

IN THE SUPREME COURT OF NEVADA

In the Matter of Amendment to Rule 51)
of the Supreme Court Rules for the State)
Bar of Nevada)
)
)
)
)

ADKT No. 558

FILED
JUL 31 2020
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY [Signature]
CHIEF DEPUTY CLERK

PETITION TO AMEND RULE 51

TO: THE HONORABLE JUSTICES OF THE SUPREME COURT OF NEVADA

Applicants to the Nevada Bar who are registered for the August 11 and 12 Nevada Bar Examination (“Bar Exam”) write to respectfully request the Court reconsider its order dated July 24, 2020 postponing the July Bar Exam to August 11 and 12. *07/24/2020 Nevada Supreme Court Order Delaying Exam*. Specifically, Applicants ask the Court to amend its order and waive the Bar Exam requirement of the Supreme Court Rules for the Admission of the Bar (S.C.R. 49) and grant diploma privilege for Applicants to the Nevada Bar currently registered for the August 2020 Bar Exam, or those who deferred and plan to register for the February 2021 Bar Exam, and who otherwise qualify for admission (“Applicants”).

Applicants request such relief due to the exceptional circumstances created by the global pandemic of COVID-19 and undue hardships the virus has caused Applicants.

In Support of this Original Action, Applicants state the following:

1. The State Bar of Nevada requires the Nevada Supreme Court’s permission to determine “the qualifications for admission to practice law in this state.” N.S.C. R. 49(1).

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DEPUTY CLERK

2. Applicants, as a prerequisite to admission, must “achieve a passing score on the state’s bar examination.” N.S.C. R. 51(1)(k).
3. The Supreme Court has stated that the “purpose of the educational requirement now embodied in [SCR 51] was to promote high standards of competence” among those admitted to this state’s bar. *See Application of Nort*, 96 Nev. 85, 89 (January 24, 1980).
4. The Supreme Court, as the regulating body of the judiciary in the state, may in its exercise of its inherent powers, “provide relief from the operation of the rules of admission whenever it can be demonstrated that the rules operate in such a manner as to deny admission to a petitioner arbitrarily and for a reason unrelated to the essential purpose of the rule.” *See Application of Nort*, 96 Nev. 85, 96 (January 24, 1980).
5. The current unprecedented conditions, both locally and nationally, justify such an exercise of that authority to safeguard both Applicants and the public good.
6. Additionally, the state’s MPRE, a mandatory exam to admission of the state bar, is scheduled August 11 and 12, presenting a significant conflict with the new postponed dates.
7. Accordingly, Applicants request that this Court employ its inherent power and amend their July 24, 2020 order to permit diploma privilege for those registered for the August 2020 exam and consider including those who deferred to February 2021 due to dangerous or unstable testing conditions.
8. Applicants respectfully request expedited review of this Petition.
- I. **The COVID-19 Pandemic Created Extraordinary Circumstances in Nevada Warranting Emergency Diploma Privilege.**
9. On January 30, 2020, the World Health Organization’s (“WHO”) Director-General declared the outbreak of SARS-CoV-2, the virus that causes COVID-19, to be a

Public Health Emergency of International Concern. Pursuant to the WHO's International Health Regulations, the organization issued temporary recommendations to all nations. VERTIC, *COVID-19 as a Public Health Emergency of International Concern (PHEIC) under the IHR*, <https://extranet.who.int/sph/covid-19-public-health-emergency-international-concern-pheic-under-ihc>.

10. Although early mitigation efforts were successful, Nevada has seen a dramatic increase in new cases of coronavirus daily since mid-May, bringing our current totals from just over 5,000 cases to 35,786.
<https://www.southernnevadahealthdistrict.org/covid-19-case-count-archive> (updated July 24, 2020).
11. Recent scientific reports suggest that up to 45 percent of COVID-19 infections are asymptomatic. Oran & Topol, *Prevalence of Asymptomatic SARS-CoV-2 Infection*, *Annals of Internal Med.* (2020). This means even stringent health and temperature checks on the day of the exam are unlikely to detect all infected Applicants who need to take the exam in person.
12. In addition to the risk of death, a COVID-19 infection can have lasting health implications. Such implications include:
 - a. Neurological and cognitive impairment. Walsh, *Coronavirus: What does Covid-19 do to the brain?*, BBC <https://www.bbc.com/news/health-53081022> (accessed July 3, 2020).
 - b. Cardiac injury. Shi, et al, *Association of Cardiac Injury With Mortality in Hospitalized Patients With COVID-19 in Wuhan, China*, *JAMA Cardiology* (2020) (showing nearly 20 percent of hospitalized patients experienced cardiac injury).

- c. Lung Scarring. Wang, et al, *Temporal Changes of CT Findings in 90 Patients with COVID-19 Pneumonia: A Longitudinal Study*, Radiology (2020)
(reporting 66/70 hospitalized patients had lung damage in CT scans and over 50 percent presented the type of lesions that are likely to develop into scars).
- d. Acute kidney injury. Li, et al. *Caution on kidney dysfunctions of COVID-19 patients*. Preprint at *medRxiv* <https://doi.org/10.1101/2020.02.08.20021212> (2020).

13. Throughout the pandemic, Applicants have experienced hardships creating profound inequity that must not be ignored. Such hardships include but are not limited to:

- a. Financial stress and housing uncertainty from income loss and employment uncertainty;
- b. Increased child-care responsibilities due to school closures and limited childcare availability;
- c. Obligation to support family and friends who suffered job loss or who have heightened risk from COVID-19;
- d. Mental health impacts, such as anxiety, depression, grief resulting from social isolation, fear of complications from COVID-19, and compliance with public health recommendations;
- e. Lack of appropriate study space from closure of places of public gathering, including libraries, and family members forced to work from home;
- f. Lack of appropriate equipment needed to take an online exam;
- g. Pushing back job commencement dates or other graduate programs already scheduled to commence in August;
- h. Increased financial challenges for out of state Applicants who may need to quarantine before or after an in-person Bar Exam;

- i. Fear of sitting for the Bar Exam for in-person testers due to pre-existing health conditions including, but not limited to, being physical disabilities, immunocompromised, asthma, and heart conditions.

14. In addition, the Court should consider the disproportionate impact COVID-19 has had on communities of color.

- a. Specifically, the Center for Disease Control notes that historical, systemic health and social inequality has put minority communities at an increased risk of COVID-19 infection and risk of harmful complications. Centers for Disease Control and Prevention, *Coronavirus Disease 2019, Racial & Ethnic Minority Groups*, (June 25, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/racial-ethnic-minorities.html>. Specifically, a Black person is four times more likely to be hospitalized for COVID-19 than a white person.

Id.

- b. Many Black students face severe financial pressures—Black students make up 43 percent of the first-generation population of law students. Schaffzin, *First-Generation Students in Law School: A Proven Success Model*, 70 *Ark.L.Rev.* 931, 932 (2018).

- c. Black law students thus face the twin pressures of inequities facing minority students and first-generation students. As a result, Black law students are more likely to take on significant student loan debt. Black law students are also less likely to get financial help from their parents and are more likely to work during law school and bar prep than their white counterparts. Wilder, *Law School Debt Among New Lawyers* (2007), National Association for Law Placement available at

https://www.nalp.org/assets/645_ajddebtmonograph2007final.pdf (accessed July 25, 2020).

- d. A delayed Bar Exam rather than diploma privilege threatens the financial security of Black law graduates in a significant way. Furthermore, Black law students are also more likely to serve in a caregiving role, posing a significant risk to their family's health in midst of a global pandemic.

15. Further, the Planned Exam Administration for those with disabilities needing in-person accommodations is uncertain, unsafe, and disparately impacts Applicants. Sitting for an in-person exam for many hours over the course of two days places examinees at undue risk of contracting or spreading COVID-19. Gross, *Amid Confusion About Reopening, An Expert Explains How To Assess COVID-19 Risk*, NPR, <https://www.npr.org/2020/06/17/879255417/> (accessed July 25, 2020) (comparing indoor and outdoor settings and risk of COVID-19, where in an indoor setting, the viral aerosolized particles a “person is breathing in that conference room is going to build up over time. And so, yes, you are going to be a greater risk in that kind of a setting.”). Additionally, those needing in-person exam accommodations have no choice but to do so in a casino where the proctors are not being subject to temperature checks or other safety measures.

16. The proposed ILG software from California based ILG Technologies, LLC has demonstrated serious and concerning malfunctions in past bar exams across the country, including falsely failing students. *Georgia Bar Examinees Falsely Told They Failed Can't Get Damages*, <https://news.bloomberglaw.com/us-law-week/georgia-bar-examinees-falsely-told-they-failed-cant-get-damages> (accessed on July 25, 2020). In 2015 and 2016, 90 Georgia exam takers were wrongly told that they failed the bar exam due to a glitch in ILG's software. *Oops! We Miscalculated Your Bar Exam*

Score, University of Cincinnati Law Review, Feb. 21, 2020,
<https://uclawreview.org/2020/02/21/oops-we-miscalculated-your-bar-exam-score/>,
(accessed on July 26, 2020).

17. The planned online examination for August 11 and 12 comes with many unknown risks, even in the face of beta testing a software that has already posed issues for other states recently, such as Indiana. *Technological Problems Delay Indiana Remote Exam One Week*, <https://www.theindianalawyer.com/articles/technological-problems-delay-indiana-remote-bar-exam-one-week> (accessed July 25, 2020).
18. On July 24, 2020, the Indiana State Bar announced that it would be delaying its already remote July Bar by one week, postponing it to August 4 and 5, due to problems encountered with the ILG testing software. *Technological Problems Delay Indiana Remote Bar Exam One Week*, <https://www.theindianalawyer.com/articles/technological-problems-delay-indiana-remote-bar-exam-one-week>, accessed on July 25, 2020.
19. On July 24, 2020, a petition was submitted to the Indiana Supreme Court to grant the exam takers Diploma Privilege.
<https://docs.google.com/document/d/1Rn1y7TzRHwBm9Esh9uqgj1yft-zL2nfkmwocChyMCPo/edit>, (accessed on July 25, 2020).
20. On July 28, 2020, the online-remote Michigan Bar Exam, administered through ExamSoft, crashed an hour after exam takers began testing. *Michigan Online Bar Exam Crashes in Middle of Testing*, *Detroit Free Press*, July 28, 2020,
<https://www.freep.com/story/news/education/2020/07/28/michigan-online-bar-exam-crashes-test-examsoft/5526919002/>, (accessed on July 28, 2020).
21. On July 28 at 12:22 p.m., 22 minutes after the live trial exam with ILG was scheduled to begin for Nevada exam takers, the Nevada State Bar sent an email to exam takers

stating the trial would be moved to July 29, 2020. Students reached out to ILG via telephone and were informed ILG knew of this delay at 1:14 p.m. EST, two hours before the trial was scheduled to begin.

22. On July 29, 2020, the Nevada live trial run commenced at noon and many test takers encountered frozen screens for upwards of 30 minutes and were unable to get into the exam. Those that did get into the exam had the time they spent waiting for the software to verify their IDs and passwords subtracted from their time to complete the exam.
23. On July 29, 2020 the Indiana Supreme Court released an Order stating that it would conduct its Bar Exam via email and proctored in light of ILG's repeated failures. *Indiana Junks Online Bar Exam Format, Will Run Test Over Email*, <https://abovethelaw.com/2020/07/indiana-junks-online-bar-exam-format-will-run-test-over-email/2/>, (accessed on July 29, 2020). This is an equally dangerous format to administer the Bar Exam.
24. It is unlikely that the ILG software will function properly in the near future or ever. The time taken away from applicants to work, spend time with their families, or pertain to life's many other obstacles in order to test and retest this unreliable software is a burden that no other pool of applicants has faced.
25. Courts across the country recognize physical and mental health is of utmost importance during this time. Notably, Washington, Utah, Oregon, and Louisiana Supreme Courts granted emergency diploma privilege due to these exceptional, dangerous, and unjust circumstances.
26. For its 2019 first time exam takers, the Washington State Bar reported a 78.7 percent passage rate. Washington State Bar Association, *430 Candidates Pass Summer 2019*

Washington State Bar Exam, <https://www.wbsa.org/summer-2019-bar-exam-stats.pdf> (accessed on July 25, 2020).

27. For its 2019 first time exam takers and 2020 February exam takers, the Oregon State Bar reported an average 76 percent passage rate. Oregon State Bar, *Bar Exam Information*, https://www.osbar.org/admissions/examresults_feb2020 (accessed on July 25, 2020).
28. The Louisiana Supreme Court reported a passage rate of 57.6 percent for its in-state, first time exam takers in February 2020. *February 2020 School Statistics*, https://www.lasc.org/Bar_Exam_Results?p=Stats-02-20 (accessed on July 25, 2020).
29. The Boyd School of Law at the University of Nevada, Las Vegas boasted a 79 percent passage rate in 2017 for first time test takers. Between 2010 and 2017, Boyd first time exam takers averaged a 74.6 percent pass rate, with first time exam takers across the board averaging a 71 percent pass rate. *Nevada Bar Exam: The Statistics*, https://www.nvbar.org/wp-content/uploads/NevadaLawyer_April2018_BackStory-stats.pdf (accessed July 25, 2020).
30. Between 2010 and 2017, the average passage rate for all exam takers in Nevada was 60 percent. *Id.*
31. Applicants should not be asked to choose between the health, safety, and mental well-being of themselves and their community or sitting for the Bar Exam to receive their licensure when diploma privilege is a safer alternative.

II. Applicants Respectfully Request that the Court Grant Applicants Diploma Privilege.

32. Diploma privilege is sufficient for bar admission. *See* Wisc. Sup. Ct. R. 40.03 (1979); *Order for Temporary Amendments to Bar Admission Procedures During COVID-19 Outbreak* (Utah Apr. 21, 2020) (attached as **Exhibit B**); *Order Granting Diploma*

Privilege and Temporarily Waiving Admission Practice & Practice Rules, No. 25700-B-630 (Wash. June 12, 2020) (attached as **Exhibit C**); *Order Approving 2020 Attorney Admissions Process*, No. 20-012 (Or. June 30, 2020) (attached as **Exhibit D**).

33. The American Bar Association's accreditation of law schools and the Nevada Rules of Professional Conduct are the state's primary and secondary safeguards against unfit practitioners.
34. Nearly nine out of ten graduates pass state licensing exams within two years. *Bar passage rates improve for ABA-approved law schools*, Am. Bar Assoc., <https://www.americanbar.org/news/abanews/aba-news-archives/2020/02/bar-passage-rates-improve/> (accessed July 25, 2020).
35. Further delay of the Bar Exam is insufficient to address these exceptional circumstances as well as the immediate need for legal practitioners to respond to them.
36. Further delay of the Bar Exam is unlikely to mitigate the risk of COVID-19 exposure or software malfunction. Experts have warned of the likelihood of resurgence of the disease in future waves. Jacobson, *COVID-19: U.S. sets single-day record for cases; Fauci warns of new wave*, UPI, https://www.upi.com/Top_News/US/2020/07/02/COVID-19-US-sets-single-day-record-for-cases-Fauci-warns-of-new-wave/4471593691624/?ur3=1 (accessed July 25, 2020). Likewise, delaying the Bar Exam would cause community hardship such as delayed employment for Applicants and a shortage of new lawyers at a time when legal counsel is desperately needed.
37. Further delay of the Bar Exam would also cause financial hardship for Applicants. Many Applicants saved enough funds to make it through the average two-month study

time needed for the bar. Many Applicants may not have funds beyond September and continued delays would lead to unnecessary financial hardship for those Applicants.

38. Applicants will also face hardships as their loans exit forbearance but have no meaningful way to earn an income and begin repayment.¹
39. Practice Pending Admission is an insufficient substitute to bar admission with the full privileges and responsibilities of a licensed practicing attorney.
40. Practice Pending Admission would continue the financial burden on Applicants because most Applicants would likely not be paid the salary of an attorney, but likely that of a law clerk.
41. Diploma privilege would enable a new class of lawyers to support struggling communities through the start of their advocacy careers. This includes helping people with applications for unemployment benefits, eviction and foreclosure procedures, state and federal public benefits, health insurance claims, and bankruptcy proceedings.
42. Diploma privilege will mitigate challenges faced by Applicants from the pandemic by allowing Applicants to maintain pending employment offers and to financially support themselves and their families.

III. The Safeguards Established by Other Jurisdictions Will Serve as an Adequate Measures to Protect the Public

43. On April 21, 2020, the Supreme Court of the State of Utah amended Rule 14-701 of the Supreme Court Rules of Professional Practice, modifying the Bar Exam requirement and permitting admission to the state bar on an emergency basis provided

¹ See *Here's what's in the \$2 Trillion Coronavirus Stimulus Bill*, CNBC (Mar. 25, 2020), <https://www.cnbc.com/2020/03/25/coronavirus-stimulus-bill-updates-whats-in-the-2-trillion-relief-plan.html> (stating the coronavirus stimulus bill included a provision suspending student loan payments through September 30, 2020, but payments will begin to be due for Applicants starting October 1, 2020).

qualified applicants complete 360 hours of supervised practice. *Order for Temporary Amendments to Bar Admission Procedures During COVID-19 Outbreak* (Utah Apr. 21, 2020).

44. The Supreme Court of the State of Utah also outlined specific qualifications to qualify as a “Supervising Attorney” further creating a safeguard for the public. The Supreme Court of Nevada could also create additional qualifications and requirements under such a system.
45. On June 30, 2020, the Oregon Supreme Court amended the Oregon Rules for Admission 5.05 and 5.15 to permit diploma privilege for graduates of the three Oregon-based law schools as well as applicants from out-of-state, American Bar Association accredited law schools with a 2019 bar passage rate of 86 percent. *In the Matter of 2020 Attorney Admissions Process*, Order No. 20-012 Approving 2020 Attorney Admissions Process, (Ore. June 30, 2020).
46. On July 22, 2020, the Louisiana Supreme Court amended the Louisiana rules for admission by waiving the written examination required by Section 7 of Louisiana Supreme Court Rule XVII for “Qualified Candidates.” Louisiana Supreme Court, Order, p. 2, https://www.lasc.org/COVID19/Orders/2020-07-22_LASC_BarExam.all.pdf, (accessed on July 25, 2020).
47. The Court defined Qualified Candidates as applicants who registered for the July or October exam, graduated either in the Spring or last December from an ABA-accredited school, and have not previously sat for the exam. The Court did not waive the Multi-State Professional Responsibility Examination requirement for admission. *Id.* at 1 and 2.
48. The Supreme Court of Louisiana also outlined additional requirements that Qualified Candidates admitted under the emergency waiver of the written examination must

compete by December 31, 2021. Qualified Candidates must “Complete 25 hours of CLE. 12.5 of the credits shall be obtained in accordance with the requirements set forth in Supreme Court Rule XXX(3)(b), and the remaining 12.5 hours may be in any other approved subject matter,” and “Complete all requirements of the Louisiana State Bar Association’s “Transition Into Practice” program.” *Id.* at 3.

49. Applicant who are not Qualified Candidates are permitted to sit for a one-day remote examination in either August or October. The Court’s decision followed their July 15, 2020 order canceling the July 2020 in-person and remote bar examination due to the rising coronavirus infection rate. *Id.* at 3.

50. Since 1979, Wisconsin has permitted diploma privilege for graduates from Wisconsin-based, ABA-accredited law schools provided that the “law school ... certifi[es] to the board satisfactory completion of not less than 84 semester credits earned by the applicant or purposes of the degree awarded.” Wis. Sup. Ct. R. 40.03. For example, University of Wisconsin-Madison Law School requires applicants achieve a C average. University of Wisconsin-Madison Law School, *Diploma Privilege*, https://law.wisc.edu/current/diploma_privilege/#:~:text=Wisconsin%20is%20the%20only%20state,alone%20in%20retaining%20this%20privilege. (accessed July 6, 2020).

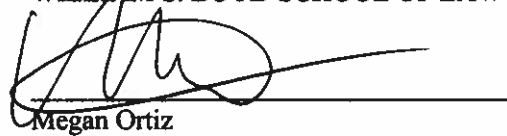
51. Data shows that Wisconsin attorneys are no more likely than other states—including those with even lower bar passage rates and higher barriers to entry—to be disbarred or suspended for any type of misconduct. See Benjamin, *Data Point: The Bar Exam Does Not Protect the Public*, *The Recorder*, April 27, 2020, <https://www.law.com/therecorder/2020/04/27/the-bar-exam-debate/> (accessed July 25, 2020).

IV. Applicants Respectfully Request that the Court Grant Applicants Diploma Privilege

52. In light of the exceptional circumstances caused by COVID-19, Applicants respectfully request that the Court permit Applicants to seek diploma privilege.
53. Applicants and Non-Applicants who have signed on in support of this petition for emergency diploma privilege are listed in (attached as Exhibit A).

RESPECTFULLY SUBMITTED this 29th Day of July, 2020.

CLASS OF 2020
WILLIAM S. BOYD SCHOOL OF LAW

A handwritten signature in black ink, appearing to read 'Megan Ortiz', is written over a horizontal line. The signature is stylized and cursive.

Megan Ortiz
Juris Doctor, 2020
William S. Boyd School of Law
University of Las Vegas, NV

Exhibit A

In Support of Petition for Diploma Privilege to the Nevada Supreme Court

Megan Ortiz, J.D.
Andrea Vieira
Arthur Burns
Patrick Harrington
Michael Hill
Lina Orah
Emily Meibert
Ban Panou
Dawood Panou
Megan Keohane
Liza Orah
Almas Panou
Joseph Ference
Sara Orah
Dina Wazzi
Jynelle Arches
Kathleen Stone
Katrina Brandhagen
Khaylia DeCaires
Scott Whitworth
Pengxiang Tian
Scott Cooper
Marc Kustner
Mary Huggins
Thomas Bolen Jr.
Sierra Stepp
Zaniah Jordan
Shalom C Stephens
John Flanagan
Patrick Tarzi
Amer Panou
Amar Panou
Suzan Panou
Megan Maroky
Michael Maroky
Maya Maroky
Heather Binna
Heidi Binna
Matthew Estrada

Saffa Maroky
Emad Binna
Amar Panou
Dave Panou
Angelina Panou
Ban Panou
Mary C. Huggins
John D. Huggins
Alisa A. McAfee
Dennis J. Huggins II
Lily Choyce
Brittney Lehtinen
Mayra Lane
Shawna Dresslar
Shay Digenan
Brooke Tyrrell
Radhika Kunnel
Margie Aufranc
Lilian Odish
Alfa Alemayehu
Jessica Lujan
Kathleen Villatoro
Andrew Duarte
Morgan Hansen
Carmen Johnson
Jessica Patton
Christine DuVall
Grace Ellen Hanna
Geraldine Sweeney
Reginald Dulaney
Caroline K. Driscoll, J.D.
Lauren Fash
Ray DeleonGuerrero
David Ramos
Rachel Hogenkamp, JD
Walter Villatoro
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In Support of Petition for Diploma Privilege to the Nevada Supreme Court

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Cristina Prieto
Lisa Barrus
Ryan Dixon
Sheena Mattimoe-Campbell
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Rudy Rodriguez
Salma Granich
Jennifer Villatoro
Aleasa Guerra
Diego Samuel Juarez
Sandra
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Shon Fredstrom
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Patrick Hulbert
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Ryan LaPolla
Glenny Juarez
Teran Aberg
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Ryan LaPolla
Iris Barohona

In Support of Petition for Diploma Privilege to the Nevada Supreme Court

Justin Austin
Jonathan Svenson
Edgar Nahum
Corey J. Hallquist
Charles De La Cruz
Bailey Karas
Stephanie Dreiman
Darcy Bower
Julio Garcia
Evan Dudley
Sophia Gaulkin
Evan Mishkin
Christopher Lee Rose
Holly Berdan
Alejandra Sjogreen
Sara Passer-Huggins
Douglas Maul
Laura Bown
Ken Ideker
Scott Cardenas
Vilma Nunez
Christina Mezzapella
Ellen Crawford
Gia Grimm
Robert Crawford
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In Support of Petition for Diploma Privilege to the Nevada Supreme Court

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Dylan Joseph
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Thalia Garcia
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Danielle Duncan
Isabel Pantoja
John Sweeney
Linnea Rachlin
Kyle Collins
Barbara Ratcliff
Sumoci Haynes
Edie Guerra
Stacey miller
Dominic Guerra
Mallory Greene
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Gena English
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Maceo D. Ward, Jr.
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Rediet Kassa
Carmel Viado
Kim Giller Schmidt
Cheyne White
Brian Wall
Kyle Collins
Sae Burchill
Madeline Parde
Tom McCourt
Jennifer Hyman, J.D.
Davrin Davis
Emma Brown
AJ Henry
Julianne Odin
Jean Munson
Daniel LaPolla
Christiana Dupont
Edie Guerra
Maliq Kendricks
Kimberly Bieniasz
Anjelica Dichitang
Nina Tahsini
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Gerardo Avalos Bar# 15171
Fiona Vettes
Lee Magaster
Jordy Barry
Michael Shaffer
Darwin Arias Lizano
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Mary E Cameron
Leslie Hicks
Monica Lobeth
Mia Lenardson

In Support of Petition for Diploma Privilege to the Nevada Supreme Court

Brian Wall
Paul L Hall
Osibinaeyi Soje-Diyan
Taylor Buono
Sergine Beaubrun
Jesse Jones
Jenna Scott
Philip Koci
Walter Villatoro
Jose Alvarez
Amparo Villatoro
Ashley Scolari
Suniya B.
Natalia Jacobo
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Astasia Lucas
Cherae Muije
Silvana
Chelsea Gioannini
Douglas Turner
Jed Lee
Natalia Jacobo
Alison Gaulden
Joelle B.
Ryan McConnell, JD (Boyd Class of 2020)
Mia Guttmann
Kelly Yeager
Christopher Yeager
Eulonda Burse
Roxanne Momot-Morales
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Guiseppe Mandell
David Mattel
Karen Dixon
Olga M. Torres
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Kris Engstrom
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Tonya Quash
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Kristina Plummer
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Jayme Richardson
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Cindy Robertson
Vickie Clark
Lyndsay Reeves
Gabriela Molina
Shirley Sharp
Chloe Johnson
Katie Bickell
Audrey Brown
Katherine Jack-Bailey
Ashley Schobert
Chloe Johnson
Debra Davis
Larry Johnson
Noel S. White
Denise Boyd
Kynesha V. Jackson
Genna Forrest
Mackenzie Maye
Damion Marcus
Sherri Lewis
Harpreet Singh
Michael McLaughlin
Reginald Perkins
Veronica Rone
Lori Mayo
Danielle Ellis
Selina Brown
Orlando Robinson
Denise Davis
Shannon Kallin
Suniya B.
Elliot Malin
Sierra Hopkins
Kaitlyn Banford
Irene Adams
Hayley Whitworth
Dr. Kirsten Norgaard
Richard De La Rosa
Dana Harmon

In Support of Petition for Diploma Privilege to the Nevada Supreme Court

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Nichole Raymond
Hope Cole-Hayes
Mark Fritchie
Advergus Taylor
Charis Cole
Candice Gill
Marcus Smith
Ronnie Taylor
Ronnie Taylor
Onica Washington
Nancy McBride
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Tina Meeks
Valerie Fields
Gisele Bidi
Charlotte Bidi
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Vanessa Lopez
John-Martin Meyet
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John Falcon
Vellanee Myers
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Paul D. Reeves
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Allen Williams
Carol Hawes
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Steve Smotrys
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Kayla Coleman
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Christie Martinez
Brenda Minnifield
Tanebra Ellis
Clayton
Jackie Burke
Tenniqua Hayes
Waunette Cullors
Lynda Clark
John Paul Hicks
Kelli Hicks
Roderick Jackson
Elena Rodríguez
Anderal Ward
Edward M. Trahan
Peter Mezzapella
Jane Gutierrez
Mark W. Costa
Diane J. Dworzack
Beverley B. Williams
Robin Shaw
Charity O'Bannon
LTonya Cole
Wade Menard
Teresa Nix
Kaila Patrick
Khisna Holloway
Terry Le May
Toni Henderson
Renay Skov
Dawanna Cole
Lamar Lucas
Monique Young
Neill Humphrey
LaWanda DuBoise
Janice LaRue
Lamar Lucas
Justin Austin
Mavis Lau
Mary
Karen Neely
Gayle Neal
Suzanne Lovell

In Support of Petition for Diploma Privilege to the Nevada Supreme Court

Ibea Allen
Gil Kahn
K. Clark
Justice Rankins
Madeline Costa
Melissa Reid
Teri Lavo
Sara Villatoro
Michelle Wilkes
Marcus Allen
Lidia Cancilla
Antonio Cancilla
Jan Dudley
Giovanni Cancilla
Fabiola Cancilla
Silvana Rancadore
LouAnn DeLong
Jeff Swalley
Ahmid Dixon
Debra LaCroix
Chloe Panou
Leo Panou
Jivonay Panou
Kimberly Davis
Nikeisha Salas
Bridget Williams
Teresa Torres
Tanya Morris
Cindy Botelho
Monika Pasquerello
Reggie T.
Laurie Robertson
Reese
Tamika Hall
Janet Shaffet
Selina Luketic
Tracy Carraway
Charvae Williams
Janae Fields
Betsy Geiser
Tianna Boatwright
Bret Gove
Reggie T.
Karen morning
Vanessa Lopez
Virgina Pitts
Judy Pippin
Najum Anwar
Zaniah Jordan

Joseph Guindy
Celeste Pevahouse
Heidi Rutter
Betsy Sullivan
Tamera McDonal
Rebecca Christensen
Taylor A. Malkin
Ben Enriquez
Matthew McKie
Adam Arnaout
Elizabeth Williams
CharbreNe Hunter
Wendy Guilford
Emily meibert
Myrra Dvorak
Shawn Jones
Virginie Guillemette
Juardine Patrick
Laura Gallegos
Annette Tago
Marsha Patrick
Anthony Townsend
Martha Lopez
Lynne Herr
Oliska Batiste
Daphne Dobbs
Jason Stephens
Astrid Chim
Danielle Thorne
Tanya Jenkins
Julie Meyer
Felisha Sullivan
Dana Berger
Meigan Flanagan
Geraldine Ree
Gloria Floyd
LaTanya Douglass
Mario Miel
Tammi Harrington
Meigan Flanagan
Robin Cosey
Kathryn Flanagan
Brandie Neal
Dawn Scott
Kathleen Randolph
Nicole Bovey
Kim Hopkins
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In Support of Petition for Diploma Privilege to the Nevada Supreme Court

Cheryl Douglas
Karen Trammell McClendon
Kathy Gillen
Lillian DeGroof
Cecilia Diaz
Meagan Berry
Mor Ghermezi
Katelynn Schneringer
Terra Hayes
Sylvia Carbonell
Michele Terry
B. Mosley
Jan Thomas
Delaney Mamer
Ryan Webber
Jay Raman
Isa Sosa
Juliette Nash
Mimosa Vu
Chelsea Armstrong
Christine Hoffmark

Exhibit B

IN THE SUPREME COURT OF THE STATE OF UTAH

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In re: Matter of Emergency Modifications to
Utah Supreme Court Rules of Professional Practice,
Rules Governing Admission to the Utah State Bar

**ORDER FOR TEMPORARY AMENDMENTS
TO BAR ADMISSION PROCEDURES
DURING COVID-19 OUTBREAK**

Based upon the Utah Supreme Court's constitutionally granted authority to regulate the practice of law in Utah, and in consideration of the public health threat currently posed by the novel infectious coronavirus (COVID-19), the Utah Supreme Court orders that the Bar Examination passage requirement be modified on an emergency basis for certain eligible Qualified Candidates as defined herein.

I. Definitions

- a. Unless otherwise defined in this Order, all terms defined in Rule 14-701 of the Supreme Court Rules of Professional Practice are hereby incorporated into this Order.
- b. "Qualified Candidate" means a person who:
 1. Is either:
 - A. A law school graduate who:
 - i. Has graduated by June 30, 2020 with a First Professional Degree in law from an ABA-approved law school that had an overall first-time taker bar examination passage rate in 2019 of 86% (rounded to the nearest whole number) or greater; and
 - ii. Has not, as of the date of this Order, previously sat for any bar examination

in any state or territory in the United States and will not be taking the bar examination in any state or territory in the United States in July 2020; or

- B. An attorney admitted by bar examination to another jurisdiction and meets all requirements of Rule 14-704(a) except for passing the Utah Bar Examination; and
- 2. Submitted an application for the Utah Bar Examination on or before April 1, 2020, in accordance with the information and instructions on the admissions website, including all fees and necessary application forms, along with any required supporting documentation, character references, and a photo. Late or incomplete applications will not be accepted.
- c. "Supervised Practice" means the 360 hours of supervised legal practice that a Qualified Candidate must complete under the supervision of a Supervising Attorney in accordance with and under section III of this Order.
 - d. "Supervising Attorney" means a person (or persons) who supervises the Qualified Candidate in accordance with and under section III of this Order and is either:
 - 1. An attorney who has:
 - A. An active Utah Bar license,
 - B. A minimum of 5 years as a licensed attorney in any U.S. state or territory,
 - C. A minimum of 2 years as a licensed attorney in the State of Utah, and
 - D. No record of public discipline in any jurisdiction in the United States; or
 - 2. A state court or federal court judge.

II. Emergency Admission of Qualified Candidates

- a. Qualified Candidates who meet all the requirements of subsection II(b) by no later than December 31, 2020, shall be admitted to the Utah Bar without passing the Utah Bar Examination. This admission will be effected as soon as practically possible.
- b. The burden of proof is on the Qualified Candidate to establish by clear and convincing evidence that she or he:
 1. Is a Qualified Candidate as defined in subsection I(b);
 2. Meets all requirements of Rule 14-703 (if applied to take the Bar Examination as a Student Applicant) or Rule 14-704(a) (if applied to take the Bar Examination as an Attorney Applicant), except for passing the Utah Bar Examination;
 3. Has passed or does pass the Multistate Professional Responsibility Examination by no later than December 31, 2020 unless no MPRE is offered in 2020 after the publication of this Order, in which case Qualified Candidates who have not yet passed the MPRE but have fulfilled all other requirements for admission under this Order will be given an extension to pass the MPRE until after scores are published following the first MPRE administered in 2021;
 4. Has provided a completed criminal background check by no later than December 31, 2020;
 5. Has submitted proof of law school graduation by June 30, 2020; and
 6. Has completed 360 hours of Supervised Practice by no later than December 31, 2020.
- c. Nothing herein shall prevent a law school graduate who does not meet the definition of a Qualified Candidate from performing legal services under Rule 14-807 of the Supreme Court Rules of Professional Practice.

III. Supervised Practice Requirement

- a. The purpose of the Supervised Practice requirement is to provide eligible Qualified Candidates with supervised training in the practice of law and to assist the Bar and the judiciary in discharging their responsibilities to help create a just legal system that is accessible to all.
- b. Subject to the inherent power of each judge to have direct control of the proceedings in court and the conduct of attorneys and others who appear before the judge, the courts of Utah are authorized to allow eligible Qualified Candidates to participate in matters pending before the courts consistent with this Order.
- c. All time spent in any activity related to developing the Qualified Candidate's legal competence (whether paid, unpaid, pro bono, or low bono) shall be counted toward the 360-hour requirement including, but not limited to, representing clients, providing direct assistance and counsel to judges, advising businesses and their employees, developing or implementing policies and practices for nonprofit organizations or government agencies, and meeting with the Supervising Attorney or attorneys for whom the Supervising Attorney has delegated direct supervision under subsection III(e). CLE courses and other professional trainings or workshops as would be typical of an attorney in that area of practice may be counted toward the 360-hour requirement but shall not exceed more than 10% of the Qualified Candidate's total hours. The determination of whether a specific position or activity qualifies for the purpose of this provision shall be at the Supervising Attorney's discretion.
- d. Subject to all applicable rules, regulations, and statutes, a Qualified Candidate may engage in the following activities during the 360 hours of Supervised Practice, so long as the client and Supervising Attorney consent in writing to each activity, and the Supervising Attorney remains fully responsible for the manner in which the activities are conducted:
 1. Negotiate for and on behalf of the client, subject to the Supervising Attorney's final approval, or give legal

advice to the client, provided that the Qualified Candidate:

- A. obtains the Supervising Attorney's approval regarding the legal advice to be given or plan of negotiation to be undertaken by the Qualified Candidate; and
 - B. performs the activities under the general supervision of the Supervising Attorney.
2. Appear on behalf of the client in depositions, provided that the Qualified Candidate has passed a course in evidence and performs the activity under the direct supervision and in the personal presence of the Supervising Attorney.
 3. Appear in any court or before any administrative tribunal in this state. In order to participate in any evidentiary hearing, the Qualified Candidate must have passed a course in evidence, and in the case of a criminal evidentiary hearing, must have also passed a course in criminal procedure. The Supervising Attorney's and the client's written consent and approval, along with a law school certification regarding the required coursework, must be filed in the record of the case and must be brought to the attention of the judge of the court or the presiding office of the administrative tribunal. In addition, the Qualified Candidate must orally advise the court at the initial appearance in a case that he or she is certified to appear pursuant to this rule. A Qualified Candidate may appear in the following matters:
 - A. *Civil Matters.* In civil cases in any court, the Supervising Attorney is not required to be personally present in court if the person on whose behalf an appearance is being made consents to the Supervising Attorney's absence.
 - B. *Felony or Class A Misdemeanor Criminal Matters on Behalf of the Prosecuting Attorney.* In any felony or Class A misdemeanor prosecution

matter in any court, the Supervising Attorney must be personally present throughout the proceedings.

- C. *Infraction of Class B or Class C Misdemeanor Criminal Matters on Behalf of the Prosecuting Authority.* In any infraction or Class B or Class C misdemeanor matter in any court with the Supervising Attorney's written approval, the Supervising Attorney is not required to be personally present in court; however, the Supervising Attorney must be personally present during any Class B or Class C misdemeanor trial.
- D. *Felony or Class A Misdemeanor Criminal Defense Matters.* In any felony or Class A misdemeanor criminal defense matter in any court, the Supervising Attorney must be personally present throughout the proceedings.
- E. *Infraction or Class B or Class C Misdemeanor Criminal Defense Matters.* In any infraction or Class B or Class C misdemeanor criminal defense matter in any court, the Supervising Attorney is not required to be personally present in court, so long as the person on whose behalf an appearance is being made consents to the Supervising Attorney's absence; however, the Supervising Attorney must be personally present during any Class B or Class C misdemeanor trial.
- F. *Appellate Oral Argument.* In any appellate oral argument, the Supervising Attorney must be personally present and the court must give specific approval for the Qualified Candidate's participation in that case.
- G. *Indigent defense.* Provide assistance to indigent inmates of correctional institutions or other persons who request such assistance in preparing applications and supporting documents for post-conviction relief, except

when the assignment of counsel in the matter is required by any constitutional provision, statute, or rule of this Court; if there is an attorney of record in the matter, all such assistance must be supervised by the attorney of record, and all documents submitted to the court on behalf of such a client must be reviewed and signed by the attorney of record and the Supervising Attorney.

4. Perform other appropriate legal services, but only after prior consultation with the Supervising Attorney.
 5. Notwithstanding the terms above, the court may at any time and in any proceeding require the supervising attorney to be personally present for such period and under such circumstances as the court may direct.
- e. The Supervising Attorney is responsible for ensuring that the Supervised Practice of the eligible Qualified Candidate complies with this Order. The Supervised Practice requirement provides an opportunity for the Supervising Attorney to demonstrate professionalism and impart principles of ethics, civility, and service that should characterize all members of the Utah Bar. This training can be accomplished only if the Supervising Attorney is actively involved in the process. The Supervising Attorney may delegate direct supervision of a Qualified Candidate to another attorney who, in the professional judgment of the Supervising Attorney, would effectively promote these goals. If the Supervising Attorney delegates direct supervision to another attorney, communication between and among the two attorneys and the Qualified Candidate should be regular and substantive. Pro bono programs preapproved by the Utah State Bar's Access to Justice program effectively promote the goals of the Supervised Practice requirement, and Supervising Attorneys shall count hours served by the Qualified Candidate in such programs without the need of express delegation or regular and substantive communication with any attorneys directly supervising the Qualified Candidate in those programs.

- f. A Qualified Candidate's eligibility to provide services under this Order will terminate immediately upon the Bar's determination that the Qualified Candidate lacks the requisite character and fitness to practice law in Utah.
- g. Prior to beginning the 360 hours of Supervised Practice, the Qualified Candidate must:
 - 1. Obtain the consent of a Supervising Attorney,
 - 2. Provide the Bar Admissions' office with the Supervising Attorney's name, and
 - 3. Provide the Bar Admissions' office with a signed and dated letter from the Supervising Attorney stating that she or he is qualified and willing to serve as a Supervising Attorney and has read this Order and agrees to comply with its conditions.
- h. A Qualified Candidate's 360 hours shall be recorded in one-tenth hour increments and submitted pursuant to the requirements set forth by the Bar Admissions' office.
- i. Upon completing 360 hours of Supervised Practice, the Qualified Candidate must provide the Bar Admissions' office with a statement from the Supervising Attorney attesting to the veracity of the Qualified Candidate's submitted record. If the Qualified Candidate has more than one Supervising Attorney, each Supervising Attorney shall sign the portion of the record that he or she supervised.
- j. Completion of the 360 hours of Supervised Practice required for admission under this Order does not excuse the Qualified Candidate from completing the requirements currently imposed upon newly admitted attorneys, including the requirements of the New Lawyer Training Program (if applicable), and the 360 hours shall not be counted toward any post-admission requirements.

IV. The July 2020 Bar Examination

- a. No Bar Examination shall be administered in Utah in July 2020.

- b. The Utah Supreme Court intends that the Bar Examination be scheduled at the earliest possible date in 2020 after the public health crisis abates and the Bar Examination can be administered safely.
- c. Persons who are currently scheduled to sit for the July 2020 Bar Examination in Utah who do not qualify for admission under the emergency modifications outlined in Section I or are unwilling to do so may elect one of the following options for proceeding with their application:
 - 1. Withdraw the application for a full and complete refund of all application fees paid;
 - 2. Transfer the application and fees, without further charge, to the February 2021 Bar Examination or the July 2021 Bar Examination; or
 - 3. Maintain a pending application to remain registered for the Bar Examination in the event a Bar Examination is scheduled to take place at some later point in 2020. If such a Bar Examination does not take place, the individual will be able to select from option (1) or (2) above.
- d. Nothing herein shall prevent a Qualified Candidate admitted pursuant to this Order from applying to take a future Bar Examination, but the applicant will be required to submit a new application and fees.

DATED this 21st day of April, 2020.



Matthew B. Durrant
Chief Justice

Exhibit C

FILED
SUPREME COURT
STATE OF WASHINGTON
JUNE 12, 2020
BY SUSAN L. CARLSON
CLERK

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF STATEWIDE RESPONSE)
BY WASHINGTON STATE COURTS TO THE) ORDER GRANTING
COVID-19 PUBLIC HEALTH EMERGENCY) DIPLOMA PRIVILEGE AND
) TEMPORARILY MODIFYING
) ADMISSION & PRACTICE
) RULES
)
)
) No. 25700-B-630
)
)
)
_____)

WHEREAS, the court recognizes the extraordinary barriers facing applicants currently registered to take the bar examination in either July or September 2020, or the limited license legal technician (LLLT) examination in July 2020; and

WHEREAS, the Court has reviewed Washington's Admission and Practice Rules (APRs) to consider whether any of its provisions should be modified to accommodate current applicants who have received juris doctorate degrees from ABA accredited law schools or have completed all requirements to sit for the July 2020 LLLT exam;

The Court by majority hereby enters the following order establishing temporary modifications to some provisions of the current APRs:

- 1) APR 3 and 4 are modified to the extent that applicants for admission to practice law who are currently registered for either the July or September 2020 bar examination and who have received a Juris Doctorate degree from an ABA accredited law school, and applicants currently registered to take the LLLT examination scheduled for July 2020, are granted the option of receiving a diploma privilege to practice in

ORDER GRANTING DIPLOMA PRIVILEGE AND TEMPORARILY MODIFYING
ADMISSION AND PRACTICE RULES
No. 25700-B-630

Washington. The bar examinations in July and September 2020 will still be offered for those who do not qualify for the diploma privilege and those who wish to take the exam to receive a Uniform Bar Exam (UBE) score.

- 2) The diploma privilege option will be available to applicants currently registered to take the examinations who are taking the tests for the first time and those who are repeating the tests.
- 3) The court delegates to WSBA the appropriate discretion to determine the timelines for eligible applicants to notify WSBA of their intent to receive the diploma privilege in lieu of taking an examination, and whether or to what extent any registration fees may be refunded.

DATED at Olympia, Washington this 12th day of June, 2020.

For the Court


CHIEF JUSTICE

Exhibit D

In the Matter of 2020 Attorney
Admissions Process

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SUPREME COURT ORDER
No. 20-012

ORDER APPROVING 2020 ATTORNEY
ADMISSIONS PROCESS

At a public meeting on June 29, 2020, the Oregon Supreme Court considered requests from the deans of the three Oregon law schools, and considered input from the Oregon Board of Bar Examiners (Board), relating to the upcoming July 2020 Oregon Bar examination and the spread of the COVID-19 virus.

WHEREAS, the Chief Justice previously issued Chief Justice Order 2020-09 (Order Amending Oregon State Bar Rules for Admission and Bar Rules of Procedure During COVID-19 Outbreak), to allow the Oregon State Bar and Board additional flexibility in administering the July 2020 Oregon Bar examination;

WHEREAS, the court acknowledges that the spread of the COVID-19 virus represents an extraordinary burden to applicants registered for the July 2020 Oregon Bar examination and that that burden has had a significantly unequal impact on applicants;

WHEREAS, the Board understands that the rules governing the practice of law permit recent law school graduates to work under the supervision of a member of the Oregon State Bar; and

WHEREAS, this court has inherent authority to regulate the practice of law in Oregon, including regulating admissions to the Oregon State Bar (Bar), under Article VII (Amended), section 1, of the Oregon Constitution, and ORS 9.006, has authority to direct the manner of examination for applicants for admission to the Oregon State Bar, under ORS 9.210 and ORS 9.220;

THE COURT HEREBY ORDERS:

1. **Addition of Remote October 2020 Bar Examination**
 - a. Under this court's Rules for Admission of Attorneys (RFA) 5.05, the Board shall offer a special bar examination, to be remotely administered on October 5 to 8, 2020, using examination materials provided by the National Conference of Bar Examiners.
 - b. Any person who obtains a passing score on the October 2020 Oregon Bar examination, and who otherwise is eligible for admission under the Rules for Admission of Attorneys, shall be admitted to practice law in Oregon. However, the October 2020 Oregon Bar examination will not be a Uniform Bar Examination (UBE).
 - c. The October 2020 Bar examination may be administered to:

- (1) Any person who submitted a complete application, postmarked by May 30, 2020, for the July 2020 Oregon Bar examination; and
 - (2) Any person who took, but failed to pass, the February Oregon 2020 Bar examination and who did not submit a complete application, postmarked by May 30, 2020, for the July 2020 Oregon Bar examination.
 - d. Except as provided in subparagraph 1.c., the Chair of the Board of Bar Examiners (Chair) shall have discretion to expand enrollment for the October 2020 Bar examination to individuals not identified in subparagraph 1.c., but who otherwise qualify to sit for a bar exam under the Rules for Admission. The Chair also shall have discretion to impose a limit on the total number of applicants enrolled under this subparagraph.
 - e. A person who takes any bar examination in the United States in 2020 after the issuance of this order is not eligible to sit for the October 2020 Oregon Bar examination.
 - f. The Board shall have discretion to impose deadlines for submitting complete applications, including the payment of fees, for the October 2020 Oregon Bar examination.
 - g. For individuals registered for the July 2020 examination who elect to take the October 2020 examination, any monies paid by the individual toward the fees for the July 2020 exam will be applied as a credit toward the October 2020 exam.
2. 2020 Oregon Emergency Diploma Privilege
- a. Notwithstanding ORS 9.210(2), ORS 9.220(3), or the Rules for Admission of Attorneys, a person may be admitted to the Oregon State Bar without taking an Oregon Bar examination required by RFA 5.05 and RFA 5.15 if the person:
 - (1) Submitted a complete application, postmarked by May 30, 2020, for the July 2020 Oregon Bar examination, regardless of whether the person received an examination number; and
 - (2) Graduated in 2020 from either
 - (A) Lewis and Clark Law School, University of Oregon School of Law, or Willamette University College of Law; or
 - (B) Any other law school accredited by the American Bar Association that had an overall institutional bar examination passage rate, for persons taking a bar examination for the first time in 2019, of 88 percent (rounded to the nearest whole number) or greater.
 - b. A person who requests admission without taking a bar examination under subparagraph 2.a. must satisfy all other requirements for admission to be

admitted to the Bar, as outlined in the Bar Act, ORS chapter 9, and the Rules for Admission of Attorneys, including that the person demonstrates requisite good moral character and fitness.

- c. A person admitted to the Bar under this section will be a fully licensed member of the Bar with the same rights and responsibilities as other Bar members.
- d. The Board and Bar have discretion to develop any process necessary to implement this paragraph, including establishing a list of law schools qualifying under subparagraph 2.a.(2).(B).

3. Adjustment to Minimum Passing Score

Supreme Court Order 17-019, which set the pass score for the Oregon Bar examination at 274, is temporarily modified to allow for a minimum passing score of 266 for:

- a. The July 2020 Oregon Bar examination; and
- b. Any other Uniform Bar Examination taken between the date of this order and September 30, 2020, for purposes of admission to the Oregon Bar under RFA 19.05.

4. Additional Provisions

a. Applicant Election and Timeline

- (1) Any person currently registered for the July 2020 Oregon Bar examination may:
 - (A) Sit for the July 2020 Oregon Bar examination;
 - (B) Opt out of the July 2020 examination and elect instead to take the remote October 2020 Oregon Bar examination; or
 - (C) Opt out of all 2020 examinations and elect to request the diploma privilege if qualified to do so under this order.
- (2) Any person who is not currently registered for the July 2020 Oregon Bar examination, but who otherwise qualifies for diploma privilege under this order, may
 - (A) Elect to request the diploma privilege; or
 - (B) Elect to sit for the October Oregon Bar examination.
- (3) The Board has discretion to set a deadline for applicants to submit an application to sit for the October 2020 Bar examination.

- (4) The Board shall immediately develop a procedure for making the elections described in subparagraphs 4.a.(1) and (2), and announce that procedure on its website and through any other means that the Board deems necessary.
- (5) Any person who elects to request the diploma privilege must notify the Board of the election, in writing, on or before July 8, 2020, in the manner directed by the Board. No person may elect the diploma privilege after July 8, 2020.
- (6) Any person currently registered for the July 2020 Oregon Bar examination who opts out of the July 2020 examination and elects instead to take the remote October 2020 Oregon Bar examination must notify the Board of the election, in writing, on or before July 8, 2020, in the manner directed by the Board.
- (7) If the Board does not receive a timely election pursuant to subparagraph 4.a.(5)-(6) from an applicant currently registered for the July 2020 Oregon Bar examination, the applicant will remain registered for that examination.

b. Fees

The court delegates to the Board the discretion to determine whether, or to what extent, any fees may be refunded or additional fees may be required and the deadline for paying any required fees..

c. Waiver of Rules

Any Rule for Admission of Attorneys that is inconsistent with this order is waived.

d. Effective Date

This order becomes effective immediately.

Dated this 30th day of June, 2020.



Honorable Martha L. Walters
Chief Justice