

May 7, 2020

Chief Justice Ralph D. Gants
Supreme Judicial Court of Massachusetts
John Adams Courthouse
1 Pemberton Square, Suite 2500,
Boston, MA 02108

Mr. Robert L. Harris, Esq., Chair
Massachusetts Board of Bar Examiners
John Adams Courthouse
One Pemberton Square, Suite 5-140
Boston, MA 02108

Dear Chief Justice Gants and Mr. Harris,

We are deans of law schools across the country who have students who sit for the bar examination in your state each year. We write in response to the recent announcement of the Massachusetts Board of Bar Examiners:

“Should the number of applicants to sit for this administration of the Massachusetts UBE exceed the number of available seats, access to available seats will be prioritized, as follows.

1. All graduates of law schools located in Massachusetts who have met all requirements of S.J.C. Rule 3:01 and who are sitting for the bar exam for a first time or a second time will be provided a seat for the exam, regardless of the date of the filing of the Petition for Admission to the Massachusetts bar.”

We recognize that this decision is framed against the need to protect public health in the midst of a pandemic that has brought devastating loss of life. And we are mindful of the very difficult decisions and trade-offs that all institutions, including your Court and your Board, must make at this time.

Still, as you can imagine, the news of your approach has fallen hard on the many students who had planned to sit for the bar in Massachusetts this summer or fall, a number of whom are Massachusetts residents and have already physically returned or relocated to Massachusetts during this pandemic. And we worry that the resulting delay in the exam’s administration and admission to practice will fall hardest on the most economically vulnerable of our graduates and on those whose continued presence in the United States will be compromised by the delay.

We stand ready to help find solutions that could expand testing capacity in feasible ways. We write collectively to offer our support to put in place some combination of the following measures to mitigate the effect of your April 30 decision on graduates from out-of-state schools:

- Offering second dates for Massachusetts' administration of the UBE in the September 9-10 sitting that will be offered by the National Conference of Bar Examiners;
- Increasing seating for Massachusetts' September 30-October 1 administration of the UBE by adding new locations within Massachusetts;
- Creating seats for Massachusetts' administration of the UBE outside of Massachusetts, including, potentially, using some of our schools as possible venues;
- Working to develop an on-line bar exam, either in conjunction with the NCBE or as a freestanding Massachusetts exam.

We stand ready to work as a group to help identify additional proctors and alternative locations, both inside and outside Massachusetts, and to facilitate any of these solutions.

We are grateful to you for considering these proposals, and we recognize the tremendous work you are doing to navigate an unprecedented public health crisis which has inflicted great loss on the world and on the people of Massachusetts. We would welcome discussion with members of your Court and with the Massachusetts Board of Bar Examiners about how we can help with any of these proposals.

With respect,

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