



Disability Rights

WASHINGTON

Washington's protection and advocacy system

April 19, 2016

Washington State Supreme Court  
PO Box 40929  
Olympia, WA 98504-0929

Re: Revisions to Admission to Practice Rules 20 to 25 and the Bar Application

Dear Honorable Justices:

We, the undersigned, support an inclusive bar that represents the diversity of our state, including ensuring protections for individuals with mental health disabilities. We applaud the Washington State Bar Association's ("WSBA") leadership in submitting the proposal and urge the Washington State Supreme Court to take the recommended actions to revise the rules and remove bar application questions that target applicants who have sought mental health treatment.

We support these amendments because both the Washington Law Against Discrimination and the Americans with Disabilities Act make clear that we cannot treat people with disabilities differently based on assumptions or bias. Instead, amending the application and rules to ask about an applicant's conduct rather than disability status sends a critical message that the legal profession upholds the law in its own application process. These amendments come in response to strong and broad based calls for action.

In June 2014, Disability Rights Washington ("DRW") interviewed national and local disability rights experts and presented the resulting video to educate the public about the current bar application process that target applicants who sought treatment. The response was overwhelming. On July 15, 2014, DRW sent a letter to WSBA that was signed by the deans of all three law schools as well as over a hundred law firms, agencies, attorneys, and advocates. See enclosure. Similarly, Attorney General Robert Ferguson and the ACLU of Washington sent their own letters. See enclosures. Cumulatively, these letters cited to both state and federal law and recent Department of Justice enforcement in other states who had similar questions. Together, we asked WSBA to eliminate all discriminatory questions and instead focus on conduct or the applicant's ability to practice law in a competent and professional manner. In August 2014, WSBA convened a workgroup to review the rules and application. After a thorough and extensive review, including a review of states who focus on conduct rather than disability status, the group reached consensus. We agreed that WSBA defining an applicant's character and fitness based on health diagnosis is wrong and instead the focus should be on whether the applicant has the essential eligibility requirements based on their actual conduct. On May 14, 2015, the WSBA Board of Governors submitted the agreed upon proposal for your review.

Please adopt the proposed revisions. The revisions reveal that the bar is accepting of people with mental illness, whether they be lawyers or our clients.

Enclosures: [DRW Bar Association Letter](#), [ACLU Bar Association Letter](#), [Attorney General Letter](#)

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DRW is a member of the National Disability Rights Network. A substantial portion of the DRW budget is federally funded.

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