



July 13, 2020

Dear Chief Judge Blackburne-Rigsby,

Thank you again for your work on the bar exam with the DC-area law school deans as we collectively navigate these unprecedented times.

Following on the laudable decision to move to an online exam, we are delighted that the District of Columbia Committee on Admission has also entered into a reciprocity agreement with Maryland and Massachusetts to make scores from the October 2020 remote bar exam portable. We strongly encourage the Committee to enter similar agreements with other jurisdictions. We are encouraged by the Committee's recent statement that it is having discussions about portability with other jurisdictions. We vigorously applaud these moves and offer our services in any way that might be supportive of that process.

At the same time, we have become increasingly concerned that the bar exam – in person or remote – will not be the fair competency evaluation upon which courts have traditionally relied. These are extraordinary circumstances in which our graduates find themselves. The normal stress of studying for the bar exam has been compounded by months of uncertainty nationwide as jurisdictions have changed their timing, form, content, and participation rules, sometimes several times. These burdens do not fall equitably across all members of our community. Disproportionate effects are felt by those who are immunocompromised, those in financial distress, those with caregiving responsibilities, those from historically underrepresented backgrounds, and those who have complicated quarantine living situations. For these reasons, decision-makers in the states of Utah, Washington, and Oregon have decided to permit diploma privilege rather than requiring the bar exam during this unparalleled year.

We have come to believe that offering an option for some form of diploma privilege in the District is the fairest and best answer to this unique situation. Our graduates have been well prepared to practice law and serve their communities by virtue of their studies in our institutions. The Committee's legitimate concerns for client protection can easily be met by crafting a

diploma privilege rule with safeguards such as an introductory remote class or a period of mandatory supervised practice.

In our letter to you of April 1, in addition to supporting a diploma privilege, we also supported, as an alternate option, a temporary provisional licensure of law graduates under the close supervision of a licensed attorney. Our clinical deans have also supported this option. This temporary provisional licensure would serve many of the same ends as the diploma privilege, and we continue to believe it would be a viable alternative to the diploma privilege and merits your consideration if you decide against the diploma privilege.

Finally, because for many of our graduates, the prospect of a remote DC bar exam that offers portability to other jurisdictions is a better option than the diploma privilege with DC-only admission, we urge you to maintain the October administration of the exam, and to continue to push forward with additional reciprocity agreements as detailed above. Thus, it is our hope that there will be both an October administration of the exam and a diploma privilege option that would provide an additional path to licensure for this year.

We would be happy to discuss these ideas further with you and to take any other steps that would make your work on the bar exam easier. We are grateful for your leadership.

Sincerely,

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