



MICHIGAN COURTS NEWS RELEASE

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Mental Health Questions to be removed from Bar Exam Application

Questions to change from “diagnosis-based” to “conduct-based”

LANSING, MI, March 18, 2020 – In an [order](#) released today, the Michigan Supreme Court has directed the Board of Law Examiners to remove questions from the Michigan Bar Examination application that ask about the applicant’s mental health history, effective for the February 2021 Michigan Bar Exam. Currently, applicants must disclose any treatment, counseling, treatment refusal, counseling refusal, mental condition, emotional condition, and nervous condition that impairs or distorts daily life, and to disclose the details and provide names and addresses of all personal and medical parties involved. Instead of those diagnosis-based questions, applicants will be asked if any conduct or behavior in the past five years could call into question their ability to practice law properly.

“We should not be asking applicants to our bar unfocused questions based on generalizations and misconceptions about mental health,” said Michigan Supreme Court Chief Justice Bridget McCormack. “Questions about past diagnoses have the unintentional effect of deterring aspiring attorneys from seeking assistance. Law school is grueling. There is nothing wrong with getting help, and we want to make sure that there are no barriers for our up-and-coming attorneys. This reform helps to stop the stigma.”

A [national study](#) that surveyed 3,300 students across 15 law schools found that:

- 42 percent said they needed professional help with their mental health; and,
- 45 percent said that they would be discouraged from seeking mental health treatment for fear it would negatively affect bar admission.

By [special administrative order](#), the Court sought public input on whether it should address the issue and has received extensive comments in favor of the reform, including two prominent law schools, the State Bar of Michigan Board of Commissioners, and the Attorney Grievance Commission, the body charged with investigating and prosecuting attorney misconduct. The Conference of Chief Justices, the American Bar Association, and the National Task Force for Lawyer Well-Being have made similar recommendations to remove questions about mental health history. Several states have already done so.

“The Board of Law Examiners is obligated to protect the public, and this reform strengthens those protections without discriminating on the basis of an applicant’s disability,” said Chief Justice McCormack. “By focusing the Board’s inquiry on an applicant’s conduct, we hope aspiring attorneys will recognize that mental health treatment is not professionally disqualifying and that they should be encouraged to seek mental health treatment if they need it.”

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