July 6, 2020

Dear members of the North Carolina Board of Law Examiners, Governor Cooper, and Justices of the North Carolina Supreme Court:

Thank you for your service to our state and our profession during this unprecedented time. We appreciate the measures you have taken to keep North Carolinians safe and the court system open and accessible to all. We also recognize and appreciate the hard work that the Board of Law Examiners has put into developing plans for the administration of the bar exam during the COVID-19 pandemic. We know that, like so many things in the COVID-19 era, you are faced with complex problems that have no perfect solutions.

We are a group of North Carolina lawyers and law professors\(^1\) concerned about our graduates, alumni, and future colleagues currently scheduled to sit for the July 2020 bar exam. Most of us are also members of the North Carolina Bar. We write to express our concern over the current plans for the North Carolina bar examination and to offer alternatives that would better minimize risk of illness for bar exam takers and the people of North Carolina.

As you know, passing a bar exam is required to receive a law license which, in turn, is critical to the ability to earn a salary, particularly in the middle of a devastating recession. But to take this month’s in-person bar exam, test-takers must “acknowledge[] and voluntarily assume[] all risk” of COVID-19 exposure and infection.

We understand that the BLE has tried to lower this risk through substantial precautions designed to minimize the spread of COVID-19 at the bar exam. We appreciate these measures. They are not enough.

As we write this letter, Governor Cooper’s executive order dated May 20, 2020 prohibits indoor gatherings of ten people or more.\(^2\) Chief Justice Beasley’s Emergency Directives for North Carolina Courts prohibit jury trials through at least the end of July and direct judicial officers to “minimize large gatherings and face-to-face interactions between court personnel and the public

---

\(^1\) This letter is also supported by medical professionals, as well as concerned citizens, whose signatures appear below.

to the greatest extent possible.” Guidance from the CDC indicates that highest-risk events are “large, in-person gatherings where it is difficult for individuals to remain spaced at least six feet apart and attendees travel from outside the local area.”

The current bar examination plans contradict these directives. They contemplate people travelling from across the state to gather by the hundreds at a time when North Carolina’s COVID-19 metrics--percentage of positive tests and hospitalizations--are going in the wrong direction. The Chair of the BLE has stated that she expects approximately 390 applicants in one building and 300 in another. Even with rigorous precautions, including the BLE’s plans to use multiple exits and entrances, test-takers could end up taking COVID-19 back home with them to cities and towns across our state.

Current bar examination plans place significant burdens on prospective test-takers that disadvantage them as a group compared with prior years’ examinees. These burdens often fall most heavily on Black, Latinx, and Native American people, who are disproportionately at risk of contracting COVID-19. The current plans also disproportionately affect test-takers at higher risk of contracting COVID-19, those at higher risk from suffering from COVID-19 complications, and those who live with or care for someone in one of those categories. The BLE website acknowledges that the BLE cannot provide appropriate accommodations--isolation--for all applicants who may be at higher risk of COVID-19 infection, which includes some with documented disabilities. And the BLE’s procedures do not seem to provide accommodations for test-takers who live with someone in a medically vulnerable population, leaving those takers with only bad options and a difficult decision. Still other test-takers have mental health issues that will severely affect their ability to take--and perform well on--the exam under present conditions. Finally, many simply do not want to participate in an indoor gathering of up to four hundred people that, despite the BLE’s best efforts, might end up being a mass spread event.

---

As it stands, many test-takers will feel compelled to take a bar exam under conditions they feel are unsafe. Some bar applicants will reluctantly be forced to forego the exam entirely, or will leave North Carolina in favor of taking an exam in a state with safer exam conditions.

Asking applicants to jeopardize their own health—as well as the welfare of their families and members of the public—as the price of admission to our profession is problematic, to say the least. All of us must do what we can to ensure that this cohort of prospective lawyers has a fair chance at safely and swiftly obtaining a North Carolina law license.

During these unprecedented times, we ask you to work together to ensure the safety and wellbeing of this year’s bar takers and their loved ones. At the very least, we encourage you to ensure safer testing conditions for the July exam by adding additional, local testing sites that would minimize the number of people per room and minimize the travel required for test-takers to sit for the exam. We understand that several North Carolina law schools have offered the use of their facilities at no cost. We are certain that many North Carolina law firms would similarly offer their conference rooms at no charge. There are many options if we are willing to be flexible and creative.

Additionally, we ask that the Board and the Court also consider expanding the available paths to timely licensure, especially for test-takers who do not need transferable scores. Some of these alternatives, as well as a proposal to adjust the cut score of any exam to account for this year’s unique circumstances, are laid out in the test-takers’ own heartfelt and powerful letter here. We encourage you to read the letter and think creatively about a variety of options that balance the public health concerns described above with the needs of those who are willing to take an in-person exam under safe conditions, especially those who need a transferable score. To the extent that other applicants—and perhaps many other applicants—could be licensed by alternative means, that would additionally allow in-person examinations to be administered in a safer manner.

We know that there are difficult decisions to be made. But we also know that time is of the essence. Test-takers are preparing for perhaps the most important and stressful test of their lives in a situation where they are also anxious about their safety. At the very least, these applicants need to know that they will be able to take that test in the safest possible environment.

Thank you very much for your ongoing leadership and attention to this pressing issue.

Sincerely,

**If you would like your signature to be added to this letter, please fill out this form. Thank you!**
NC Supreme Court Justice
Justice Robert F. Orr (retired)

Campbell University School of Law Professors
Susan Stevens Dunn, Adjunct Professor of Law
Tony Ghiotto, Assistant Professor of Law
Kevin Lee, Professor of Law
Lisa Lukasik, Associate Professor of Law
Robert C. Montgomery, Professor of Legal Research and Writing

Duke Law School Professors
Sean Andruessier, Clinical Professor of Law
Joseph Blocher, Lanty L. Smith ’67 Professor of Law
James Boyle, Professor of Law
Hannah Demeritt, Clinical Professor of Law
Andrew H. Foster, Clinical Professor of Law
Anne Gordon, Clinical Professor of Law
Crystal Grant, Senior Lecturing Fellow
Ben Grunwald, Associate Professor of Law
Kimberly Krawiec, Kathrine Everett Professor of Law
Jamie T. Lau, Clinical Professor of Law
Marin K. Levy, Professor of Law
Nicole Ligon, Lecturing Fellow
Ryke Longest, Clinical Professor of Law
Sarah Ludington, Clinical Professor of Law
Bryan McGann, Clinical Professor of Law
Lee Miller, Lecturing Fellow
Theresa A. Newman, Clinical Professor of Law
Michelle Nowlin, Clinical Professor of Law
Michele Okoh, Senior Lecturing Fellow of Law
Jeff Ward, Associate Clinical Professor of Law

Elon Law School Professors
Eric M. Fink, Associate Professor of Law
Vanessa Zboreak, Assistant Professor of Law

North Carolina Central University School of Law Professors
Krishnee Coley, Director of Academic Success
April Dawson, Professor of Law
Dionne R. Gonder-Stanley, Associate Clinical Professor
Susan E. Hauser, Professor of Law
Irving Joyner, Professor of Law
Lydia Lavelle, Professor of Law
Kia Vernon, Associate Professor of Law
Fred Williams, Associate Professor, Director of Clinical Legal Education

University of North Carolina School of Law Professors
Kaci Bishop, Clinical Professor of Law
John Charles Boger, Professor of Law Emeritus
Ellie Campbell, Clinical Assistant Professor of Law
Alexa Chew, Clinical Professor of Law
Andrew Chin, Paul B. Eaton Distinguished Professor of Law
Karen Davidson, Adjunct Professor
M. Patricia DeVine, Adjunct Professor of Law
Maxine Eichner, Graham Kenan Distinguished Professor of Law
Kate Sablosky Elengold, Assistant Professor of Law
Luke Everett, Clinical Professor of Law
Barbara Fedders, Assistant Professor of Law
Deborah R. Gerhardt, Professor of Law
Michael J. Gerhardt, Professor of Law
Rachel Gurvich, Clinical Associate Professor of Law
Donald Hornstein, Aubrey L. Brooks Professor of Law
Melissa Jacoby, Graham Kenan Professor of Law
Joseph Kennedy, Martha Brandis Professor of Law
Donna Nixon, Clinical Assistant Professor of Law
Beth Posner, Clinical Associate Professor of Law
Kathryn Sabbeth, Associate Professor of Law
Maria Savasta-Kennedy, Clinical Professor of Law
Theodore M. Shaw, Julius L. Chambers Distinguished Professor of Law
Craig T. Smith, Clinical Professor and Assistant Dean
Mark Weidemaier, Ralph M. Stockton, Jr. Distinguished Professor
Deborah M. Weissman, Reef C. Ivey II Distinguished Professor of Law
Judith Wegner, Professor Emerita

Wake Forest University School of Law Professors
Alyse Bertenthal, Assistant Professor of Law
Emily A. Benfer, Visiting Professor of Law
Christine Coughlin, Professor of Law  
Luellen Curry, Associate Professor of Legal Writing  
Michael Kent Curtis, Judge Donald L. Smith Professor in Constitutional and Public Law  
Timothy Davis, Professor of Law  
Marie-Amelie George, Assistant Professor of Law  
Brenda D. Gibson, Associate Professor of Legal Analysis, Writing and Research  
Heather Gram, Visiting Assistant Professor  
Laura Graham, Director, Legal Analysis Writing & Research & Professor of Legal Writing  
Raina Haque, Professor of Practice  
John H. Knox, Henry C. Lauerman Professor of International Law  
Harold A. Lloyd, Professor of Law  
Rebecca Naomi Morrow, Professor of Law  
M. Ellen Murphy, Professor of Practice  
J. Wilson Parker, Professor of Law  
Alan R. Palmiter, William T. Wilson, III, Presidential Chair for Business Law  
Abigail Perdue, Professor  
Mark Rabil, Clinical Professor of Law  
Charley Rose, Professor Emeritus  
John I. Sanders, Adjunct Professor  
Margaret H. Taylor, Professor of Law  
Steven Virgil, Professor  
Ronald F. Wright, Professor of Law  

North Carolina Attorneys  
Samantha Aparicio, Associate, McGuireWoods LLP  
Alexander Auriti, Associate, Brooks, Pierce, McLendon, Humphrey & Leonard, LLP  
Quentin Becker, Associate, Moore & Van Allen, PLLC  
Sean Bickford, The Lawyers' Committee for Civil Rights Under Law  
Megan Bishop  
Ethan Blumenthal, CEO, Good Solar  
Joseph Brewer, Attorney, Raleigh, NC  
Eric J. Brignac, Attorney, Office of the Federal Public Defender (EDNC)  
Aries Brinson, Attorney, The Law Offices of Aries Brinson, PLLC  
Megan Broad, Contracts Specialist, PRA Health Sciences  
Carol Brooke, Senior Staff Attorney, NC Justice Center  
Jonathan E. Broun, Senior Staff Attorney, Prisoner Legal Services  
Kelly Brown, Senior Attorney, Akin Gump  
John D. Burns, Attorney, Forrest Firm P.C.  
Marian Burroughs, Clerk on NC Court of Appeals, Raleigh, NC
Joseph Hjelt, Associate Attorney, Kornbluth Ginsberg Law Group, P.A.
Kym Hunter, Senior Attorney, Southern Environmental Law Center
Aaron Thomas Johnson, Assistant Appellate Defender
Charles Johnson, Staff Attorney, North Carolina Prisoner Legal Services
Cydney Joyner, Attorney, Asheville, NC
Anna Kalarites, Associate, Law Office of David Pishko
Tamzin Kinnett, Assistant Public Defender, Chatham County
Anne Kirby
Rachel LaBruyere, Attorney, Bradley Arant Boult Cummings
Katherine Langley, Attorney, Burt Langley, PC
Stephen Luke Largess, Attorney, Tin Fulton Walker & Owen, PLLC
Laura Lee, Editor
W. David Lee, Retired/Emergency Superior Court Judge, District 20B
Kristen Leloudis, Licensed Attorney
Charis Link, Assistant Public Defender, 10th Judicial District
Jamey Lowdermill, Attorney, Brooks, Pierce, McLendon, Humphrey & Leonard, LLP
Jordan Luebkemmann, Associate Attorney, Earthjustice
Sarah Maria Hicks Lynn, Magistrate, Judicial District 15B
Kellie Mannette, Attorney, Law Office of Kellie Mannette, PLLC
Jennifer Watson Marsh, Executive Staff, Self-Help
Kimberly M. Marston, Attorney, Brooks, Pierce, McLendon, Humphrey & Leonard, LLP
Gene W. Matthews, Chief Legal Officer, Centers for Disease Control and Prevention (retired)
Ramona McGee, Staff Attorney, Southern Environmental Law Center
Sarah Hill McIntyre, Staff Attorney, North Carolina Justice Center
Lauren E. Miller, Director of Training and Complex Litigation, NC Prisoner Legal Services, Inc.
Peyton E. Miller, Associate Attorney
Seth Morris, Counsel, North Carolina Democratic Party
Stephen Motta, Attorney, Durham, NC
Stephanie Ng, Attorney, Ogletree Deakins
C. Melissa Owen, Partner, Tin Fulton Walker & Owen, PLLC
Tanisha Palvia, Of Counsel, Brooks, Pierce, McLendon, Humphrey & Leonard, LLP
Jennifer Parser, Of Counsel, Poyner Spruill LLP
Jamie Paulen, Attorney, Paulen Solidarity Law
Brooks Rainey Pearson, Legislative Counsel, Southern Environmental Law Center
Laura Penney, Associate Attorney, Ogletree Deakins
Mary Pollard, Executive Director, North Carolina Prisoner Legal Services
Danielle M. Purifoy, Assistant Professor of Geography, UNC Chapel Hill
Matthew Pruden, Partner, Tin Fulton Walker & Owen, PLLC
Andrea Dawn Rose, Senior Corporate Counsel, JTEKT
Kayla Rowsey, Judge Advocate, US Army
Lauren Russell, Associate, Ballard Spahr LLP
Steven M. Shaber, Partner, Poyner Spruill LLP
Megan Shook, Law Clerk, NC Court of Appeals
Sarah M. Skinner
Joanna Smith
Sharon Smith, Attorney, Unti & Smith, PLLC
Robert Scott Sparks, Attorney, Lanier Law Group PA
Adam Stein, Of Counsel, Tin Fulton
Charlotte R. Stewart
Jessica Stone-Erdman, Domestic Violence Staff Attorney, Legal Aid of North Carolina
Robin Strickland
Iris Sunshine, Executive Director, Children’s Law Center of Central North Carolina
Helen Tarokic
Lisa Taylor
Noell Tin, Managing Partner, Tin Fulton Walker & Owen, PLLC
Gundrun Thompson, Senior Attorney, Southern Environmental Law Center
Jessica L. Thompson, Litigation Counsel, New Civil Liberties Alliance
Lauren Toole, Law Clerk, NC Court of Appeals
Nicholas Torrey, Senior Attorney, Southern Environmental Law Center
Alexis Weiss
Lindsay C. Wilkes, Sr. Account Executive, Relativity
Katarina Wong, Associate, Brooks, Pierce, McLendon, Humphrey & Leonard, LLP
Katharine Woomer-Deters, Senior Attorney, North Carolina Justice Center
James Wudel, Associate, Dechert LLP
Joanne Wu, Associate, Moore & Van Allen PLLC
Christopher Yeane, Board Certified Specialist in Criminal Law, NC Prisoner Legal Services, Inc.

Other Law School Professors

Thomas Brad Bishop, Judge, Contracts Professor, Samford Cumberland School of Law
Marcelius Braxton, Assistant Dean of Students, Capital University Law School (Columbus, OH)
Darren Bush, Leonard B. Rosenberg Professor of Law, University of Houston Law Center
John L. Carroll, Former Dean of Cumberland Law, Professor of Law, Samford University
Cumberland School of Law
Robert S. Chang, Professor of Law and Executive Director, Fred T. Korematsu Center for Law and Equality, Seattle University School of Law
Marsha Griggs, Associate Professor, Washburn School of Law
Victoria J. Haneman, Frank J. Kellegher Professor of Trusts & Estates, Creighton University
School of Law

Lynn D. Hogewood, Director, Academic Support at Cumberland School of Law
Andrew Jennings, Fellow and Lecturer in Law, Stanford Law School
Colin Miller, Associate Dean for Faculty Development, University of South Carolina School of Law

Medical Professionals
Cassandra Beachy, BSN, RN
Victoria P. Beamer, MD, MS, Resident Physician, UNC Chapel Hill
Brooke Becker, Resident Physician, UNC Chapel Hill
Amber Bowman, Physician
Jesse Brown, Veterans Affairs Medical Center
Mallory McLester Brown, MD, Clinical Assistant Professor of Medicine, UNC Chapel Hill
Audrey Chang, Resident Physician, UNC Healthcare
Diana Dant, Registered Nurse
Devon Esteban, Registered Nurse
Emily Falk, Healthcare Professional
Narges Farahi, Physician
Jonathan Flescher, MD, Physician in Internal Medicine
Angela Hira, Physician
Nancy M. P. King, Professor, Wake Forest School of Medicine
Stuart Levin, Clinical Professor of Medicine, UNC
Nick Ma, Resident Physician, UNC Health
Colleen McGraw, Registered Nurse
Nicholas McGuire, Resident Pharmacist
Gwendolyn Morris, Resident Physician, UNC Healthcare
Angela Ning, MD, Physician, UNC Healthcare
Patrick O'Brien, M.D., Resident Physician V.C.U., Neurosurgery
Christina Rinderle, MSN, PMHNP-BC, NNP-BC, Virginia
Caroline Roberts, Assistant Professor of Medicine, UNC Chapel Hill
Rachel Rubin, Registered Nurse
Christi Stephenson, MSW-WCPSS

Other Professionals
Heather Ahn-Redding, Former Associate Professor of Criminal Justice
Alejandro Alick III, Office Manager, Chapel Hill, NC
Jim Branson, Burlington, NC
Tanya Becena, Student
Samantha Owen Baruch, Program Manager, UNC School of Law
Lovey Cooper, Managing Editor, Scalawag Magazine
Eric Caugh, Attorney, Minnesota
Daniel Dant, VP L3H
Olivia Dant, New York
Olivia Dawson, Student, Western Kentucky University
Victoria Ekstrand, Associate Professor for Media Law, University of North Carolina Hussman School of Journalism and Media
Angelia Freeman, Social Worker, DSS
Livis Freeman, Assistant Professor, University of North Carolina Hussman School of Journalism and Media
Richard Giddens, Covington, GA
Dorsa Gilani, Accounts Payable Specialist, Navient
Rev. Kaylee Godfrey, Minister, Clemmons First Baptist Church, Clemmons, NC
Denise Golden, Retired
Nicolina Gueriera, SAP Consultant, IBM
Alisha Harris, Student, Elon University School of Law
Houston Harrison, Staff Attorney, Tuscaloosa, AL
Kristen Hendrickson, Student, UNC Chapel Hill
Cierra Hinton, Executive Director-Publisher, Scalawag
Emily Hoffman, Document Reviewer, Hire Counsel
Regina Houang, Wellness Specialist/Yoga Therapist
Sarah Howard, LCSWA, Raleigh, NC
Lauryn Johnson, Teacher, Louisville, KY
Katie Grace Kibler, Teacher, Winston-Salem Forsyth County Schools
Sydney Landry, Law Student, Louisiana
Jade Lebrock, Sales Agent, The Walt Disney Company
Kylee Mangum, Student, Knoxville, TN
Courtney Moody, IT Specialist, Apex Systems
Gail Musgrave, Goldsboro, NC
Chelsea Oldhouser, Patient Logistics, Wilmington, NC
Alexis Pellechio, Law Student, Northeastern University School of Law
Kimberlee Polonski, Guardian Ad Litem, Wake County, NC
Rachel Radford, Family Advocate, Wayne County NC
Phoenix Ray, Student, American University Washington College of Law
Evan Riley, Pfizer Process Engineer
Rachel Ringgenberg, Student, Missouri
Michael Ruggero, Textile Engineer, Raleigh, NC
Wendee Saneramo, Retired Project Manager, IBM
Margaret Smith, Research Fellow, Winston-Salem, NC
Grace Simms, IT Librarian, Samford University Cumberland School of Law
Kristina Stagg, Freelance Writer
Marissa Swart, Senior Product Manager, TSV, Augusta, GA
Megan Taylor, Teacher, Winston-Salem Forsyth County Schools
Katie M. Thomas, LCSW
Kelsey Toups, Mississippi
Conny Wulff, LCSW
Allison Younger, Student, Ohio