

Statement on the ABA's Call for Ending Discriminatory Mental Health Screening of Bar Applicants

August 14, 2015 -- The Bazelon Center for Mental Health Law applauds the American Bar Association's call for an end to mental health screening of people applying for admission to the bar. The ABA's House of Delegates voted overwhelmingly at the organization's annual meeting this month to approve a resolution urging state entities that license lawyers to eliminate questions about applicants' mental health history, diagnosis or treatment and focus instead on conduct that brings into question a person's fitness to practice law.

The Bazelon Center played a central role in advocating for the resolution, as well as in recent developments that brought attention to discrimination against bar applicants based on mental health diagnosis or treatment. Complaints the center filed on behalf of two Louisiana attorneys resulted in a U.S. Department of Justice investigation that found the state's policies on admission to the bar violated the Americans with Disabilities Act by using applicant's mental health status as a basis for imposing discriminatory requirements. In a settlement agreement with DOJ, the state agreed to change its policies.

"A candidate's mental health diagnosis or treatment is not a predictor of fitness to practice law or future professional misconduct," said Jennifer Mathis, director of programs at the Bazelon Center. "We are delighted that the ABA has taken this step to reduce stigma and discrimination in the legal profession."

"The ABA's action will hopefully lead state bars to abandon their discriminatory mental health inquiries," added Ira Burnim, legal director of the Bazelon Center. "For too long, ignorance and fear have driven these issues underground, to the great detriment of individual attorneys and the field as a whole."

As the ABA recognized, questions about bar applicants' mental health discourage law students from seeking treatment for mental health conditions. Law students, like lawyers, experience depression at rates greater than the population at large. The provides its members with information on [how to get help](#) if they are dealing with depression.

The resolution passed by the ABA House of Delegates does not preclude narrow inquiries if the applicant has engaged in conduct that may otherwise be disqualifying 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.

To read the resolution, [click here](#).