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August 4, 2015

David A. Wollin, Esquire, Chair
Rhode Island Board of Bar Examiners
Licht Judicial Complex
250 Benefit St.
Providence, RI 02903

BY EMAIL AND MAIL

Dear Chair Wollin:

This letter is being written on behalf of the ACLU of Rhode Island, the Women's Fund of Rhode Island, Planned Parenthood of Southern New England, Rhode Island NOW, and the League of Voters of Rhode Island. Our organizations are writing to follow up on contacts that the ACLU Women's Right Project (WRP) had with the R.I. Board of Bar Examiners last month.

As you know, the WRP was conducting a 50-state survey of the testing accommodations available to Bar candidates who are breastfeeding at the time they are scheduled to take the Bar exam. The survey was prompted by complaints the ACLU had received, and ended up successfully resolving, in a few states from nursing mothers who had initially sought and been denied reasonable accommodations during the exam.

Last week, the results of the WRP survey were released. They showed that the R.I. Board of Bar Examiners was one of only a handful across the country that apparently failed to respond. We understand that the Board may have been busy in July preparing for a Bar exam sitting that took place last week. However, because we believe this is an important issue that is bound to arise in Rhode Island, if it has not already happened, we wanted to follow up on the WRP's earlier contacts in order to obtain information about the Board's practices and procedures in this regard and, just as importantly, to encourage you to adopt the reforms proposed by the WRP and embraced elsewhere.

Those reforms are contained in a letter that was sent to you on July 20th as a follow-up to earlier emails and phone calls the WRP had made to the Board. Since there are very narrow windows of opportunity for candidates to take the exam, it is especially critical that this issue be addressed in a clear and open manner so breastfeeding applicants know what to expect. As the July 20th letter cogently explained:

Candidates who need accommodations related to breastfeeding should not be forced to choose between taking the test under conditions that may place their health at risk and postponing their test date until they are no longer breastfeeding. Placing women in this position would fly in the face of public policy in favor of breastfeeding promotion, pose a barrier to women who wish to enter the legal profession, and send the message that being a mother is incompatible with entering a career in the law.

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With a bar exam sitting having just finished, this is the perfect time for your Board to adopt procedures that future exam takers will be able to rely on. In accordance with the July 20 letter, the WRP remains ready and eager to offer guidance or answer any questions the Board may have about instituting fair procedures to eliminate this potential barrier for women seeking to enter the legal profession. For ease of reference, the WRP's July 20th letter is enclosed.

Our organizations would therefore greatly appreciate learning what policies the Board currently has in place for providing accommodations to breastfeeding Bar examinees, and whether it will strengthen those policies to reflect those contained in the enclosed letter.

We look forward to hearing back from you at the earliest opportunity about this. Thank you.

Sincerely,

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Enclosure

cc: Board of Bar Examiners
Nancy Mahoney

Galen Sherwin, ACLU Women's Rights Project