



July 19, 2020

Chief Justice Anne M. Burke  
Michael A. Bilandic Building  
160 North LaSalle Street  
Chicago, IL 60601

Nancy Vincent  
Director of Administration  
Illinois Board of Admissions to the Bar  
625 South College Street  
Springfield, IL 62704

**Re: Request for a Remote Bar Examination in October**

Dear Chief Justice Burke and Director Vincent:

On July 10, the Illinois law deans recommended to IBAB the adoption of an October 5–6 remote examination as an alternative to the September 9–10 in-person examination. During the past week, we have seen several jurisdictions—including New York and California—cancel their in-person examinations, rising COVID-19 positivity rates in Illinois and Chicago, and an increase in the number of “hot-spot” states. Because the virus continues to spread throughout the Nation and the State, administration of an in-person examination in September becomes less and less feasible each day.

All nine Illinois law deans strongly urge IBAB to recommend, and the Illinois Supreme Court to order as soon as possible, cancellation of the in-person September 9–10 examination and adoption of an October 5–6 remote examination. We believe this alternative will best protect both the public and the health and well-being of bar takers.

As of today, 18 jurisdictions either have pivoted to a remote examination or added a remote option for examinees.<sup>1</sup> These 18 jurisdictions include those with the largest

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<sup>1</sup> See Attachment 1 (National Conference of Bar Examiners, *July Bar Examination: Jurisdiction Information*, <http://www.ncbex.org/ncbe-covid-19-updates/july-2020-bar-exam-jurisdiction-information/>).

numbers of examinees, including California, Florida, Massachusetts, New Jersey, Pennsylvania, and Texas. Of the 9 U.S. jurisdictions that administered at least 1,000 examinations in July 2019, only Georgia (1,178) and Illinois (1,963) are still planning only an in-person examination in September.<sup>2</sup> The 18 jurisdictions also include our neighbors, Indiana and Michigan,<sup>3</sup> and 8 UBE jurisdictions.<sup>4</sup> Of the 18 jurisdictions, 12 have announced their shift since July 1. In addition, on July 16, New York announced that it was cancelling its in-person September 9–10 examination and considering a remote examination on October 5–6. We also understand that Ohio is now considering a remote October 5–6 examination instead of a September 9–10 in-person examination.

Over the last week, Illinois has experienced increased positivity rates throughout the State, including in Chicago. The Governor of Illinois and the Mayor of the City of Chicago have expressed the possibility of “rolling back” to Phase III at any time, which would make an in-person bar exam impossible. Cases of COVID-19 are rising across the country at an alarming rate; the *New York Times* reflects that over the past 14 days, 43 states and jurisdictions have seen an increase in total cases.<sup>5</sup> The City of Chicago has issued an Emergency Travel Order that requires individuals who have visited 17 states to quarantine for two weeks upon arrival in Chicago. As these trends continue, the law schools that have offered space for the September 9–10 examination will not be able to ensure that they can provide that needed space. Overall, tremendous uncertainty exists about whether an in-person September exam can proceed. For that reason, a viable alternative must be made available as soon as possible so that our graduates can become fully licensed lawyers.

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<sup>2</sup> See National Conference of Bar Examiners, *Persons Taking and Passing the 2019 Bar Examination*; select “July,” <https://thebarexaminer.org/2019-statistics/persons-taking-and-passing-the-2019-bar-examination/>.

<sup>3</sup> See *id.*; select “Total February and July,” <https://thebarexaminer.org/2019-statistics/persons-taking-and-passing-the-2019-bar-examination/>.

<sup>4</sup> The UBE jurisdictions with a remote examination or remote option are Arizona, D.C., Maryland, Massachusetts, New Jersey, Oregon, Tennessee, and Vermont. New York is also a UBE jurisdiction. Texas will become a UBE jurisdiction after the Fall 2020 administration. Oregon, Utah, and Washington—all UBE jurisdictions—have extended a diploma privilege to some candidates. National Conference of Bar Examiners, *July Bar Examination: Jurisdiction Information*, <http://www.ncbex.org/ncbe-covid-19-updates/july-2020-bar-exam-jurisdiction-information/>; National Conference of Bar Examiners, *Jurisdictions That Have Adopted the UBE*, <http://www.ncbex.org/exams/ube/>.

<sup>5</sup> New York Times, <https://www.nytimes.com/interactive/2020/us/coronavirus-us-cases.html> (visited July 18, 2020).

Cancelling the in-person September examination and adopting the October remote examination now would provide needed certainty to the test-takers at a critical time. They would not have to worry—up until the morning of the final exam day—whether the examination will be cancelled and all their studying would have been in vain. If the October remote examination is adopted, our graduates would be able to continue to prepare for and focus on the October examination without the uncertainty of when (if ever) in the next year they will be able to take a bar examination and become fully licensed lawyers.

If the examination is moved to October, the great efforts of the IBAB staff could be refocused in the next month on administering a remote exam, rather than on preparing for an in-person exam that we cannot be confident can proceed. The deans are available to help with that process any way we can, continuing to work with Nancy and her staff.

We are sensitive to the possible disparities that a remote examination could create due to test-takers' differing technology capacities. As the Illinois law schools, we are dedicated to collaborating with IBAB on these access issues and will work to assist test-takers who lack sufficient equipment or a stable internet connection at home.

If the Illinois Supreme Court authorizes a remote examination on October 5–6 using NCBE-provided materials, we encourage IBAB to seek reciprocity agreements with other UBE jurisdictions that are offering a remote examination, such as D.C., Maryland, Massachusetts, New Jersey, and Tennessee. These jurisdictions have already announced several reciprocity agreements with each other.<sup>6</sup>

We know that IBAB and the Illinois Supreme Court made decisions regarding the September examination and the remote examination in a fluid environment using the best information available at the time. But that information has changed dramatically in the last week. We thus urge you to consider the best available alternative—with the facts available today—for licensing lawyers in Illinois in the midst of a pandemic that is not abating.

We appreciate your expeditious consideration of our requests and are available to discuss these issues further with IBAB and the Court. Working together, we were able to achieve a satisfying result for our graduates and the State of Illinois in enacting the Rule 711(g) temporary licensure provisions, and we hope we can do the same regarding the Fall 2020 bar examination.

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<sup>6</sup> See Attachment 1.

Sincerely,  
The Deans of the Illinois law schools

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Dean & Iwan Foundation Professor  
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