

Paulette Brown  
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April 21, 2016

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

**RECEIVED**  
**SUPREME COURT**  
**STATE OF WASHINGTON**  
**CLERK'S OFFICE**

Apr 21, 2016, 9:38 am

**RECEIVED ELECTRONICALLY**

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

Dear Honorable Justices:

On behalf of the American Bar Association (ABA) and its over 400,000 members, I write to express our support for the Washington State Bar Association's suggested amendments to remove questions related to mental health history from Washington's character and fitness review of bar applicants. Eliminating these questions will help ensure that bar applicants with disabilities are assessed – like other applicants – solely on the basis of their fitness to practice law.

The ABA adopted policy in 2015 urging state and territorial bar licensing entities to eliminate requests for mental health history and instead limit bar admission questions to issues involving “conduct or behavior that impairs an applicant's ability to practice law in a competent, ethical, and professional manner.” A growing number of states, including Arizona, Illinois, Massachusetts, Pennsylvania, and Tennessee, have eliminated discriminatory mental health questions from their bar admissions practices, and the ABA urges Washington to follow suit.

Requiring bar applicants to provide their mental health histories, diagnoses, or past treatment details unfairly discriminates against individuals with disabilities and is likely to deter individuals from seeking mental health counseling and treatment. Additionally, these questions have proven to be ineffective for the presumed purpose of identifying unfit applicants. The ABA does, however, make clear that

licensing entities are not precluded from making reasonable and narrowly-tailored follow-up inquiries concerning an applicant's mental health history if the applicant has engaged in conduct or behavior that may otherwise warrant a denial of admission, and a mental health condition either has been raised by the applicant as, or is shown by other information to be, an explanation for such conduct or behavior.

We believe this approach strikes the right balance and allows licensing entities to carry on in their vital role of protecting the profession and the public. The resolution referenced above, which states the official policy of the Association, and the related background report, which is

 ORIGINAL

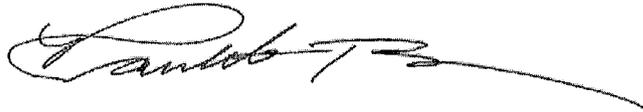
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for informational purposes only and does not constitute ABA policy, is available at:  
[http://www.americanbar.org/content/dam/aba/uncategorized/GAO/2015\\_hod\\_annual\\_meeting\\_102.pdf](http://www.americanbar.org/content/dam/aba/uncategorized/GAO/2015_hod_annual_meeting_102.pdf).

If you have any questions or comments regarding this issue, please contact Thomas M. Susman, Director of the ABA Governmental Affairs Office at (202) 662-1765 or [thomas.susman@americanbar.org](mailto:thomas.susman@americanbar.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Paulette Brown", with a long horizontal flourish extending to the right.

Paulette Brown

## OFFICE RECEPTIONIST, CLERK

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**To:** Hess, Jared  
**Subject:** RE: ABA comments -- Revisions to Admission to Practice Rules 20-25 and the Bar Application

Received 4-21-16

Supreme Court Clerk's Office

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

**From:** Hess, Jared [mailto:Jared.Hess@americanbar.org]  
**Sent:** Thursday, April 21, 2016 9:15 AM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** ABA comments -- Revisions to Admission to Practice Rules 20-25 and the Bar Application

Dear Clerk Carlson:

On behalf of the President of the American Bar Association, I am submitting the ABA's comments to the Washington State Bar Association's suggested amendments to APR 20 – 25.6. Please let me know if I can provide any additional information.

Sincerely,  
Jared Hess

Jared Hess  
Manager of Grassroots Advocacy  
Governmental Affairs Office  
American Bar Association

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