

# Bazon Center's Complaints Result in Agreement Ending Discrimination Against Bar Applicants Based on Mental Health Conditions

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**Washington - August 15, 2014** - The U.S. Department of Justice today announced settlement of its investigation into complaints the Judge David L. Bazelon Center for Mental Health Law filed on behalf of two Louisiana attorneys who faced discriminatory questions concerning their mental health and discriminatory requirements for "conditional" admission to the bar solely because of their mental health diagnosis and treatment. The DOJ says the agreement "ensures the right of qualified bar applicants with mental health disabilities to have equal access to the legal profession as required by the Americans with Disabilities Act (ADA)."

The Department previously sent a letter to Louisiana officials in February informing them that its investigation of the Bazelon Center's complaints found that the state's policies on admission to the bar violated the ADA on several grounds, including by making discriminatory inquiries regarding bar applicants' mental health diagnoses and treatment, subjecting applicants to burdensome investigations into mental health status or treatment, and "implementing burdensome, intrusive, and unnecessary conditions on admission that are improperly based on individuals' mental health diagnoses or treatment."

"We are pleased that the settlement reiterates what our complaints made clear," said Ira Burnim, the Bazelon Center's legal director. "The ADA prohibits bar examiners from inquiring into applicants' mental health conditions when the applicants' past conduct and performance demonstrate that they are fit to practice. There are state bar examiners that continue to operate under policies similar to those Louisiana had used. Those states are on notice that they also must end such policies."

In a statement announcing the settlement, Acting Assistant Attorney General for the Civil Rights Division Molly Moran said, "Today's agreement will ensure that qualified bar applicants with mental health disabilities are able to pursue their dream of becoming licensed attorneys, without discrimination based on diagnosis or treatment. Qualified individuals with disabilities, including mental health disabilities, have valuable contributions to make to the legal profession and to their communities. Their diagnosis should not hinder or prevent them from doing so."

The settlement requires Louisiana officials to take the following steps, among others, to implement the settlement:

- Revise character and fitness screening questions so that they focus on applicants' conduct or behavior, and ask about an applicant's condition or impairment only when it currently affects the applicant's ability to practice law in a competent, ethical and professional manner or is disclosed to explain conduct that may otherwise warrant denial of admission;
- Refrain from imposing onerous disability-based conditions on admission of applicants with mental health disabilities, invading their privacy, or violating their confidentiality;
- Re-evaluate prior and pending applications of applicants who disclosed mental health disabilities under the revised, non-discriminatory procedures set forth in the agreement.

The full text of the settlement is available here: [http://www.ada.gov/louisiana-supreme-court\\_sa.htm](http://www.ada.gov/louisiana-supreme-court_sa.htm)