PRACTICE TIPS

WORKING WELL

New Jersey Bar is Paving the Way for a Healthier Legal Community

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The Supreme Court of New Jersey made noteworthy progress toward attorney well-being by modifying the New Jersey Character and Fitness Questionnaire of the New Jersey Bar application, effective Oct. 1, 2023. Specifically, the Court modified and revised question 12B of the questionnaire to exclude bar candidates from having to disclose any conditions or impairments that they have been diagnosed with, and have been or are currently being treated for such as substance abuse, or mental, emotional, or nervous system disorders or conditions.

Now, question 12B asks candidates to instead disclose recent conduct or behavior that may affect their ability to practice law in accordance with the Rules of Professional Conduct, the Rules of Court, and other applicable authorities, as well as disclose whether any condition or impairment, in the past five years, has been asserted as a defense, in mitigation, or used as an explanation for any conduct in the course of any inquiry, investigation, or administrative or judicial proceeding. This modification essentially narrows the scope of inquiry by the New Jersey Bar Examiners into a candidate's mental health information.

This change is meaningful because it encourages candidates to seek treatment for such conditions or impairments without being stigmatized or fearing potential career setbacks. Previously, question 12B deterred new lawyers from seeking the necessary help for fear that it would harm their chances of becoming a lawyer. Recent law school graduates who are applying to the Bar are already under tremendous stress, so this change may help alleviate at least some of that stress by addressing a candidate's worries that disclosing a treatment or diagnosis will be flagged for questioning, or worse, become a barrier to Bar admission. These modifications are consistent with the more open and mindful views that younger generations usually possess regarding talking about and dealing with stigmas.

The legal field has a troubling and chronic history of substance abuse and mental health challenges often due to the rigor of an attorney's work and the high demands and pressure an attorney faces daily. Targeting change at the Bar applicant level sends new lawyers a message that the New Jersey legal field is changing for the better, and that ignoring or hiding conditions and impairments is no longer the norm.

Editor's note: The NJSBA vigorously advocated for the elimination of question 12B on the application for bar admission and promoted a focus on actual past conduct, as recommended by the NJSBA's Putting Lawyers First Task Force. The NJSBA commended the Supreme Court for taking action on the recommendation.

TECHNOLOGY

Don't Get Held Up by Ransomware

By Danielle DavisRoe
For Practice HQ

2023 was a big year for law firm ransomware attacks. Three top 50 firms suffered breaches: Kirkland & Ellis, K&L Gates, and Proskauer Rose. All were attacked by the same ransomware organization, Clop (or "Cl0p"). Between the three firms, the criminals walked away with information on more than 50 global companies and 16 million people. For Kirkland & Ellis, the "other shoe" dropped in June 2024, when a class action suit was filed against them. Kirkland had access to individual customers information as