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## **Bar Examiners Modify Disorder Evaluation Requirements**

The Florida Board of Bar Examiners announced that the Board approved a policy change effective March 21, 2019, affecting applicants requested by the Board to undergo evaluations related to substance use disorders or certain severe mental health disorders. Under the new policy, the Board shall pay the fees for such evaluations, up to \$3,000 per applicant.

The policy change continues the Board's efforts to promote wellness in the legal profession. According to Board Chair Scott Baena, "The Board may provide applicants the option of undergoing an evaluation or an investigative hearing to determine whether the applicant is fit for admission to the Bar. In some cases, applicants may opt for the hearing because of the associated fees of an evaluation. The Board wishes to encourage applicants to seek diagnosis and treatment and is hopeful it will do so by paying the associated fees."

Recently, the Board clarified its mental health disclosure requirements, amended its application for admission and revised its website to make clear that it is not seeking information regarding treatment for stress, anxiety, or grief in order to encourage applicants to seek such treatment without fear that it will affect their chances of admission.

As part of its responsibility to protect the public, the Board investigates substance use disorders and certain severe mental health disorders that have impaired or could impair an applicant's ability to practice law. Only a small number of cases have individual facts and circumstances that suggest a need for an independent evaluation. One such scenario is when an applicant denies having a substance use disorder, but has a history of arrests or other misconduct involving substance use.

According to Baena, "To put this in perspective, based on recent experience, fewer than 1/2 of 1% of the more than 4,000 applicants every year are evaluated by an independent professional." He added, "The Board has encouraged mental health or substance treatment whenever appropriate for more than 20 years. The Board's commitment to promoting wellness for applicants and future attorneys is stronger than ever."