

# Why getting professional help during law school won't prevent you from getting a license to practice law

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Law school is exciting, challenging, and stimulating. But if you've been a law student for even only a little while, then you already know that law school can also be very stressful. Having gotten yourself admitted to Michigan Law School, you have proven that you are well-equipped to deal with large amounts of stress on your own. And most law students are able to manage the stress of law school most of the time by themselves.

## **Many students need help during law school . . .**

But for many, the law school years become the first time in their lives when they encounter more stress than they can deal with independently. Continuing to use common coping mechanisms – like getting regular exercise, getting enough sleep, spending down time with friends and family and pursuing other interests – will certainly help. But sometimes these methods either become insufficient, or worse, fall by the wayside.

Some students suddenly recognize that they need help. Perhaps they notice a dramatic change in behavior (e.g. getting less sleep; losing a lot of weight quickly; missing several classes in a row; feeling “low energy;” feeling unhappy a lot of the time). For others, the realization that they need assistance comes gradually. For example, a student gets overwhelmed and starts to fall behind, toughing it out for weeks and weeks, figuring that she will catch up one of these weekends, only to realize that the situation has not improved and she feels overwhelmed and awful.

## **. . . but they don't seek out help for a few reasons, including worries over licensing**

And yet, many law students who realize they need help often do not go and seek it. Students frequently feel like they should be able to handle the problem, telling themselves that they've always managed on their own before, so they should be able to do it this time, too. But for many, law school is the most challenging experience they've ever had, so even though self-help worked before, it may well not be enough as a law student.

Others are simply embarrassed at the prospect of having to ask for help. To that, I have two responses. First, over more than 15 years, I myself have helped many hundreds of law students

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dealing with various types of stress and all sorts of other problems, so you need not feel that you are alone. Many who came before you have gotten help, so there is no shame in your seeking it, too. Second, again speaking from my direct experience with law students, any initial embarrassment is quickly replaced by the tremendous sense of relief that comes from taking steps to address a serious problem and making it go away.

There is one more significant reason that many students hesitate to get professional help: they are worried that the bar examiners will refuse to grant them a license to practice law.

This concern is absolutely unfounded. Here's why.

**To the bar, the past doesn't matter nearly as much as the present, so applicants almost always pass character and fitness examinations**

It is true that bar licensing agencies subject all applicants to a character and fitness process,<sup>2</sup> and as part of that process ask questions about an applicant's past behavior. These inquiries often include questions about mental health and substance abuse history and treatment.

For example, the Michigan application contains the following questions about mental health history:

"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 judgment, behavior, capacity to recognize reality or ability to cope with the ordinary demands of life . . . or to exercise such responsibilities as being candid and truthful, handling funds, meeting deadlines, or otherwise representing the interests of others?"

And that same application asks the following questions about substance abuse history:

"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 ability to cope with the ordinary demands of life. . . or to exercise such responsibilities as being candid and truthful, handling funds, meeting deadlines, or otherwise representing the interests of others?" (Emphasis added.)

Notice how these questions ask about the current impact of these issues on an applicant's judgment and abilities. That's because the bottom line determination that the bar examiners have to make is whether an applicant currently possesses the requisite good character and fitness for the practice of law.<sup>3</sup>

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<sup>2</sup> For a thorough description of one state's character and fitness process, see Van Aken, *Unraveling the Mystery of the Character and Fitness Process*, available at <http://www.michbar.org/professional/pdfs/unraveling.pdf>.

<sup>3</sup> Many Michigan Law students also take the California, Illinois and New York bar exams. The Illinois bar application does not ask any questions about mental health or substance abuse. See

Additionally, I can tell you based both on my involvement in the State Bar of Michigan's Character and Fitness process (see footnote 1), conversations with various state bar officials in a few states, and many years of counseling and advising students both during law school and the bar application process that only a very small percentage of applicants fail to make it successfully through the character and fitness inquiry. And I do not know of anyone who failed to make it through the process because of a serious personal issue that he or she disclosed on the bar application. Here's a telling anecdote:

A number of years ago, a Michigan Law student who had a history of mental health issues called me to tell me that she had checked herself in to an inpatient mental health facility because she was actively suicidal and feared for her life. This occurred in the middle of the semester, and she remained hospitalized for about a couple of weeks. I facilitated communication between her professors and her about the situation, and we made appropriate arrangements with respect to the course material and class time she missed. She got the treatment she needed, her condition improved, she returned to school, and she successfully completed the semester and, eventually, law school. Naturally, her mental health and this period of inpatient treatment in particular arose as issues during her character and fitness examination. But the committee concluded that she possessed the requisite character and fitness, and she was ultimately granted a license to practice law.

Now, this is an extreme example, but the point is a powerful one: if this person – who was dealing with the most critical mental health crisis possible and who received the most serious professional intervention possible – could pass a character and fitness examination, then virtually any law student who seeks help for a serious problem can, too.

**In fact, if a student in need of help doesn't get it, they create a greater risk of not getting a license to practice**

From all this, it should be clear that getting professional help when necessary during law school will not prevent one from obtaining his or her license to practice law. But let me go a step further and add that when a student with a serious problem gets help, it is actually more likely

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<https://www.ilbaradmissions.org/browseapplication.action?id=1>. The California and New York applications ask questions that, like the Michigan application, call on the applicant to assess whether a mental health or substance abuse problem will impact his or her ability to practice law. The California application asks: "Have you ever been diagnosed or treated for a medically recognized mental illness, disease or disorder that would currently interfere with your ability to practice law?" and "Have you ever been diagnosed or treated for a chemical dependency or disorder that would currently interfere with your ability to practice law?" And the New York bar application asks: "State whether you have any mental or emotional condition or substance abuse problem that could adversely affect your capability to practice law. . . . Are you currently using any illegal drugs?"

that he will have an easier time during the character and fitness process. This is so because when a student seeks help and gets better, it signals to the state bar character and fitness examiners that he is able to recognize when he needs assistance, get appropriate professional support, and consequently manage his problems responsibly. In contrast, a student who is in need of help but doesn't pursue it quite often experiences more serious problems, including (in extreme cases) needing to drop out of school. And if someone isn't able to get help for himself, how can he be expected to provide help to clients? Therefore, when it comes to matters of personal wellness, the best thing you can do is to get support so that you can take care of your physical and mental health responsibly.

### **So, here's where to get help**

There are a number of wonderful resources at the Law School and the greater University. You can find a comprehensive listing at the Law School's [Wellness at MLaw web site](#).<sup>4</sup> If you are not sure where to begin, [please come see one of the Assistant Deans for Student Affairs](#).<sup>5</sup> We can help you deal directly with academic issues related to your problem and can also make referrals to other resources when appropriate.

### **And finally . . .**

You now understand that reaching out for professional assistance will not jeopardize your law career and that, in fact, the opposite is true. Not seeking help when you need it is a mistake. So, if you are struggling, be honest with yourself, and be proactive about getting help.

*September, 2011*

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<sup>4</sup> <http://www.law.umich.edu/currentstudents/studentservices/WellnessatMLaw/Pages/WellnessWelcome.aspx>

<sup>5</sup> <http://www.law.umich.edu/currentstudents/studentservices/Pages/contactinfoandofficehours.aspx>