

WASHINGTON STATE BAR ASSOCIATION

RESOLUTION IN SUPPORT OF A BAR EXAM TO ENSURE A COMPETENT, ETHICAL AND DIVERSE LEGAL PROFESSION

WHEREAS, the mission of the Washington State Bar Association (“WSBA”) is to serve the public and the members of the Bar, to ensure the integrity of the legal profession, and to champion justice; and

WHEREAS, passing a bar exam has long been a requirement for membership in the WSBA in part to ensure a competent and ethical legal profession; and

WHEREAS, on June 12, 2020, in part in response to the COVID-19 pandemic, the Washington State Supreme Court entered Order No. 25700-B-630 temporarily modifying Admission to Practice Rules 3 and 4, and granting diploma privilege as an option to graduates of ABA accredited law schools who were registered for either the July 2020 or September 2020 bar exams; and

WHEREAS, the Washington State Supreme Court has not extended diploma privilege to applicants registered for subsequent bar exams; and

WHEREAS, stakeholders have expressed concern that the bar exam has a discriminatory effect on examinees of color and first generation examinees; and

WHEREAS, on November 20, 2020, the Washington State Supreme Court entered Order No. 25700-B-649 establishing the Washington Bar Licensure Task Force (“WBLTF”); and

WHEREAS, the WBLTF is asked to “examine current and past bar examination methods, passage rates, and alternative licensure methods, assess disproportionate impacts on examinees of color and first generation examinees, consider the need for alternatives to the current bar exam, and analyze those potential alternatives”; and

WHEREAS, the WSBA supports the work of the WBLTF;

NOW, THEREFORE, BE IT RESOLVED THAT

1. In order to ensure a competent, ethical and diverse legal profession, the WSBA supports the continued requirement of passing a bar exam before admission to the WSBA.
2. The WSBA discourages diploma privilege as an alternative to a bar exam.
3. The WSBA encourages a review of, and possible change to, the format and content of the bar exam to both strengthen and improve the bar exam as a tool to ensure the competent and ethical practice of law and to ensure there is no discriminatory effect on examinees of color and first generation examinees. The WSBA commits to working with testing and academic professionals to accomplish this review.
4. The WSBA authorizes sections and committees to comment to the WBLTF on this issue without prior authorization or review by the Board of Governors or Legislative Committee.