

TLAP NEWSLETTER

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Friday, September 5th, 2025



Message from TLAP

We are very excited to provide an update on two major developments that confirm the Tennessee Lawyers Assistance Program (TLAP) provides “gold standard” ADA-compliant clinical programming that generates extremely reliable no-relapse recovery outcomes. By all measurable indicators, TLAP is a top-tier program that implements best medical practices in diagnosing, treating, and monitoring recovery and fitness to practice for lawyers, judges, and law students.

Top News

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Camp TLAP Save the Date!



DOJ Closes its Baseless Investigation of TLAP and TBLE

Over the course of two years, the U.S. Department of Justice (DOJ) investigated allegations that TBLE and TLAP violated the Americans with Disabilities Act (ADA). These allegations were eventually determined to be wholly baseless and TLAP was totally vindicated. The following summary provides accurate information:

- **December 17, 2024:** the DOJ published a “Letter of Findings” with allegations that the TBLE and TLAP violated the ADA by discriminating against two bar applicants “due to a substance use disorder or mental health disorder.”

- **January 16, 2025:** the Tennessee Supreme Court issued the following Press Release in response to the DOJ’s Letter of Findings:

Nashville, Tenn- Today the Tennessee Supreme Court addressed public findings from the United States Department of Justice (DOJ) claiming that the Tennessee Board of Law Examiners (TBLE) and the Tennessee Lawyers Assistance Program (TLAP), which operate under the authority of the Tennessee Supreme Court, violated the ADA by discriminating against two bar applicants “due to a substance use disorder or mental health disorder.”

The Court strongly disagrees with DOJ’s assertion that either TBLE or TLAP discriminated against the applicants based on health status or disability. Both TBLE and TLAP follow well-established administrative processes that are designed to avoid discrimination against any applicant. The Court, TBLE, and TLAP have been and remain committed to treating persons with disabilities, including bar applicants with disabilities, with dignity and respect, and in compliance with all legal rights afforded to such applicants.”

You can also access the TN Court’s Press Release directly on its website [here](#).

The Attorney General for the State of Tennessee subsequently responded directly to the DOJ’s Letter of Findings, providing complete and accurate information about the two cases at issue.

On August 26, 2025, the Tennessee Attorney General issued a press release stating that, following Tennessee's comprehensive response to the DOJ demonstrating Tennessee's longstanding commitment to ADA compliance, on August 22, 2025, the DOJ formally closed the matter via a letter generated by the head of the DOJ Civil Rights Division. You can read the Tennessee Attorney General's statement [here](#), announcing that TLAP has been vindicated in this matter.

The DOJ's investigation was based upon claims by two bar applicants who alleged that they were discriminated against based on diagnoses and/or disability. Those claims were false and had no merit. The applicants were referred to TLAP by the TBLE due to histories of concerning conduct, which required those applicants to comply with reasonable medical assessments and monitoring as conditions for practicing law in Tennessee.

Per Tennessee's Attorney General, Jonathan Skrmetti:



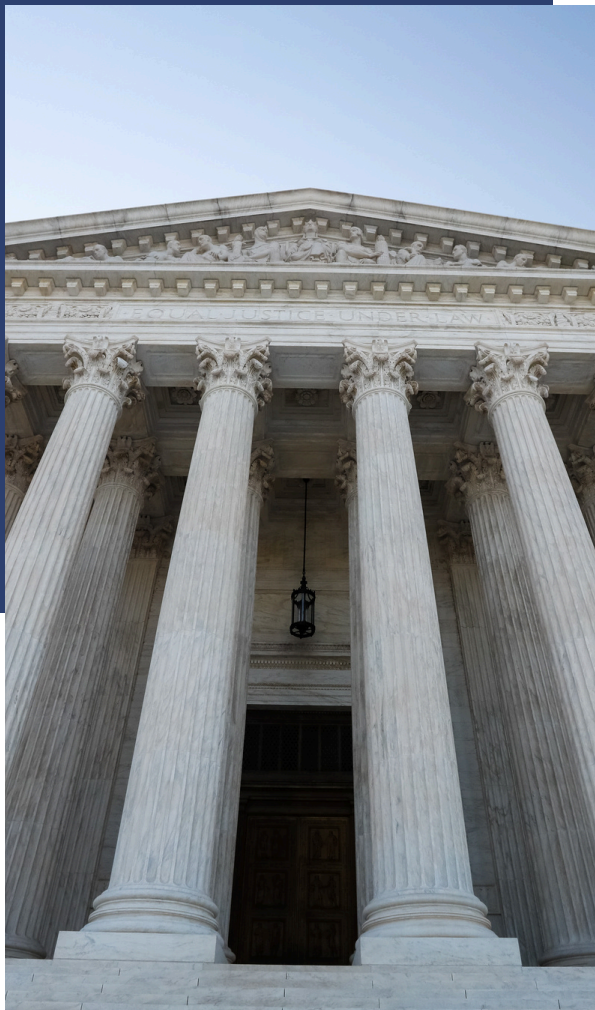
Jonathan Skrmetti, Tennessee Attorney General

"We are glad the Department of Justice has closed this misguided matter attacking common-sense guardrails protecting the integrity of the practice of law in Tennessee."

". . . the [DOJ] investigation and findings were baseless overreach. I'm proud of Tennessee's track record of upholding the highest professional standards while ensuring that qualified people have equal opportunity to practice law, regardless of disability status."

DOJ's misguided Letter of Findings has been removed from the DOJ's website

In addition to closing its investigation, the DOJ's misguided Letter of Findings has been removed from the DOJ's website and is no longer available. TLAP continues to operate its monitoring program based upon well-established best medical practices per the American Society of Addiction Medicine (ASAM) and the new 2025 ABA Model Rule on Conditional Admission, discussed [infra](#).



New ABA Model Rule on Conditional Admission; Best Medical Practices

At its 2025 Mid-Year Meeting, the ABA Board of Governors unanimously adopted Resolution 608, creating a brand-new ABA Model Rule on Conditional Admission. The great news for TLAP, its monitoring participants, and all concerned, is that TLAP is (and was) already fully compliant with this new Rule. TLAP's services are ADA compliant while also utilizing best clinical practices in its programming.

This new Model Rule supplants the prior Rule from 2008, and it recognizes 17 years of clinical advances in treatment and monitoring fitness to practice.

You can see the new Rule [here](#).

This effort took three years to complete and was championed by the CoLAP Law School Committee. CoLAP's Committee on Monitoring LAPs also contributed to the mission.

To ensure uniform support by the ABA, Resolution 608 was distributed to all ABA Sections, Divisions, and Forums, as well as their staff counsel/directors. It was also distributed to all ABA Committees, Commissions, and Task Forces, and their staff directors/counsel.

More specifically, prior to filing, Resolution 608 was distributed for comment to the following ABA entities:

- *ABA Commission on Disability Rights*
- *ABA Commission on Interest on Lawyers' Trust Accounts*
- *ABA Standing Committee on Ethics and Professional Regulation*
- *ABA Standing Committee on Lawyer Referral & Information Service*
- *ABA Standing Committee on Lawyer's Professional Liability*
- *ABA Standing Committee on Professional Regulation*
- *ABA Standing Committee on Professionalism*
- *ABA Standing Committee on Public Protection in the Provision of Legal Services*
- *Law Practice Division*
- *ABA Section of Civil Rights and Social Justice*
- *ABA Section of Legal Education and Admissions to the Bar*
- *ABA Law Student Division*
- *ABA Young Lawyers Division*

Supporters and co-sponsors of 608 were the Disability Rights Commission, the Section of Legal Education and Admissions, the Standing Committee on Professional Regulation, the Section on Civil Rights and Social Justice, the New York City Bar, and the Young Lawyers Division.

The result is an ADA-compliant Model Rule, co-sponsored by the ABA Disability Rights Commission.

As to satisfying the ADA, it is important to recognize that the Rule does not focus at all on diagnosis or disability. Instead, it focuses on addressing past conduct. It states that conduct within the last five years is relevant.

In Tennessee, the only regulatory referrals TLAP ever receives are bar admissions cases sent by the Tennessee Board of Law Examiners ("TBLE") or disciplinary cases sent by the Board of Professional Responsibility ("BPR"). The TBLE and BPR never refer cases to TLAP based upon diagnosis or disability; all such referrals to TLAP involve conduct as identified by the TBLE and BPR.

Also, and of critical importance, the Rule now specifically recognizes that clinical best practices for LAPs and monitoring lawyers are provided by the American Society of Addiction Medicine (ASAM):

"Terms of the Conditional Admission Agreement should be based upon best practices for supporting the fitness of the attorney to practice law. A resource for Admissions Authorities relating to such best practices is the American Society of Addiction Medicine Treatment Criteria for Addictive, Substance-Related and Co-occurring Conditions, Fourth Edition ('ASAM Criteria')."

The Report supporting the new Rule further opined regarding clinical standards:

"The American Society of Addiction Medicine's Treatment Criteria for Addictive, Substance-Related and Co-Occurring Conditions, Fourth Edition (ASAM Criteria) was published (December 2023) . . . [many] issues are resolved in Chapter 23 of that publication through acknowledging the medical framework for best practices in the monitoring and treatment for legal professionals including lawyers and judges."

This ASAM acknowledgement by the ABA soundly rejects claims made in some quarters that TLAP-approved diagnostics, treatment, and monitoring for up to five years are somehow inapplicable to lawyers or unduly burdensome.

The Tennessee Supreme Court has rendered clear opinions in the past citing that the TBLE must protect the public from the misconduct or unfitness of members of the legal profession and preserve the confidence of the public in the integrity and trustworthiness of lawyers in general.

Moreover, the Court has held that it would be a disservice to the public and the legal profession—and applicants themselves—to provide law licenses to applicants in disregard of potentially disqualifying conduct on the ground that obtaining help for a related substance use disorder may be “burdensome.”

TLAP’s programming utilizes the ASAM guidelines and the success is astonishing. In the last three years in substance use disorder cases, TLAP’s monitoring program generated no-relapse rates of 85%, 88%, and 89%. By following the New ABA Model Rule on Conditional Admission and utilizing ASAM clinical best-practices for lawyers, TLAP’s monitoring program objectively generates clear and convincing evidence of fitness to practice. This saves lives and careers in addition to protecting the public.

Before TLAP was created, unethical conduct entangled with a substance use disorder or other mental health issues could preclude any hope of obtaining a law license in Tennessee. Today, Tennessee bar applicants, lawyers, and judges receive modern, cutting-edge professional clinical support and monitoring from TLAP that supports being granted the privilege of practicing law.

Summary



TLAP is very grateful for the strong support of the Tennessee Supreme Court and its fully informed directives that TLAP utilize best medical practices and provide top-tier monitoring services that the participant and the profession can rely on.

The DOJ's closing of its investigation (and full vindication that proves TLAP's operations are ADA compliant) aligns perfectly with the new ABA Model Rule on Conditional Admission.

These new developments are very positive. TLAP's monitoring participants can be confident that their efforts will continue to support being reliably diagnosed at appropriate levels, treated as may be necessary to restore fitness to practice law, and supported in establishing long-term recovery and remission.

Bottom line: TLAP's "gold standard" monitoring program is ADA-compliant and successful participation in TLAP objectively generates a clear and convincing record of recovery and fitness to practice law. TLAP saves lives, saves careers, and protects the public.