testify in any grand jury proceeding, criminal action, or criminal proceeding?</p> <p>Question 27: Have you ever been adjudged liable or entered into a settlement agreement in a proceeding involving a claim of fraud, conversion, breach of fiduciary duty or legal malpractice, or are any such proceedings pending?</p>	<p>Question 31(a): Have you had any debts of \$1,000 or more (including credit cards, charge accounts, and student loans) which have been more than 90 days past due within the past ten years?</p> <p>Question 31 (b): Have you had a credit card or charge account revoked or charged off within the past ten years?</p> <p>Question 31(c): Have you defaulted on any other financial obligation (including student loans) within the past ten years?</p> <p>Question 32(a): Have you, in a personal or professional capacity, within the last ten years, failed to file any local, state or federal income tax return/or report <u>as required by law</u>?</p>	
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Appendix C-1

	<p>Question 34: Within the past five years, have you been diagnosed and or treated for dependency upon any drug, including alcohol, or been compelled to submit to an assessment or screening for same?</p>	<p>Question 28: Has any business that you owned, managed, or in which you actively participated in the control or management of, ever been charged with fraud, larceny, embezzlement, misappropriation of funds, misrepresentation, or similar offenses (including conspiracy to conceal, etc.) in any legal proceeding, civil or criminal, or in bankruptcy?</p> <p>Question 29: Are you or have you ever been a party to an small claims or civil action? (Omit probate and family law matters.)</p> <p>Question 35: Within the past five years, have you exhibited any conduct or behavior that could call into question your ability to practice law in a competent, ethical, and professional manner? If you answer 'yes,' please provide an explanation on Page 12.</p>	<p>Question 32(b): Have you, within the last ten years, in a personal or professional capacity, failed to pay any taxes pursuant to local, state, or federal law?</p> <p>Question 32(c): Have you, within the last ten years, had tax liens filed against you or your property?</p>	
<p><b>Wyoming</b> [Note: Uses NCBE Character and Fitness Application]</p>	<p>NCBE</p>	<p>NCBE</p>	<p>NCBE</p>	<p><a href="#">Bar application</a></p> <p><a href="#">Rules governing admission to the Wyoming bar</a></p>



## **APPENDIX D**



BAR ASSOCIATION  
OF ERIE COUNTY

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October 15, 2019

*Via email to*  
[reportsgroup@nysba.org](mailto:reportsgroup@nysba.org)

Henry M. Greenberg, Esq.  
New York State Bar Association  
1 Elk Street  
Albany, NY 12207

*Re: Impact Legality, Use and Utility of Mental Disabilities Questions  
on the New York State Bar Application*

Dear Mr. Greenberg,

The Board of Directors for the Bar Association of Erie County and our Lawyers Helping Lawyers Committee has reviewed "The Impact, Legality, Use and Utility of Mental Disability Questions of the New York State Bar Application."

This letter is submitted in support of the report and recommendation made by the Working Group on Attorney Mental Health of the New York State Bar Association in the report, "The Impact, Legality, Use and Utility of Mental Disability Questions of the New York State Bar Application."

The Working Group's conclusion and recommendation that "mental health inquiries should be eliminated from the application for admission to the Bar of New York State" is fully supported by the Bar Association of Erie County (BAEC).

Thank you to the New York State Bar for championing this issue.

Best Regards,

BRIDGET M. O'CONNELL  
President

cc: Kathleen Baxter, Esq., NYSBA General Counsel  
Anne M. Noble, Executive Director  
David Gutowski, BAEC, LHL Chairman  
Pamela Thibodeau, ECBF President

The logo for the New York City Bar Association, featuring the text "NEW YORK CITY BAR" in a serif font, centered between two horizontal blue bars.

**NEW YORK  
CITY BAR**

**COMMENT ON AUGUST 13, 2019 REPORT BY THE NEW YORK STATE BAR  
ASSOCIATION WORKING GROUP ON ATTORNEY MENTAL HEALTH:**

**“THE IMPACT, LEGALITY, USE AND UTILITY OF MENTAL DISABILITY  
QUESTIONS ON THE NEW YORK STATE BAR APPLICATION”**

The New York City Bar Association supports eliminating Question 34, the mental health-related question, in the NYS Bar Application. The question penalizes law students with disabilities who have the fitness and character for admission to the bar (which can be fully evaluated through other channels such as interviews, academic records, and background checks), and is not sufficiently probative considering that the applicant has never practiced law and is without the knowledge or experience to answer the question presented. We do not see a meaningful distinction between this question and a pre-employment inquiry as to an applicant’s disability, which the American with Disabilities Act prohibits. We believe that the question is anachronistic in that it presumes that a disability, and particularly a mental health condition, is a defect of character rather than a medical condition that does not necessarily impair an individual’s performance of work-related duties. We are mindful that the legal profession has well-above average instances of substance use and dependence. The question subtly suggests to applicants to the bar that they should not reveal mental or emotional conditions or challenges, which we believe makes attorneys more likely to self-medicate through substance use, to the detriment of themselves, their families and clients, and the legal profession generally.

We applaud and greatly appreciate the work of NYSBA’s Working Group on Attorney Mental Health and fully support the recommendations in the report.

October 17, 2019

Roger Juan Maldonado  
President, New York City Bar Association

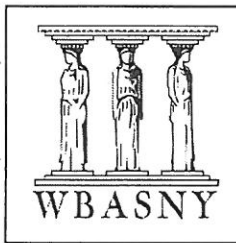
Disability Law Committee  
John W. Egan, Chair

Lawyer Assistance Program Committee  
Ralph L. Wolf, Chair

Mental Health Law Committee  
Karen P. Simmons, Chair

# Women's Bar

OF THE STATE



# Association

OF NEW YORK

October 29, 2019

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Elizabeth Fox-Solomon

Henry M. Greenberg, Esq.  
President, NYSBA  
1 Elk Street  
Albany, NY 12207

Dear President Greenberg:

This letter is submitted by the Women's Bar Association of the State of New York (WBASNY) after review by the Wellness Committee and full Board vote in support of the report and recommendation made by the Working Group on Attorney Mental Health of the New York State Bar Association in the report, "The Impact, Legality, Use and Utility of Mental Disability Questions of the New York State Bar Application."

The Working Group's conclusion and recommendation that "mental health inquiries should be eliminated from the application for admission to the Bar of New York State" is fully supported by WBASNY. Attorneys should be evaluated on their conduct and competence to practice law, not based upon the seeking of mental health treatment, or a diagnosis or treatment an applicant has received.

One of the most troubling issues related to question number 34 of the New York State Bar Application is illustrated by the Working Group's clear analysis that the inquiry violates Title II of the Americans with Disabilities Act. Answering said question in the affirmative may also require the disclosure of confidential medical information for evaluation by non-medical professionals. The potential illegality of the question, the evidence showing the question's ineffectiveness in excluding applicants whose ability to practice law is impaired, and its inconsistent application and interpretation throughout New York State are alarming concerns.

The Working Group's report reiterates a 2014 Yale Law Study showing that law students identifying as "women" were among those more likely to experience mental health issues during law school than their counterparts. Further, the report repeatedly attributes added stress due to financial uncertainty of a law student's future which also relates to the issue of the pay discrepancy faced by women in the profession. It is well established that our profession is best served through diversity. As such, WBASNY takes a special interest in this issue.

WBASNY lends its support in the elimination of question number 34 from the New York State Bar Application as a positive step that will help reduce the stigma of seeking mental health treatment for law students, as well as attorneys. Thank you to the New York State Bar Association for conducting this study and addressing this issue.

Yours sincerely,

Deirdre L. Hay (S.J.D.), Esq.  
President, WBASNY

**EXECUTIVE DIRECTOR**

Linda A. Chiaverini

Cc: Alyssa Barreiro, Esq.



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October 7, 2019

Dear President Greenberg:

This letter is submitted in support of the report and recommendation made by the Working Group on Attorney Mental Health of the New York State Bar Association in the report, “The Impact, Legality, Use and Utility of Mental Disability Questions of the New York State Bar Application.”

The Working Group’s conclusion and recommendation that “mental health inquiries should be eliminated from the application for admission to the Bar of New York State” is fully supported by the New York Association on Independent Living (NYAIL). NYAIL is a statewide, not-for-profit membership association created by and composed of Independent Living Centers across New York State. NYAIL’s mission is to lead statewide Independent Living Center efforts to eliminate physical and attitudinal barriers to all aspects of life and to fight for the civil rights and full independence of all people with disabilities. As such, at NYAIL we believe that attorneys should be evaluated on their competence and conduct, not on their seeking mental health treatment or any diagnosis or treatment that the applicant has received.

The elimination of mental health questions from the bar application is a positive step that will help reduce stigma around seeking mental health treatment. Law students, and the entire profession, will benefit from this change. Thank you to the New York State Bar for championing this issue.

Sincerely,

Lindsay Miller  
Executive Director



# NEW YORK STATE BAR ASSOCIATION

One Elk Street, Albany, New York 12207 ☉ PH 518.463.3200 ☉ www.nysba.org

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## COMMITTEE ON LEGAL EDUCATION AND ADMISSION TO THE BAR

### **PROF. LAWRENCE H. CUNNINGHAM**

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### **Marta Galan Ricardo**

Co-Chair  
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New York, NY 10027  
212/854-6487  
mgr33@columbia.edu

October 2, 2019

Mr. Hank Greenberg  
President  
New York State Bar Association  
One Elk Street  
Albany, NY 12207

Dear President Greenberg:

This letter is submitted in support of the report and recommendation made by the Working Group on Attorney Mental Health of the New York State Bar Association To Review The Bar Admission Questionnaire Mental Health Questions ("Working Group") in the report, "The Impact, Legality, Use and Utility of Mental Disability Questions of the New York State Bar Application."

Members of the Committee on Legal Education and Admission to the Bar ("Committee") have participated in the creation of the Report as members of the Working Group. In addition, the Report, including the recommendation that Question 34 be eliminated, has been presented to the members of the Committee who support the conclusions and recommend that it be submitted to the NYSBA House of Delegates at its November 2019 meeting.

The elimination of mental health questions from the bar application is a positive step that will help reduce stigma around seeking mental health treatment. Law students, and the entire profession, will benefit from this change. Thank you to the New York State Bar for championing this issue.

Sincerely yours,

Larry Cunningham (Associate Dean and Professor, St. John's)  
Marta Galan Ricardo (Assistant Dean and Dean of Career Services, Columbia)



October 18, 2019

President Hank Greenberg  
New York State Bar Association  
One Elk Street  
Albany, New York 12207

Re:    Report for Working Group on Attorney Mental Health

Dear President Greenberg:

This letter is submitted in support of the report and recommendation made by the Working Group on Attorney Mental Health of the New York State Bar Association in its report: *The Impact, Legality, Use and Utility of the Mental Disability Question on the New York State Bar Application*.

Our Committee members are passionate concerning the issues presented in the Report and agree that the mental health inquiry should be entirely eliminated from the application for admission to the Bar of New York State. As the Report so aptly demonstrates, the mental health question can lead law students to forgo counseling and treatment, is of dubious legality under the Americans with Disabilities Act, and there is compelling evidence across jurisdictions that such questions are ineffective and unnecessary. We believe that attorneys should be evaluated on their competence and conduct, not on their seeking mental health treatment or any diagnosis or treatment that the applicant has received.

The elimination of mental health questions from the bar application is a positive step that will help reduce stigma around seeking mental health treatment. Law students, and the entire profession will benefit from this change. We commend the primary authors, including our Committee member, Simeon Goldman, for their investigation and drafting. We extend our thanks to you and the New York State Bar Association for championing this issue.

Sincerely,

Alyssa M. Barreiro  
Co-Chairperson

Sheila E. Shea  
Co-Chairperson

# Capital District Lawyers Helping Lawyers

---

**David H. Keehn, Esq.**

**Co-Chair**

NYSDEC

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Albany, NY 12233

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[david.keehn@dec.ny.gov](mailto:david.keehn@dec.ny.gov)

**Professor Joseph M. Connors, Esq.**

**Co-Chair**

Albany Law School

Law Clinic and Justice Center

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October 3, 2019

Henry M. Greenberg, Esq.

President

New York State Bar Association

One Elk Street

Albany, NY 12207

Dear President Greenberg:

This letter is submitted in support of the report and recommendation of the Working Group on Attorney Mental Health of NYSBA (WG) in the WG's report "*The Impact, Legality, Use and Utility of Mental Disability Questions of the New York State Bar Application.*"

The WG's conclusion and recommendation that "mental health inquiries should be eliminated from the application for admission to the Bar of New York State" is fully supported by the Capital District Lawyers Helping Lawyers Committee (CDLHL). The CDLHL reviewed and discussed the report and voted unanimously to support the report and its conclusions.

As stated in our Mission Statement, the CDLHL is committed to "giving the bench and bar a better understanding of [substance abuse and other mental health problems that threaten or impair attorneys and law students]...." The CDLHL believes that prospective attorneys should be evaluated on their competence and conduct, not on whether they have sought mental health counselling or treatment, or on any diagnosis or treatment that the applicant has received.

The inclusion of the current question on mental health issues in the bar application is an active impediment to getting help to those who may need it. Its elimination from the application will be a positive step and will help reduce stigma around seeking mental health treatment when needed. Law students, the entire profession and by extension our society will benefit from this change. We extend a hearty thanks to you personally and to the New York State Bar Association for championing this issue.

Sincerely,



David H. Keehn, Esq.



Professor Joseph M. Connors, Esq.





**YOUNG LAWYERS SECTION**

*2019-2020 Officers*

**LAUREN E. SHARKEY**

Chair  
Cioffi Slezak Wildgrube PC  
1473 Erie Blvd., 1st Floor  
Niskayuna, New York 12309  
[LSharkey@cswlawfirm.com](mailto:LSharkey@cswlawfirm.com)

October 9, 2019

**MICHAEL D. DiFALCO**

Chair-Elect  
Aiello, DiFalco & Gianakos LLP  
600 Old Country Road – Suite 520  
Garden City, New York 11530  
[mdd@matlawyers.com](mailto:mdd@matlawyers.com)

President Greenberg:

This letter is submitted in support of the report and recommendation made by the Working Group on Attorney Mental Health of the New York State Bar Association in the report, “The Impact, Legality, Use and Utility of Mental Disability Questions of the New York State Bar Application.”

**ANNE LOUISE LABARBERA**

Treasurer  
Thomas LaBarbera Counselors At Law  
11 Broadway Suite 6015  
New York, New York 10004  
[annelabarbera@gmail.com](mailto:annelabarbera@gmail.com)

**BRANDON LEE WOLFF**

Secretary  
[brandonleewolff@gmail.com](mailto:brandonleewolff@gmail.com)

The Working Group’s conclusion and recommendation that “mental health inquiries should be eliminated from the application

for admission to the Bar of New York State” is fully supported by Young Lawyers Section.

Young lawyers are particularly vulnerable to stress and experience more mental health issues than ever before as a result of crushing student debt and an uncertain job market, in addition to the demands of law school. We believe that law students seeking admission to the bar should be evaluated on their competence and conduct, not on their seeking mental health treatment or any diagnosis or treatment that the applicant has received.

The elimination of mental health questions from the bar application is a positive step that will help reduce stigma around seeking mental health treatment. Law students, and the entire profession, will benefit from this change. Thank you to the New York State Bar for championing this issue.

Very truly yours,  
YOUNG LAWYERS SECTION

Lauren E. Sharkey, Chair



## Mental Health Association in New York State, Inc.

Glenn Liebman, MA  
CEO

Ellen Pendegar, MS, RN  
Board Chair

Henry M. Greenberg, Esq.  
President  
New York State Bar Association  
One Elk Street  
Albany, NY 12207

October 29, 2019

Dear President Greenberg:

This letter is submitted in support of the report and recommendation made by the Working Group on Attorney Mental Health of the New York State Bar Association in the report, "The Impact, Legality, Use and Utility of Mental Disability Questions of the New York State Bar Application."

The Working Group's conclusion and recommendation that "mental health inquiries should be eliminated from the application for admission to the Bar of New York State" is fully supported by the Mental Health Association in New York State, Inc. At the Mental Health Association in New York State, Inc. we believe that attorneys should be evaluated on their competence and conduct, not on their seeking mental health treatment or any diagnosis or treatment that the applicant has received.

The elimination of mental health questions from the bar application is a positive step that will help reduce stigma around seeking mental health treatment. Law students, and the entire profession, will benefit from this change. Thank you to the New York State Bar for championing this issue.

Sincerely,

Glenn Liebman  
CEO

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### HEALTHY MINDS FOR A HEALTHY NEW YORK

194 Washington Avenue, Suite 415 • Albany, New York 12210-2314  
Phone: 518-434-0439 • Fax: 518-427-8676 • MHANYS.org



**NAMI**

National Alliance on Mental Illness

# New York State

October 1, 2019

Hank Greenberg  
President, New York State Bar Association  
1 Elk Street  
Albany, New York 12207

President Greenberg:

This letter is submitted in support of the report and recommendation made by the Working Group on Attorney Mental Health of the New York State Bar Association in the report, "The Impact, Legality, Use and Utility of Mental Disability Questions of the New York State Bar Application."

The Working Group's conclusion and recommendation that "mental health inquiries should be eliminated from the application for admission to the Bar of New York State" is fully supported by the National Alliance on Mental Illness-New York State (NAMI-NYS). At NAMI-NYS we believe that attorneys should be evaluated on their competence and conduct, not on their seeking mental health treatment or any diagnosis or treatment that the applicant has received. NAMI-NYS deplors the practice of perpetrating the stigma associated with mental health issues, as people with mental illness who receive effective treatment live and work successfully every day.

The elimination of mental health questions from the bar application is a positive step that will help reduce stigma around seeking mental health treatment. Law students, and the entire profession, will benefit from this change. Thank you to the New York State Bar for championing this issue.

Sincerely,

Wendy Burch  
Executive Director



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# NASSAU COUNTY BAR ASSOCIATION

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Mineola, NY 11501

info@nassaubar.org  
www.nassaubar.org

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October 15, 2019

Henry Greenberg, President  
New York State Bar Association  
One Elk Street  
Albany, NY 12207

Dear President Greenberg:

This letter is submitted in support of recommendations made by the Working Group on Attorney Mental Health of the New York State Bar Association to eliminate mental health inquiries from the New York State Bar application.

The Nassau County Bar Association, its Lawyer Assistance Program, and Lawyer Assistance Committee fully support this effort. Attorneys should be encouraged to seek mental health treatment when needed without fear that this could negatively impact their career or admission to the Bar.

The elimination of mental health questions from the bar application is a positive step that will help reduce the stigma associated with seeking mental health treatment. Law students, the legal profession and the public that they serve will benefit from this change.

Thank you for your efforts to address this important issue.

Sincerely,

RICHARD D. COLLINS  
President