

From: [Sarah Eisenberg](#)
To: [ADMcomment](#)
Subject: Public Comment Regarding 2016-46: Special Administrative Inquiry Regarding Questions Relating to Mental Health on the Michigan Bar Examination Application
Date: Saturday, January 26, 2019 3:46:08 PM

To Whom it May Concern;

I would like to submit my professional opinion regarding Questions relating to Mental Health on the Bar Examination Application. I am a master's clinical social worker (LMSW) educated at the University of Michigan and licensed in the State of Michigan. I have been practicing in outpatient counseling and mental health for over ten years. I have extensive expertise and experience in mental health and it's impacts on wellbeing and behavior of individuals.

The current language is inherently stigmatizing of mental health challenges and conditions, as well as the seeking of appropriate services and treatment for these conditions. The proposed revised language does a great deal to reduce this stigmatization, but by focusing on conduct it is essentially duplicative of the other character and fitness questions. There is no need to duplicate the conduct language in the context of a mental or emotional health issue unless these conditions are somehow seen as inherently problematic or indicative of immutable deficiencies regardless of successful treatment or conduct. From a scientific standpoint, that is simply not true.

As Justice Bernstein notes in his concurrence, scientific data clearly show that participation in mental health treatment is associated with reduced risk of problematic behavior relative to the general population who have not sought mental health services. This is particularly true for the few mental health conditions that are considered chronic such as neurobiological disorders and personality disorders. It is also worth noting that most mental health conditions are transient and related to situational factors, just like most health conditions more broadly, and are therefore not useful in predicting future functioning or behavior.

In my own professional experience, I have had clients (usually attorneys and other higher-level professionals who are subject to scrutiny by their employers and professional associations) refuse to use their medical insurance coverage when seeking treatment to prevent any records of their even seeking mental health treatment from being accessible to these parties.

In conclusion, I urge you to eliminate any language in the Bar Examination Application relating to mental health conditions or treatment. There is simply no evidence that such questions will be helpful in determining the character and fitness of applicants. Furthermore, there is clear evidence that such questions have a chilling effect on the appropriate use of mental health care services by individuals who would greatly benefit from them.

Respectfully,

Sarah K Eisenberg, LMSW

Clinical Therapist
Open Door Counseling Center
www.opendoorcounselingcenter.com

cell 734-846-7443
SarahKEisenbergLMSW@gmail.com