

## SUPREME COURT OF NEW JERSEY

On April 6, 2020, the Court rescheduled the next administration of the bar examination from July 2020 to the Fall. Based on guidance from the New Jersey Department of Health and other authorities, it appeared unlikely that the COVID-19 pandemic would have abated to a degree that it would be prudent to administer the bar examination in July 2020.

Also on April 6, 2020, the Court temporarily expanded the provisions of Rule 1:21-3 for 2020 law school graduates who have not previously taken a bar examination. The Court authorized their temporary practice of law under specific conditions, including supervision by a New Jersey licensed attorney and certification by the Committee on Character.

Three months have elapsed since the Court took those steps. In the intervening time, nearly 2,000 candidates have applied to take New Jersey's Fall 2020 administration of the bar examination. Approximately 900 applicants are from out-of-state; roughly 150 are from states whose residents are subject to self-quarantine pursuant to the Governor's travel advisory.

Although New Jersey has made significant inroads to combat the effects of the COVID-19 pandemic, COVID-19 is gaining strength in many areas of the country and continues to be a serious threat to health and safety. Under the circumstances, and guided by the science, the Supreme Court has concluded it

is simply unsafe to gather 2,000 applicants, even across multiple coordinated locations, for an in-person bar examination.

Instead, the Court authorizes the Board of Bar Examiners (Board) to administer a “remote” bar examination this Fall. Like other court functions that have transitioned successfully to remote operations, a remote bar examination will maintain professional standards and public confidence at a time when health officials counsel against large, in-person events.

It is therefore ORDERED as follows:

1. The bar examination scheduled for September 9-10, 2020 as an in-person administration is cancelled in light of the COVID-19 pandemic. The Board is hereby authorized to administer a remotely proctored examination on October 5-6, 2020 (the “remote examination”), using questions prepared by the National Conference of Bar Examiners (NCBE), which shall satisfy the examination requirement of Rule 1:24-2 and Rule 1:27-1(a)(1). The remote examination shall test the same legal topics as the Uniform Bar Examination (UBE), and shall include the same testing components (e.g., the Multistate Performance Test (MPT), Multistate Essay Examination (MEE), and Multistate Bar Examination (MBE) questions), albeit at a reduced number of questions.

2. All other requirements for application and plenary admission to the bar remain in effect, including graduation from a law school approved by the American Bar Association and certification by the Committee on Character. See, e.g., R. 1:24-1 (Qualifications and requirements for application); R. 1:27-1 (Plenary admission).
3. The Board shall provide updates as soon as practicable on the Board's website and through communications directed to those who previously applied for the Fall 2020 examination.
4. Applicants who previously applied for the Fall 2020 examination shall be registered automatically for the remote examination to be administered on October 5-6, 2020. Should any such applicant wish to withdraw the application, the Board will provide such opportunity and will issue a refund of the application fee.
5. Any applicant who previously registered for the Fall 2020 examination and who elects not to take the remote examination shall be permitted to defer taking the bar examination until the next administration of an in-person examination. Any applicant who chooses to defer until an in-person examination is offered shall remain eligible to practice temporarily under supervision, as provided for in the Court's April 6, 2020 Order, provided that the applicant satisfies all other requirements

for temporary practice and ultimately applies for and sits for the first in-person administration of the bar examination offered in New Jersey.

6. All other aspects of the April 6, 2020 Order remain in effect. We repeat, for emphasis, that temporary authorization for 2020 graduates to practice under supervision does not confer on them either a plenary license or any vested or implied right to be licensed, as set forth in Rule 1:27-1 et seq., and further may be revoked by order of the Court.
7. Recognizing that the remote examination does not bestow on applicants a portable UBE score, the Board is authorized to enter into Memoranda of Understanding with other states offering the NCBE's remote examination on October 5-6, 2020, to provide for portability of scores earned on that examination, wherever possible.

For the Court,

A handwritten signature in blue ink, appearing to read "S. R. ...", is written over a horizontal line.

Chief Justice

Dates: July 15, 2020