No. 201,671-5

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

In re Tarra Denelle Simmons, Bar Applicant

BRIEF OF AMICI CURIAE AMERICAN CIVIL LIBERTIES UNION OF WASHINGTON, 48 ADDITIONAL ORGANIZATIONS, 34 ATTORNEYS, AND 20 LAW SCHOOL FACULTY MEMBERS

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TABLE OF CONTENTS

I. IDENTITY AND INTEREST OF AMICI 1

II. INTRODUCTION 1

III. ISSUES PRESENTED 2

IV. STATEMENT OF THE CASE 2

V. STANDARD OF REVIEW 3

VI. ARGUMENT 4

A. Under Washington Law, Character and Fitness Is Shown by Evidence of "Rehabilitation" 4

1. Absence of Recent Misconduct is Evidence of Rehabilitation 4

2. The Nature of the Rehabilitation Evidence Presented is More Significant than the Amount of Time Elapsed 7

3. Applying the Proper Legal Standard, the Record Establishes Rehabilitation 9

B. Allowing Rehabilitated Persons with Criminal Histories to Pursue Law Licenses Will Advance Public Confidence in and the Reputation of the Bar 12

1. Protecting the Public and Enhancing the Reputation of the Profession Would Be Promoted by Approving the Bar Application of a Rehabilitated Applicant 12

2. Historic Barriers to Entry Should Give Way to Evidence-Based Reentry Policies 16

VII. CONCLUSION 19

TABLE OF AUTHORITIES

Washington Cases

State v. Blazina,
182 Wn.2d 827, 344 P.3d 680 (2015) 19

City of Richland v. Wakefield,
186 Wn.2d 596, 380 P.3d 459 (2016) 11, 18

In re Belsher,
102 Wn.2d 844, 689 P.2d 1078 (1984) 1, 4, 13

In re Bruener,
178 Wn. 165, 167, 34 P.2d 437 (1934)) 5

In re Disciplinary Proceeding Against Rosellini,
108 Wn.2d 350, 739 P.2d 658 (1987) 1, 2, 5, 6, 7, 11

In re Lonergan,
23 Wn.2d 767, 162 P.2d 289 (1945) 10

In re Reinstatement of Walgren,
104 Wn.2d 557, 708 P.2d 380 (1985) 8, 10, 11

In re Simmons,
81 Wn.2d 43, 499 P.2d 874 (1972) 4

In re Smith,
85 Wn.2d 738, 539 P.2d 83 (1975) 5

Executive Orders

Exec. Order No. 16-05, *Building Safe and Strong Communities Through Successful Reentry* (Apr. 26, 2016) 17

Rules

Wash. Admission & Prac. R. 2(a)(3) 4

Wash. Admission & Prac. R. 21(a) 4

Wash. Admission & Prac. R. 21(a)(7) 14

Wash. Admission & Prac. R. 21(b).....4

Wash. Admission & Prac. R. 21(b)(9)(i) 5

Wash. Admission & Prac. R. 24.1(c).....4

Wash. R. Enf't Law. Conduct.....8

State Statutes

RCW 9.97.020 18

RCW 43.380.005 17

Other Authorities

Aaron Yelowitz & Christopher Bollinger, *Prison-To-Work: The Benefits of Intensive Job-Search Assistance for Former Inmates,* Manhattan Inst. For Policy Research (Mar. 26, 2015) 13

Barack Obama, *The President's Role in Advancing Criminal Justice Reform,* 130 Harv. L. Rev. 811 (2017).....1

Christine Clarridge, *Felon Back in Court—as an Attorney*, Seattle Times (Aug. 4, 2013) 16

Christy A. Visher & Shannon M.E. Courtney, Urban Inst. Justice Policy Ctr., *Returning Home Policy Brief: One Year Out Experiences of Prisoners Returning to Cleveland* 13 (Apr. 2007) 17

Illinois Criminal Justice Info. Auth., *Families and Reentry: Unpacking How Social Support Matters* (June 2012) 13

John M. Nally et al., *Post-Release Recidivism and Employment Among Different Types of Released Offenders: A 5-Year Follow-up Study in the United States,* 9 Int'l J. South Asian Soc'y Criminology & Victimology 16 (2014).....13

Leslie C. Levin, Christine Zozula & Peter Siegelman, *The Questionable Character of the Bar's Character and Fitness Inquiry*, 40 Law & Soc. Inquiry 51 (2015).....13, 14

Maureen M. Carr, *The Effect of Prior Criminal Conduct on the Admission to Practice Law: The Move to More Flexible Admission Standards,* 8 Geo. J. Legal Ethics 367 (1995).....15

Michael L. Prendergast, *Interventions to Promote Successful Re-Entry Among Drug-Abusing Parolees*, 5 Addiction Sci. & Clinical Prac. 4 (2009).....14

Nathan W. Link & Caterina G. Roman, *Longitudinal Associations Among Child Support Debt, Employment, and Recidivism After Prison*, 58 Soc. Q. 140 (2017).....14, 17

National Housing Law Project, *The Importance of Stable Housing for Formerly Incarcerated Individuals*, 40 Housing Law Bulletin 60 (2010) 13

Susan Svrluga, *He Robbed Banks and Went to Prison. His Time There Put Him on Track for a New Job: Georgetown Law Professor*, Wash. Post (Apr. 21, 2017) 16

Sydney Wright-Schaner, *The Immoral Character of "Good Moral Character": The Discriminatory Potential of the Bar's Character and Fitness Determination in Jurisdictions Employing Categorical Rules Preventing or Impeding Former Felons from Being Barred*, 29 Geo. J. Legal Ethics 1427 (2016).....15

Tarra Simmons, Publ. Def. Ass'n 18

Tarra Simmons, *Removing a Barrier to Reentry*, Legal Found. of Washington.....18

The Times Recommends: David Keenan for King County Superior Court, Position 26, Seattle Times (Sept. 22, 2016) 16

WSBA Suggested Amendments to Wash. Admission & Prac. R. 20-25.6 (2016).....5

I. IDENTITY AND INTEREST OF AMICI

The identities and interests of Amici are fully set out in the Motion for Leave to File Brief of Amici Curiae.

II. INTRODUCTION

"How we treat citizens who make mistakes (even serious mistakes), pay their debt to society, and deserve a second chance reflects who we are as a people and reveals a lot about our character and commitment to our founding principles." Barack Obama, *The President's Role in Advancing Criminal Justice Reform*, 130 Harv. L. Rev. 811, 812 (2017). These same principles should apply to an application for admission to the practice of law. The legal profession should not unnecessarily deny opportunities for people with criminal histories, thereby exacerbating already well-documented barriers to post-incarceration reentry. Instead, the profession should consider candidates on an individualized basis and if a candidate proves through evidence of rehabilitation that her current character and fitness are satisfactory, that evidence of transformation should be sufficient.

Washington law provides clear guidance on this issue.[1] As stated in *In re Disciplinary Proceeding Against Rosellini* ("*Rosellini*"),

[1] First-time applicants to the bar are held to the same character and fitness requirements as disbarred members seeking readmission. *In re Belsher*, 102 Wn.2d 844, 851-52, 689 P.2d 1078 (1984).

108 Wn.2d 350, 739 P.2d 658 (1987), this Court "has never denied reinstatement [of a disbarred attorney] based solely on the passage of less than 3 or 4 years, nor has it ever denied reinstatement where the petitioner has demonstrated rehabilitation through 5 years of exemplary behavior." *Id*. at 360. This Court recognized that "[n]othing more would be proved regarding Rosellini's rehabilitation by the mere passage of additional time as a disbarred attorney." *Id.* The passage of an arbitrary number of years is not the applicable legal standard; evaluation of the individual's conduct demonstrating rehabilitation is. Here, the record shows Ms. Simmons' rehabilitation, against overwhelming odds, through more than five years of exemplary behavior.

III. ISSUES PRESENTED

Whether evidence of rehabilitation is sufficient, despite past criminal conduct, to establish "character and fitness" to practice law.

Whether important public interests, including the reputation of the bar and advancing public confidence in the legal profession, are served by allowing rehabilitated persons with criminal histories to pursue law licenses.

IV. STATEMENT OF THE CASE

Tarra Simmons, an applicant to the Washington Bar, submitted extensive evidence of her rehabilitation since 2011 and her current

character and fitness, including a detailed and candid application form acknowledging her past convictions and financial challenges, over 80 separate letters of recommendation, and additional relevant materials. The record in support of her application exceeds 350 pages.[2] Bar counsel for the WSBA did not submit any evidence opposing her application. The undisputed record shows that Ms. Simmons is "a different person" than she was before. Findings of Fact, Conclusions of Law, Analysis and Recommendation ("Findings") at 17, *In re Tarra D. Simmons*, June 28, 2017. Nevertheless, the WSBA Character and Fitness Board, by a 6-3 vote, recommended that Ms. Simmons not be allowed to sit for the upcoming bar examination, because she had "not yet established an overall consistent and proven pattern of positive conduct that outweighs her years of misconduct." Findings at 21.

V. STANDARD OF REVIEW

This Court reviews the Board's recommendations de novo; bar admission is an issue that this Court—and only this Court—can decide. "The Supreme Court of Washington has the exclusive responsibility and the inherent power to establish the qualifications for admission to practice law, and to admit persons to practice law in this state." Wash. Admission

[2] Additional Submissions from Tarra Simmons for April 14, 2017 Hearing is hereinafter referred to as "Record"; any page references indicate the pdf page number.

& Prac. R. ("APR") 1(a). The Court has authorized the Board to review applicants and make recommendations, but the Board's ruling is advisory and not conclusive. APR 2(a)(3), 3(d), 23(a)s, 23.1(a)(4); *In re Simmons*, 81 Wn.2d 43, 45, 499 P.2d 874 (1972).

VI. ARGUMENT

A. Under Washington Law, Character and Fitness Is Shown by Evidence of "Rehabilitation"

An applicant for admission to the practice of law must establish "that he or she is of good moral character and possesses the requisite fitness to practice law." APR 24.1(c). This is a present-tense inquiry: does the evidence show the candidate's current good moral character? *See In re Belsher*, 102 Wn.2d 844, 851, 689 P.2d 1078 (1984) (the relevant question is "present good moral character"). Past criminal conduct is relevant and may be considered, but it does not automatically "outweigh" evidence of the applicant's *present* good moral character.

1. Absence of Recent Misconduct is Evidence of Rehabilitation

Washington law is clear that past unlawful conduct is only one factor to be assessed in determining character and fitness.[3] Evidence of rehabilitation is a more relevant measure of an applicant's present

[3] Past "unlawful conduct" is only one of many factors to be considered in determining character and fitness. *See* APR 21(a) (listing 14 factors); APR 21(b) (listing nine aggravating and mitigating factors).

character and fitness than a catalogue of past offenses: "The long-standing policy of this court has been that the gravity of the misconduct in itself should not preclude reinstatement if the attorney can establish he has rehabilitated himself." *Rosellini*, 108 Wn.2d at 357 (citing *In re Bruener*, 178 Wn. 165, 167, 34 P.2d 437 (1934)). Indeed, the rules expressly provide that evidence of rehabilitation "shall be considered" and that "absence of recent misconduct" is evidence of rehabilitation. APR 21(b)(9)(i).

The *Rosellini* case illustrates this Court's application of the rehabilitation analysis.[4] Mr. Rosellini was disbarred for misuse of his client trust account and funds, a most grievous offense: "no charge strikes deeper into the heart of our profession than the proven allegation that an attorney has invaded his client's funds." *Rosellini*, 108 Wn.2d at 357 (quoting *In re Smith*, 85 Wn.2d 738, 742, 539 P.2d 83 (1975)). Less than five years later, he applied for reinstatement and presented a substantial record in support of his application including "numerous letters received

[4] *Rosellini* was decided prior to the Court's 2016 amendments to the Admission and Practice Rules, but that does not make it less persuasive. The 2016 amendments did not substantively change the character and fitness standard other than making it *more flexible* in terms of evaluating potential mental health and substance abuse issues by shifting from a stigmatizing label-based approach to a "conduct-based" approach. *See* WSBA Suggested Amendments to APR 20-25.6 (2016), http://www.courts.wa.gov/court_rules/?fa=court_rules.proposedRuleDisplay&ruleId=487. Indeed, the 2016 amendments codified this Court's longstanding recognition that rehabilitation is the touchstone of a character and fitness analysis in cases like this. APR 21(b)(9)(i).

by the bar association from colleagues, acquaintances, clients, attorneys, employers, and the public reflect[ing] an overwhelming amount of genuine regard for Rosellini's character and reputation," *id*. at 356; the applicant "recognized the gravity of his offense throughout the bar proceedings," *id*. at 357; the applicant never went to prison for his misconduct but had been "severely punished for his transgressions" in the form of "public embarrassment, shame, and financial hardship," *id*. at 358; the applicant's sincere and complete repentance, *id*. at 358-59; and the applicant's comprehensive attempts to redeem himself, including seeking counseling, working hard in a variety of positions, involvement in church activities, active participation in his children's schools, and volunteering with the Seattle Municipal Court probation office, *id*. at 359.

Despite his record, the Board recommended 8-1 against Rosellini's readmission. This Court rejected the Board's recommendation and readmitted him to the bar:

> The record here makes evident Rosellini's appreciation of the seriousness of his offense, perhaps more than most other attorneys, as well as his remorse for his wrongdoing and his own sincere belief in his complete rehabilitation. He has promised he will never again forget his ethical responsibilities. He has not attempted to justify his actions, nor has he expressed bitterness regarding the punishment he has received.
>
> . . . .

> In the words of one of the members of the Board of Governors, "Rosellini has gone through a period of hardship with dignity, character and purpose. He seems to have overcome the adversity which his weakness brought upon him."

Id. at 359.

Ms. Simmons presents a record of rehabilitation that is at least as compelling as that of Mr. Rosellini.

2. The Nature of the Rehabilitation Evidence Presented is More Significant than the Amount of Time Elapsed

The relatively short length of time that had elapsed since Mr. Rossellini's misconduct did not, in the Court's reasoning, undermine his showing of rehabilitation. In fact, this Court stated that it "has never denied reinstatement based solely on the passage of less than 3 or 4 years, nor has it ever denied reinstatement where the petitioner has demonstrated rehabilitation through 5 years of exemplary behavior." *Id*. at 360. This Court recognized that "[n]othing more would be proved regarding Rosellini's rehabilitation by the mere passage of additional time as a disbarred attorney." *Id.* The Court further noted that the probation period in former Washington Rule of Lawyer Discipline ("RLD") 9.1(a) was no less than three years, and indicating that a period of three to four years may be sufficient time to assess rehabilitation. *See id*. That time period is

now reduced to *two* years.[5] Under this standard, there is no precedent for denial of Ms. Simmons' bar admission solely because her last criminal misconduct occurred "only" six years ago.

The Court also addressed the "passage of time" in *In re Reinstatement of Walgren*, 104 Wn.2d 557, 708 P.2d 380 (1985). In that case, the passage of four years was sufficient for the petitioner to establish a "new reputation." *Id.* at 566-67. Mr. Walgren had been an "exemplary prisoner," he returned to "public life" after his release, he "made numerous speeches" concerning his experiences, he served on the boards of two community organizations, he successfully managed his personal affairs, and "the record contain[ed] numerous letters and statements reflecting an excellent community reputation." *Id.* at 567-68. On this record, the Court held: "We conclude Walgren in fact has proved he is rehabilitated." *Id.* at 568.

Ms. Simmons' has satisfied the burden of proving rehabilitation. The passage of additional time in and of itself is unnecessary to provide other significant evidence of rehabilitation. *See* Findings, Dissent of

[5] Wash. R. Enf't Law. Conduct ("ELC") 13.8 provides, *inter alia*, that an attorney sanctioned with probation may be required to complete "(A) alcohol or drug treatment; (B) medical care; (C) psychological or psychiatric care; (D) professional office practice or management counseling; or (E) periodic audits or reports" and work under the supervision of an experienced attorney, but only for "for a fixed period of two years or less."

Jeremy Rogers ("Dissent") at 3. The *existing* record of rehabilitation, covering almost six years, clearly demonstrates a change in attitude, commitment to ethical conduct, public service, and academic accomplishment that outweighs the past criminal conduct and justifies granting the petition for admission.

3. Applying the Proper Legal Standard, the Record Establishes Rehabilitation

The Board readily acknowledged the remarkable evidence submitted in support of Ms. Simmons' application, including letters of support from people who know her well (including prosecutors, judges,[6] family and community members, and private attorneys), her successful participation in pre-release and post-release treatment programs, public service, a solid record of success at law school, and numerous awards.[7] As the Board states:

> Her accomplishments are extraordinary. It is as if she flipped a light switch in about 2011, wherein she truly set out to become a different person. Her assurances are corroborated by numerous supporters who wrote on her behalf.

Findings at 17; *see also* Dissent at 1 (noting Ms. Simmons' "self-reflection, acknowledgment of her criminal history, contrition for her prior

[6] All letters from judges were submitted in their personal capacity, not their judicial capacity.

[7] Findings at 7-8.

misconduct, and acts of demonstrated growth."). This is the very definition of rehabilitation: Ms. Simmons is ***a different person***. Her misconduct was significant, but that only tends to show how remarkable her transformation has been. *See Walgren*, 104 Wn.2d at 567-68 ("Nowhere in the record is there the slightest evidence Walgren has done anything dishonorable or unbefitting an attorney subsequent to his release. To the contrary, the record contains numerous letters and statements reflecting an excellent community reputation."); *In re Lonergan*, 23 Wn.2d 767, 771, 162 P.2d 289 (1945) (An applicant with prior criminal history is "expected, and required, to establish a new reputation.").

The Board's use of the term "flipping a switch" should not be construed in a way that minimizes the enormous amount of hard work it has taken for Ms. Simmons to turn her life around. As the Dissent recognized, rehabilitation is what happens *after* one flips the switch: "In the time that she has had since flipping the switch, Ms. Simmons has accomplished enough to satisfy her burden of demonstrating good moral character." Dissent at 1. The Dissent also properly noted the candor and clarity with which Ms. Simmons was accountable for her past, her criminal history, and her prior use of illegal drugs. It also recognized the large support network that she has implemented to reduce her risk of relapse into drug use and crime. Dissent at 2.

In light of the evidence showing Ms. Simmons' complete transformation and rehabilitation lasting almost six years, this Court should not accept the Board's characterizations of Ms. Simmons' rehabilitation as "tender," "untested," "fragile," in its "infancy," and "embryonic." Findings at 19-21. Speculation that Ms. Simmons might someday relapse does not justify denial of admission. The Court in *Rossellini* rejected similar reasoning, instead applying "long established principles of law to the fully developed record of facts in this case." *Rossellini*, 108 Wn.2d at 364; *see also City of Richland v. Wakefield*, 186 Wn.2d 596, 610, 380 P.3d 459 (2016) (rejecting district court's conclusion that an individual had engaged in "continuing criminal activity" when there was no evidence in the record to show that her criminal and addiction issues "continued" after she had served her time).

Similarly, to the extent the Board expressed suspicion regarding Ms. Simmons' "acquired fame" as creating a blameworthy "sense of entitlement to privileges and recognition beyond the reach of others,"[8] it did not apply the correct legal standard for rehabilitation. It would be improper to hold a prominent bar applicant to a higher standard. *Walgren*, 104 Wn.2d at 573 (quoting with approval a member of the Board of

[8] Findings at 21.

Governors: "Because of Walgren's prominence there is a great tendency . . . to think that Walgren is being given special consideration that no one else would be given. . . . [If] one [extended] the period of disbarment to protect the standing of the profession[,] [w]hat this would really amount to would be that the rules would be applied most harshly to the prominent and more liberally to the unknown.").

If the legal standard for rehabilitation described in Washington cases is properly applied, it is satisfied here.

B. Allowing Rehabilitated Persons with Criminal Histories to Pursue Law Licenses Will Advance Public Confidence in and the Reputation of the Bar

This case calls upon the Court to consider several vital interests, including protecting the public; enhancing the reputation of the legal profession; and the important policy goal of allowing a meaningful chance for reentry for those with prior criminal histories who have paid their debt to society and have shown rehabilitation. These interests are not in conflict: each of them is furthered by approval of Ms. Simmons' application.

1. Protecting the Public and Enhancing the Reputation of the Profession Would Be Promoted by Approving the Bar Application of a Rehabilitated Applicant

Exclusion of people with conviction records from the practice of law is traditionally justified on two grounds: protection of the public and

of the public image of the legal profession. *See Belsher*, 102 Wn.2d at 852 (noting the court's role "as protectors of the public and the public's confidence in the judicial system'). Evidence indicates that the public's interests are adequately protected by an individualized inquiry that considers rehabilitation. First, there is little, if any, increased risk of future bar discipline. Leslie C. Levin, Christine Zozula & Peter Siegelman, *The Questionable Character of the Bar's Character and Fitness Inquiry* [hereinafter *Questionable Character*], 40 Law & Soc. Inquiry 51, 66 (2015) (having a prior criminal conviction not associated with a statistically significant greater chance of bar discipline). Second, empirical evidence shows that opportunity for social advancement actually *decreases* recidivism. Numerous studies demonstrate that people are less likely to offend if they have access to employment,[9] strong family support,[10] stable housing,[11] and have engaged in recovery from substance

[9] John M. Nally et al., *Post-Release Recidivism and Employment Among Different Types of Released Offenders: A 5-Year Follow-up Study in the United States*, 9 Int'l J. South Asian Soc'y Criminology & Victimology 16 (2014), http://www.sascv.org/ijcjs/pdfs/nallyetalijcjs2014vol9issue1.pdf; Aaron Yelowitz & Christopher Bollinger, *Prison-To-Work: The Benefits of Intensive Job-Search Assistance for Former Inmates*, Manhattan Inst. For Policy Research (Mar. 26, 2015), https://www.manhattan-institute.org/html/prison-work-5876.html#.VRNX82fwutg.

[10] Illinois Criminal Justice Info. Auth., *Families and Reentry: Unpacking How Social Support Matters* (June 2012), http://www.urban.org/sites/default/files/publication/24921/1001630-Families-and-Reentry-Unpacking-How-Social-Support-Matters.PDF.

[11] National Housing Law Project, *The Importance of Stable Housing for Formerly Incarcerated Individuals*, 40 Housing Law Bulletin 60 (2010),

abuse.[12] Third, there are no significant differences in recidivism between those who had debt and those who did not.[13] To the extent an applicant for admission can provide evidence of any of the protective factors described in the studies, such evidence should counteract the weight given to prior misconduct. And, certainly the significant evidence of rehabilitation and positive conduct demonstrated by Ms. Simmons is a strong mitigating factor.

Further, empirical evidence shows that some of Ms. Simmons' characteristics make her *less* of a risk for future bar discipline than the general applicant population. To a statistically significant degree, people who have gone through bankruptcy are at *lower* risk of bar discipline than the population of attorneys as a whole. Levin, Zozula & Siegelman, *Questionable Character, supra*, at 71-72 (analysis shows that prior bankruptcy significantly lowers the risk of severe bar discipline and has no effect on the risk of less severe bar discipline).[14]

http://nhlp.org/files/Importance%20of%20Stable%20Housing%20for%20Formerly%20Incarcerated_0.pdf.

[12] Michael L. Prendergast, *Interventions to Promote Successful Re-Entry Among Drug-Abusing Parolees*, 5 Addiction Sci. & Clinical Prac. 4 (2009).

[13] Nathan W. Link & Caterina G. Roman, *Longitudinal Associations Among Child Support Debt, Employment, and Recidivism After Prison*, 58 Soc. Q. 140, 144 (2017).

[14] The Board's findings (Findings at 14, 21) regarding bankruptcy as an aggravating factor misconstrue APR 21(a)(7), which refers to "neglect of financial responsibilities." Seeking the protection of bankruptcy laws is a lawful method for handling debt, not "neglect" of financial responsibilities. Ms. Simmons made full restitution to the victims of her crimes. Findings at 17.

Admitting Ms. Simmons to the bar (assuming she meets the other requirements of admission) actually presents a significant opportunity to improve public confidence in the bar and benefit the reputation of the bar. Sydney Wright-Schaner, *The Immoral Character of "Good Moral Character": The Discriminatory Potential of the Bar's Character and Fitness Determination in Jurisdictions Employing Categorical Rules Preventing or Impeding Former Felons from Being Barred*, 29 Geo. J. Legal Ethics 1427, 1434 (2016) ("Former felon lawyers, who offer the unique perspective of someone intimately acquainted with the justice system, may improve the caliber of legal representation."); Maureen M. Carr, *The Effect of Prior Criminal Conduct on the Admission to Practice Law: The Move to More Flexible Admission Standards*, 8 Geo. J. Legal Ethics 367, 370 (1995) ("[T]he community may be denied the service of an active and dedicated individual who, quite possibly, has learned from past mistakes and who may now be more committed than many to ensuring that justice is served."). The record in this case resoundingly indicates the value of having lawyers who, through lived experience, understand the importance of fair and evidence-based reentry policy.[15]

[15] There is substantial evidence in the record that Ms. Simmons' experience as a person with criminal history will allow her to bring a unique perspective to her intended career as a public interest attorney, improving access to justice and enhancing the stature of the bar. Record at 114, 143, 152, 205, 206, 224, 238, 255, 330, 338; *see* Record at 305-

Ms. Simmons herself intends to utilize her Skadden Fellowship in order to reform the reentry process for those with prior conviction histories. The reputation of the profession has already been enhanced when this Court has allowed rehabilitated people with prior conviction records to join the bar.[16] If Ms. Simmons is allowed to take the bar examination and passes, she will join that cadre as living proof that reentry is achievable through hard work and rehabilitation.

2. Historic Barriers to Entry Should Give Way to Evidence-Based Reentry Policies

Evidence-based policies support the Court's historic practice of using rehabilitation—not past offenses—as the proper measure of determining *present* character and fitness.

06 (Shon Hopwood), 293 (Cleodis Floyd); *see also* Letter of Support from Carolina Landa, Record at 89 (describing Ms. Simmons' role in encouraging Ms. Landa to pursue an education despite the barriers she faced as a result of being formerly incarcerated); Letter of Support from Selina Ayres, Record at 101-02 (describing Ms. Simmons' role in the recovery community and the necessity of bringing such voices and experience into the legal profession).

[16] *See The Times Recommends: David Keenan for King County Superior Court, Position 26*, Seattle Times (Sept. 22, 2016), http://www.seattletimes.com/opinion/editorials/the-times-recommends-david-keenan-for-king-county-superior-court-position-26/ (recommending David Keenan for Superior Court judge despite his history as a juvenile offender); Christine Clarridge, *Felon Back in Court—as an Attorney*, Seattle Times (Aug. 4, 2013), http://www.seattletimes.com/seattle-news/felon-back-in-court-mdash-as-an-attorney/ (describing Cleodis Floyd's journey from felon to attorney); Susan Svrluga, He Robbed Banks and Went to Prison. His Time There Put Him on Track for a New Job: Georgetown Law Professor, Wash. Post (Apr. 21, 2017), https://www.washingtonpost.com/news/grade-point/wp/2017/04/21/bank-robber-turned-georgetown-law-professor-is-just-getting-started-on-his-goals/?utm_term=.99f4758b342c (describing Shon Hopwood's journey from bank robber to attorney and law professor).

More than 640,000 prisoners are released nationwide each year.[17] Reintegration following incarceration is of utmost societal importance, and policies relating to reentry need to be "empirically grounded, pragmatic, and reflective of the realities of reentry."[18] Washington has explicitly recognized the importance of developing evidence-based reentry policy. *See* Exec. Order No. 16-05, *Building Safe and Strong Communities Through Successful Reentry* (Apr. 26, 2016) (directing specific State agencies to take action to "improve public safety by reducing recidivism and help repair and rebuild families and communities impacted by incarceration"; and noting the importance of "eliminating policies or practices that exclude people from employment based on any criminal record," giving applicants a "a fair chance and allow[ing] employers the opportunity to judge individual job candidates on their merits").

The Washington Legislature similarly recognized the importance of reentry policy by creating the Statewide Reentry Council. RCW 43.380.005 (establishing Statewide Reentry Council, the purpose of which is "improving public safety and outcomes for people reentering the

[17] Link & Roman, *supra* note 13, at 140.

[18] Christy A. Visher & Shannon M.E. Courtney, Urban Inst. Justice Policy Ctr., Returning Home Policy Brief: One Year Out Experiences of Prisoners Returning to Cleveland 13 (Apr. 2007), https://tinyurl.com/ybw3wnus.

community from incarceration").[19] The Legislature also recently enacted the Certificate of Restoration of Opportunity (CROP) statute, which is designed to lessen the barriers to entry for people with prior conviction records in certain job categories. RCW 9.97.020.[20] In Washington, efforts to lower barriers to entry already have produced tangible results.[21]

Further, in its recent rulings addressing legal financial obligations, this Court has recognized that justice is served when barriers to reentry for individuals with criminal histories are reduced, and rehabilitation efforts are acknowledged. *See City of Richland v. Wakefield*, 186 Wn.2d at 607, 610 (stating that it is "unjustly punitive to impose payments that will only cause their LFO amount to increase" and invalidating trial court finding based on "no evidence that [defendant] continued to engage in any criminal activity after she served her time, and while [defendant] admitted

[19] Hon. Jay Inslee appointed Tarra Simmons to the Reentry Council. Record at 252. The Reentry Council chose Ms. Simmons to serve as the Council's Co-chair along with King County Prosecutor Dan Satterberg. *See Tarra Simmons*, Publ. Def. Ass'n. http://www.defender.org/content/tarra-simmons (last visited June 23, 2017).

[20] Applicant Tarra Simmons is believed to be the first person in Washington to earn a CROP certificate. Tarra Simmons, *Removing a Barrier to Reentry*, Legal Found. of Washington, http://legalfoundation.org/removing-a-barrier-to-reentry/ (last visited June 23, 2017). Amici do not suggest that CROP applies to this Court or the Washington State Bar Association, which are excluded from the operation of the statute. RCW 9.97.020(d).

[21] In 2017, the Washington State Institute for Public Policy reported that a number of reentry programs produced a statistically significant reduction in recidivism. These programs included post-secondary education, employment counseling and job training, housing assistance, and drug treatment both during incarceration and in the community. K. Bitney et al., Olympia: Wash. State Inst. for Pub. Policy, The Effectiveness of Reentry Programs for Incarcerated Persons: Findings for the Washington Statewide Reentry Council 1 (Doc. No. 17-05-1901) (2017).

to being a recovering addict, she had been sober for 75 days at the time of the hearing"). *See also State v. Blazina*, 182 Wn.2d 827, 835-37, 344 P.3d 680 (2015) ("[O]rganizations have chronicled problems associated with LFOs imposed against indigent defendants. These problems include increased difficulty in reentering society . . . . The court's long-term involvement in defendants' lives inhibits reentry . . . ."). Thus as the Court recognized in *Blazina*, 182 Wn.2d at 837, it serves the public interest to support rather than impede reentry. Inhibiting reentry, particularly where there has been a robust demonstration of rehabilitation, runs contrary to policies announced by this Court. *Id*.

As the studies and policies of the State of Washington and this Court demonstrate, focusing on rehabilitation both protects the public and the reputation of the profession while also breaking down barriers to reentry. If an applicant has shown rehabilitation, present character and fitness has been proven and she should be allowed to pursue a legal career.

VII. CONCLUSION

For the foregoing reasons, Amici respectfully submit that the record, legal precedent, and important public policy considerations support the conclusion that Ms. Simmons has satisfied the bar's character and fitness requirements. She should be allowed to take the Washington bar examination at the earliest opportunity.

DATED this _____ day of August, 2017.

KELLER ROHRBACK L.L.P.

By: _____

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CERTIFICATE OF SERVICE

I, Kris Bartlett, declare under penalty of perjury under the laws of the State of Washington that I am employed by the law firm of Keller Rohrback, L.L.P., at all times hereinafter mentioned, I was and am a resident of the State of Washington, over the age of eighteen (18) years, not a party to the above-entitled action, and competent to be a witness herein.

On this ___ day of August, 2017, I caused copies of the following documents to be served on the following individuals via U.S. Mail and E-mail:

Kevin Bank, WSBA Assistant General Counsel and
Counsel to the Character and Fitness Board

Prof. John A. Strait, counsel for the Applicant

DATED this ___ day of _____, 2017.

_____
Kris Bartlett, Legal Assistant

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