

April 29, 2024

Honorable Mary I. Yu, Chair  
Supreme Court Rules Committee  
c/o Clerk of the Supreme Court

RE: Proposed Changes to APR 11

Dear Justice Yu:

I write on behalf of the MCLE Board to respond to the comment and recommendation submitted by the Superior Court Judges' Association (SCJA) as it relates to proposed amendment to APR 11(f)(10) which was published for comment. The SCJA suggests replacing "mental health" with "health" citing a concern that defining mental health beyond "...things we more traditionally associate with mental health like anxiety disorders, depression, etc... could offend or marginalize people who have diagnosed mental health disorders."

First, it is important to note that mental health is much broader than the absence of mental disorders. As stated by the World Health Organization: "Mental health is a state of mental well-being that enables people to cope with the stresses of life, realize their abilities, learn well and work well, and contribute to their community... Mental health is more than the absence of mental disorders. It exists on a complex continuum, which is experienced differently from one person to the next, with varying degrees of difficulty and distress and potentially very different social and clinical outcomes. Mental health conditions include mental disorders and psychosocial disabilities as well as other mental states associated with significant distress, impairment in functioning, or risk of self-harm."<sup>1</sup>

In addition, the term "mental health" was adopted by the MCLE Board in part because of the feedback received from the Washington Attorneys with Disabilities Association back in 2019, in which it was conveyed that limiting the mental health definition with words "diagnosable" and "conditions" as qualifiers to credits earned in the category of mental health currently under APR 11(f)(2)(ii) may stigmatize those with mental health illnesses and discourage licensed professionals from seeking treatment due to fear of being diagnosed with a condition.

Finally, replacing "mental health" with "health" would essentially broaden the definition – and topics eligible for CLE credit – beyond what was intended by the MCLE Board. The term "health" is very broad and may have the unintended consequence of allowing the definition to include courses on a wide range of health topics such as "Choosing the right vitamin for lawyers" or "The best fitness routine for lawyers" for MCLE credit which although

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<sup>1</sup> <https://www.who.int/news-room/fact-sheets/detail/mental-health-strengthening-our-response>



are important, go beyond the intent of MCLE Board for the proposed mental health credit requirement.

For the reasons set forth above and conveyed in the original GR 9, the MCLE Board believes it is important for the suggested requirement to incorporate more than diagnosable mental health conditions.

If the Court finds that the category of mental health should be broadened or renamed, the MCLE Board would welcome the opportunity to work with the Court to find alternate language.

Respectfully,



Efreem Krisher  
MCLE Board Chair

CC: MCLE Board  
Adelaine Shay, MCLE Board Staff Liaison



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**From:** Adelaine Shay <Adelaines@wsba.org>  
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Dear Clerk:

Please see the attached letter from the MCLE Board Chair commenting on the proposed amendment to APR 11. I also attempted to upload this comment via the rules webpage.

Sincerely,



**Adelaine S. | Mandatory Continuing Legal Education Manager (she/her)**

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