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Members of the Board of Governors
Paula Littlewood, Executive Director
Jean McElroy, General Counsel
Washington State Bar Association
1325 4th Avenue, Suite 600
Seattle, WA 98101-2539

Dear Members of the Board of Governors, Ms. Littlewood and Ms. McElroy:

I write to support the WSBA's review of any barriers to the admission of qualified candidates who have, or may have, a disability.

I applaud the WSBA's longstanding commitment to diversity and inclusion in the legal profession. I also appreciate the vital work the WSBA does to protect the public by determining whether individuals possess the necessary qualifications to enter the legal profession.

I am aware of concerns raised by Disability Rights Washington and others that the current bar admission questionnaire asks candidates questions about mental health counseling and treatment. I am pleased that you have established a working group to examine this issue. As Attorney General, authorized by law to enforce civil rights laws, and as a leader in our honorable profession, I take a keen interest in this question.

As you know, the Washington Law Against Discrimination prohibits discrimination based on the "presence of any sensory, mental, or physical disability." RCW 49.60.010. Similarly, the Americans with Disabilities Act prohibits state and local governments from denying qualified persons with disabilities the benefit of government services because of a disability. 42 U.S.C. § 12132. Legal requirements aside, I feel strongly that our profession is made stronger and richer by allowing all qualified individuals to gain admission to the bar.

Accordingly, I encourage you to eliminate any requirements that may directly or indirectly discriminate against qualified individuals because of a physical or mental disability. Further, I encourage the WSBA to follow the lead of the U.S. Department of Justice and other state bars that judge candidates for bar admission on their conduct rather than their status in a protected class.

Thank you for your consideration.

Sincerely,

BOB FERGUSON
Attorney General

RWF/jlg

