

## NOTICES

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### Bar Examining Committee

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At its meeting on April 5, 2019, the Connecticut Bar Examining Committee voted to amend Article VI-9 of its Regulations regarding inquiries into the mental health of applicants and the protocol for inquiries into the health diagnosis or drug or alcohol dependence of applicants.

Jessica F. Kallipolites  
*Administrative Director*  
Connecticut Bar Examining Committee

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## ARTICLE VI

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### GUIDELINES FOR ASSESSMENT OF CHARACTER AND FITNESS

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#### ~~Art. VI-9. MENTAL HEALTH INQUIRY.~~

~~The Committee's questions address recent mental health and chemical or psychological dependency matters. The purpose of these questions is to determine the current fitness of an applicant to practice law. Each applicant is considered on an individual basis. The mere fact of treatment for mental health problems or chemical or psychological dependency is not, in and of itself, a basis on which an applicant is ordinarily denied admission to the Connecticut bar. The Connecticut Bar Examining Committee regularly recommends licensing of individuals who have demonstrated personal responsibility and maturity in dealing with mental health and chemical or psychological dependency issues. The Committee encourages applicants who may benefit from treatment to seek it. As indicated in the Rules, all proceedings conducted pursuant to the Rules and Regulations are confidential.~~

~~On occasion a license may be denied when an applicant's ability to function is impaired in a manner relevant to the practice of law at the time that the licensing decision is made, or when an applicant demonstrates a lack of candor by his or her responses. Protection of the public that will receive legal services underlies the licensing responsibilities assigned to the Committee. Furthermore, each applicant is responsible for demonstrating that he or she possesses the qualifications necessary to practice law. Your response may include information as to why, in your opinion or that of your treatment provider, your condition will not affect your ability to practice law in a competent and professional manner.~~

~~The Connecticut Bar Examining Committee does not, by its questions, seek information that is characterized as situational counseling, such as stress counseling, domestic counseling, and grief counseling. Generally, the Committee does not view these types of counseling as germane to the issue of whether an applicant is qualified to practice law.~~

**Art. VI-9. PROTOCOL FOR INQUIRY INTO HEALTH DIAGNOSIS OR DRUG OR ALCOHOL DEPENDENCE.**

(a) Basis for Inquiry into Health Diagnosis or Drug or Alcohol Dependence. Any inquiry about a health diagnosis, drug or alcohol dependence, or treatment for either can occur only if it appears that the applicant has engaged in conduct that calls into question the person's good moral character and/or fitness to practice law and (1) the health diagnosis, drug or alcohol dependence, or treatment information was disclosed voluntarily to explain the conduct or as a voluntary response to any question on the application or follow-up inquiry by the Committee or (2) the Committee learns from a third-party source that the health diagnosis, drug or alcohol dependence, or treatment was raised as an explanation for the conduct.

(b) Scope of Inquiry into Health Diagnosis or Drug or Alcohol Dependence. When a basis for an inquiry by the Committee has been established, any such inquiry must be narrowly, reasonably, and individually tailored and adhere to the following:

(1) The first inquiry will be to request statements from the applicant;

(2) Following completion of the above inquiry, additional statements may be requested from treatment providers if reasonably deemed necessary by the Committee. The statements of the treatment providers shall be accorded appropriate weight; and

(3) In those cases in which the statements from the applicant and treatment providers do not resolve reasonable concerns about the applicant's good moral character and/or fitness to practice law, the Committee may seek medical or treatment records by way of narrowly tailored requests in preparation for an Independent Medical Evaluation.

(c) Any testimony or records from medical or other treatment providers may be admitted into evidence at a formal hearing and transmitted with the record on review to the court. Records and testimony regarding the applicant's fitness shall otherwise be kept confidential in all respects.

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