



April 20, 2020

Via Email

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: July 2020 Bar Examination and Attorney Licensure Issues

Dear Chief Justice Burke and Director Vincent:

We write as the deans of the nine Illinois law schools to open a dialogue about options for the July 2020 Illinois bar examination and attorney licensure.

The CoVid-19 pandemic has altered life as we know it. Legal education, the judiciary, and the legal profession have not been immune from the disruption. And we have no idea if and when we can return to normal operations. Given this unprecedented situation, the Illinois law deans have joined to address two topics:

- As requested by Director Vincent, how the Illinois law schools can help the Illinois Board of Admissions to the Bar administer one or more bar examinations in July or September 2020, should it be safe to do so; and
- Revision of Illinois Supreme Court Rule 711 to provide temporary licensure to certain covered graduates, should the bar examination not be offered to all first-time applicants in July 2020.

July or Fall 2020 Bar Examination

We understand that an in-person bar examination for more than 2,000 individuals will likely not be possible using large venues. We also appreciate the complications of administering an examination using smaller rooms across a variety of venues to allow for



appropriate social distancing. And, we also are aware that the NCBE will not permit the UBE to be administered remotely.

In an effort to help the IBAB find sufficient seats for test-takers, the law schools have surveyed our campuses and can offer some facilities during July 28–29, September 9–10, and September 30–October 1, as detailed in the attached Room and Proctor Summary.

Each school faces distinct challenges in assisting. As you might expect, we have more space to offer in July, but may not be able to provide sufficient proctors or other staff, should the State of Illinois or the City of Chicago remain under stay-at-home orders. We have less space to offer during the fall, due to the regular class schedule and other commitments, but it is too early for some universities to decide one way or another. At least one school has indicated a willingness to move its operations online to assist with one or more fall administrations, and other schools may be willing to consider this option once the IBAB determines the dates on which the bar examination will be given and the configuration of space needed.

The law schools also have three suggestions about how to help facilitate exam administration in July or September:

- **Use large curved or tiered classrooms.** Because the IBAB is proposing to place just eight test-takers in each room, the IBAB might consider allowing the use of larger classrooms (50–250 seats) with tiered or curved rows that would allow takers to be seated in a manner to protect both health and examination security.
- **Use just one proctor per room.** We encourage the IBAB to consider whether one proctor for every eight test-takers is sufficient to preserve examination security.
- **Use law school employees as proctors.** With our campuses operating online and focused on other end-of-semester and CoVid-related matters, we have not been able to recruit non-law-school employees to serve as proctors. But the law schools already have identified approximately 100 law school employees who would be willing to proctor—should it be safe—during one or more of the possible examination dates.

In addition, the law schools may be able to recruit additional proctors if (1) we had a more specific description of proctor responsibilities and how and when training would occur, and (2) we could announce the proctor opportunity to our alumni. Another suggestion is that attorneys might be more willing to assist if the ARDC would approve CLE credit for bar-exam proctors.

Some other jurisdictions already have announced the possibility of multiple smaller administrations of the bar examination. To assist the Court and IBAB, we have attached a document that reflects what other jurisdictions have announced as of April 18, 2020. If the



IBAB cannot identify sufficient seats to administer a single administration in July or September 2020, we would be glad to learn more about whether multiple smaller administrations are possible.

If multiple administrations are offered between July and October 2020, we encourage the IBAB to announce as quickly as possible which test-takers would sit for which administration to ease anxiety and confusion. Two possibilities would be splitting the groups between in-state law graduates and out-of-state law graduates, or between first-time takers and repeat takers.

Temporary Licensure for Certain Law School Graduates

If the Illinois bar examination cannot be offered to all first-time applicants in July 2020, we urge the Court to adopt amendments to Illinois Supreme Court Rule 711 that would grant certain recent graduates a temporary license to practice, under supervision, until December 31, 2021, or 30 days after the results of the first bar examination they take are released, whichever occurs sooner.

As of April 18, 2020, six jurisdictions have announced new temporary or conditional licensing rules for graduates as a result of CoVid-19, and several other jurisdictions are considering similar provisions.

In addition, the American Bar Association's Board of Governors recently endorsed a resolution encouraging jurisdictions to immediately adopt emergency rules that would authorize 2019 and 2020 law graduates who cannot take a bar exam because of the pandemic to engage in a limited practice of law under certain circumstances. That ABA resolution recognizes that

[c]ancelling or postponing a bar examination for public health and safety reasons is not without consequence. The livelihoods, families, and careers of 2019 and 2020 law graduates may be uprooted, and financial security immediately threatened, with even a delayed exam. Upon graduation, the average 2020 law graduate will bear a debt load of \$142,870. That debt load remains unchanged while their job prospects disappear or diminish in part were their jurisdiction to deny them the opportunity to take the exam in July 2020 and begin to practice law. Public health and safety and the professional and financial security of law graduates need not be mutually exclusive.

Attached with this letter are proposed revisions to Illinois Supreme Court Rule 711. Specifically, we propose adding subsection (g), which would allow certain law graduates who have not taken a bar examination in any jurisdiction to practice law on a temporary basis under the supervision of a licensed attorney. Notice would be provided to the Administrative Director, following a sign-off by the dean of the graduate's law school. We



believe proposed Rule 711(g) strikes a fair balance between protecting the public and allowing recent law graduates the opportunity to survive economically and help bridge the access-to-justice gap, which has only widened since the pandemic.

Rule 711(g) would allow a covered law graduate to practice in the private or public sector, and in Illinois state courts and administrative agencies, under the supervision of an Illinois-licensed attorney. Individuals holding a Rule 711(g) temporary license would not be permitted to work as solo practitioners or receive payment directly from clients. They would be required to disclose to prospective clients, courts, and opposing counsel the temporary nature of their license and provide them with the supervising attorney’s contact information.

To help answer anticipated questions about proposed Rule 711(g) we have drafted the attached set of FAQs that could accompany the rule, if approved.

Thank you for considering our ideas and perspectives. We will look forward to hearing how we can continue to work with the Court and IBAB to serve our graduates, the legal profession, and the greater community.

Respectfully,

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Attachments:

- Room and proctor summary, with back up documentation
- Document reflecting what other jurisdictions are doing about the July 2020 bar examination and attorney licensing as of April 18, 2020
- Proposed amendments to Illinois Supreme Court Rule 711
- Proposed FAQs related to proposed Rule 711(g)