

July 6, 2020

Honorable Cheri Beasley, Chief Justice
Associate Justices
Supreme Court of North Carolina
2 E. Morgan Street, Raleigh, NC 27601

Re: Petition to the North Carolina Board of Law Examiners, Governor Cooper, and Supreme Court of North Carolina on behalf of the Class of 2020 North Carolina Bar Examinees.

Dear Chief Justice Beasley and Associate Justices of the Court:

Enclosed you will find three petitions seeking change to the North Carolina Board of Law Examiners' current plans for administering the July 2020 bar exam. Each petition currently has more than 190 signatures. The first petition is addressed to the NCBLE on behalf of 2020 bar examinees and North Carolina law school graduates. This letter also includes impact statements from those who have suffered tremendously during bar exam preparation and will continue to suffer without the Court's intervention. The second petition is addressed to Governor Cooper's office on behalf of 2020 bar examinees and North Carolina law school graduates. Finally, the third petition is addressed to the Court, the NCBLE, and Governor Cooper on behalf of retired Supreme Court Justice Bob Orr, law school deans and professors from Wake Forest Law, University of North Carolina Law, Campbell Law, Duke Law, North Carolina Central University School of Law, North Carolina attorneys, medical professionals, and other concerned North Carolina citizens.

In consideration of these petitions, and pursuant to the Court's inherent authority to deal with its attorneys under §§ 84-36 and 84-24 of the General Statutes of the North Carolina General Assembly, we respectfully ask that the Court overrule the North Carolina Board of Law Examiners' current plans for administering the July bar exam.

Respectfully,

Class of 2020 Bar Examinees

July 6, 2020

Dear members of the North Carolina Board of Law Examiners,

We are July 2020 bar examinees and graduates from the law schools of the University of North Carolina, Campbell University, Wake Forest University, Duke University, North Carolina Central University, and other law schools from across the country. We respectfully request that you take greater measures to address the serious threat that we, our families, and the general public face as a result of the current plan for the administration of the 2020 North Carolina bar exam.

Even as COVID-19 cases rise in North Carolina and throughout the region, the NCBLE intends to administer the bar examination in person on July 28 and 29. The current positive cases in North Carolina have reached more than 70,000 and the death toll is over 1,400. Despite this, and despite the Governor's orders to limit mass gatherings to ten people indoors, more than 700 of us are expected to gather at only two locations to take the exam in an enclosed space.¹

It is our understanding that the NCBLE rejected offers from law school deans to host the bar exam, which would have enabled the administration of the bar exam to better comply with current social distancing orders. We find it impossible to reconcile this with the July 1 cancellation of the NCGOP convention, an event that was planned to be held at reduced capacity and require masks for all attendants.²

Facing such substantial physical and emotional risk to personal and family health inevitably compounds the already immense stress of preparing for, taking, and passing the bar exam. As the [impact statements](#) attached to this letter reveal, the stress dramatically affects many applicants' ability to devote adequate focus to bar preparation. Many are suffering from severe anxiety and intense depression at the prospect of risking their health and the health of their loved ones.

In addition, to sit for the examination, we have been asked to assume the risk of COVID-19 exposure and infection. We are being asked to sit for an exam that "may result in personal injury, illness, permanent disability, and death."³ Moreover, those with school-based health insurance lose coverage on July 31. Without an employer willing to backdate coverage to August 1, many worry about the consequences of contracting COVID-19 without health insurance to cover medical costs.

¹ These testing locations are the North Carolina State Fairgrounds and the Jane S. McKimmon Center at North Carolina State University.

² *North Carolina GOP Cancels In-Person Convention for State Elections, Plans Virtual Event*, ABC11 (July 21, 2020, 6:50 AM), https://abc11.com/nc-coronavirus-gop-republican-convention-party/6287735/?fbclid=IwAR0BADIo2sF0YB0TcyrK-xD0fS_7WmVCfaiB1V9nl-wVxN3hAmbR8Prc_GY.

³ Board of Law Examiners of the State of North Carolina, *Notice to Applicants Regarding COVID-19 Requirements, Protective Measures, and Assumption of Risk for July 2020 North Carolina Bar Examination*, https://www.ncble.org/covid_19_requirements.

We are especially concerned for our colleagues with medical conditions or disabilities which make them more susceptible to contracting COVID-19 or who are at higher risk for complications. The NCBLE has indicated that it is incapable of providing accommodations for all of these examinees.⁴ The only accommodation available is to transfer applications to the February 2021 administration of the exam. But most of us cannot wait seven months to obtain our licenses. As new graduates beginning our careers, we face pressing financial responsibilities. Many of us have student loan payments, mortgages and rent, and other strained living expenses. We need our licenses as soon as possible to help procure or retain employment in the midst of a recession.

We further recognize that for certain applicants, especially Black, Latinx, and Native American test takers, these burdens may be magnified by social disparities and structural racism.⁵ As dean of N.C. Central University School of Law Brown C. Lewis has said, “The level of stress that students experience will be escalated by having to take a bar exam while wearing masks and practicing social distancing. . . . Because communities of color have been disproportionately impacted by COVID-19, students from those communities may face more challenges than their counterparts.”⁶ Given this reality, the current format of the bar exam erects further barriers to inclusion in the legal profession.

On April 7, the American Bar Association (ABA) warned of how difficult it might be to administer the bar exam in 2020. The ABA encouraged jurisdictions to begin considering alternative methods to ensure law school graduates could safely enter into the profession they have worked so hard for the past three years to join.⁷ Other states have moved quickly to make changes to respond to this unprecedented emergency. Utah, Washington, and Oregon have

⁴ Board of Law Examiners of the State of North Carolina, *July 2020 North Carolina Bar Examination: Frequently Asked Questions*, https://www.ncble.org/faqs_july_2020_north_carolina_bar_examination (“The Board is not able to provide isolation for all applicants who may be at higher risk for COVID-19. Any applicant who is concerned about attending the examination due to COVID-19 may, upon request, withdraw his or her application and transfer the application fee to February 2021.”).

⁵ Yen Duong, *North Carolina Lags in Shrinking Inequalities in Access to Care*, North Carolina Health News (Feb. 7, 2020), <https://www.northcarolinahealthnews.org/2020/02/07/north-carolina-lags-in-shrinking-disparities-in-access-to-care/>; North Carolina Institute of Medicine, *Healthy North Carolina 2030: A Path Toward Health* 18–19 (2020), <http://nciom.org/wp-content/uploads/2020/01/HNC-REPORT-FINAL-Spread2.pdf>.

⁶ Alyssa Lukpat, *NC Bar Exam to be Held In-Person Despite Coronavirus Health Concerns*, The News & Observer (June 23, 2020, 11:59 AM), <https://www.newsobserver.com/article243717302.html>. As another law professor from Ohio State School of Law explained, “[s]tudying for the bar exam is already stressful. Then they have all the anxieties of COVID-19 on top of that. And now, especially for students of color, some of them are literally at PTSD stress levels. It’s ironic to think about student[s] memorizing black-letter law when they are struggling to understand whether our society is even just.” Karen Sloan, *National Momentum Builds for Diploma Privilege as Oregon Makes Bar Exam Optional*, LAW.COM (June 30, 2020, 3:37 PM), <https://www.law.com/2020/06/30/national-momentum-builds-for-diploma-privilege-as-oregon-makes-bar-exam-optional/>.

⁷ Logan Cornett, *ABA Resolution Urges States to Authorize Legal Practice by Law School Graduates Despite Bar Exam Cancellations*, IAALS (April 10, 2020), <https://iaals.du.edu/blog/aba-resolution-urges-states-authorize-legal-practice-law-school-graduates-despite-bar-exam/?fbclid=IwAR37aIa1rPYjAcS389UruZOOsYKp5hHmpnjD0VOTV-6YhqbWYHeumXdT9U>.

decided diploma privilege was the safest and most equitable way for granting licensure.⁸ The District of Columbia, Indiana, Louisiana, Maryland, Massachusetts, Michigan, Nevada, Oregon, and most recently Florida and Arizona have moved to an online administration of their bar exams.⁹

More states are in the process of reevaluating their current plans as COVID-19 continues to spread and cases increase. On July 2, all 22 of the deans of California's law schools advocated before the California Supreme Court for diploma privilege.¹⁰ On June 29, all 10 of the deans of Texas's law schools submitted a letter to their BLE making a similar plea.¹¹ Minnesota's Supreme Court is also hearing public comments in response to a petition for diploma privilege.¹²

With these concerns in mind and the measures taken by other states as models, we respectfully ask the Board to consider the following proposals:

1. Issue a one-time diploma privilege option for 2020 North Carolina law school graduates. While this seems unprecedented, these are unprecedented times. We believe this is the safest and most equitable option given that taking this year's bar exam involves the potentially debilitating stress of risking one's health and the health of others.

Examinees who need a transferable UBE score should still have the option of sitting for the in-person exam, but the reduced number of test takers will allow them to test under safer circumstances.

North Carolina graduates who did not initially register for the North Carolina bar exam should be permitted to apply for diploma privilege, as many of them are now unable to sit for bar exams in the jurisdictions where they had initially registered.

⁸ Stephanie Francis Ward, *Oregon is Third State to Grant Diploma Privilege, While Tennessee Cancels its July UBE*, ABA Journal (June 30, 2020, 10:40 AM), <https://www.abajournal.com/news/article/third-state-agrees-to-temporary-diploma-privilege-with-some-restrictions>.

⁹ National Conference of Bar Examiners, *July 2020 Bar Exam: Jurisdiction Information*, <http://www.ncbex.org/ncbe-covid-19-updates/july-2020-bar-exam-jurisdiction-information/>.

¹⁰ Cheryl Miller, *Law School Deans Lobby California Court for Diploma Privilege in Virus Era*, LAW.COM (July 2, 2020, 6:47 PM), <https://www.law.com/therecorder/2020/07/02/law-school-deans-lobby-california-court-for-diploma-privilege-in-virus-era/>.

¹¹ University of Texas at Austin School of Law, *Texas Deans' Communication Regarding the 2020 Texas Bar Exam* (June 29, 2020), <https://law.utexas.edu/news/2020/06/29/texas-deans-communication-regarding-the-2020-texas-bar-exam/>.

¹² Joe Patrice, *Law School Grads Petition for Diploma Privilege, State Supreme Court Agrees to Take it Up*, Above the Law (June 25, 2020, 3:48 PM), <https://abovethelaw.com/2020/06/law-school-grads-petition-for-diploma-privilege-state-supreme-court-agrees-to-take-it-up/>.

2. Alternatively, issue a provisional license administered with a probationary period. If there are no allegations of misconduct or ethical violations against a provisional licensee during that period, the provisional license would convert to a full license.

As indicated above, examinees who need a transferable UBE score should still have the option of sitting for the in-person exam.

3. Offer an abbreviated online version of the July exam to examinees planning to remain in North Carolina. If an abbreviated online exam cannot be administered in July, offer a remote exam on October 5-6 using the exam materials made available from the National Conference of Bar Examiners (NCBE).¹³ Arizona, Massachusetts, the District of Columbia, Texas, and Maryland have all chosen to offer this version of the exam.¹⁴ It need be mentioned, however, that a major concern with this option is that not all test-takers have reliable internet access.

Examinees who need a transferable UBE score should still have the option of sitting for the in-person exam.

4. Administer a safe in-person exam with the option to delay testing until September 9-10. Any in-person test must involve serious consultation with local and national public health professionals to determine how to best accomplish this goal. The measures must comply with the CDC's and the Governor's social distancing recommendations and mass gathering limitations.

At the very least, measures should be introduced to reduce the number of examinees present during any one sitting. Multiple regional testing sites may be utilized; all six state law schools have been offered and provide the option for each testing room to contain a limited number of people.

5. In conjunction with proposals 3 and 4, the NCBE should consider lowering the passing score for North Carolina test takers. Oregon and Washington state lowered their cut scores for those still sitting for the exam, given the numerous additional stressors weighing on this year's applicants.¹⁵

We recognize there are no perfect solutions. Nevertheless, we are confident that at this serious inflection point during the COVID-19 pandemic, these options would appropriately balance

¹³ National Conference of Bar Examiners, *NCBE COVID-19 Updates*, <http://www.ncbex.org/ncbe-covid-19-updates/>.

¹⁴ National Conference of Bar Examiners, *July 2020 Bar Exam: Jurisdiction Information*, <http://www.ncbex.org/ncbe-covid-19-updates/july-2020-bar-exam-jurisdiction-information/>.

¹⁵ Washington State Bar Association, *Diploma Privilege Order for Summer Bar Exam*, <https://www.wsba.org/for-legal-professionals/join-the-legal-profession-in-wa/lawyers/qualifications-to-take-the-bar-exam>.

the needs of the public with the hardships we face as bar exam takers. Without changes, the current plan for the administration of the July bar exam is likely to infect examinees and will almost certainly seed further COVID-19 outbreaks across the state.

With the bar exam only a few weeks away, time is of the essence. We ask that you take swift action to ensure that this year's bar exam is administered in the safest possible manner.

Sincerely,

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DeVaughn Swanson, University of Georgia School of Law
Annie Bruton, University of Kentucky College of Law
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Hetali Lodaya, University of Michigan Law School
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Jacqueline Greenberg, Syracuse University College of Law
Emma Rose, Vanderbilt University Law School
Emily Stanley, William & Mary Law School
Jesse Williams, Yale Law School

IMPACT STATEMENTS

APPLICANT STATEMENT 1

My wife, a Licensed Clinical Social Worker who has been working from our HIPAA-compliant home since March, has a medical condition that weakens her immune system and causes chronic pain for her. She is not full-blown compromised in her immune system - I wouldn't dare leave anyone with that impression; however, if she becomes sick her condition requires prolonged recovery time compared to the average person. If I inadvertently infect her with COVID-19 from the Bar Exam, where conditions increase the risk of transmitting COVID-19, her recovery time could last months. My wife missing a month or more of work would be financially devastating for us. We have some savings, but those would be depleted in a short time. These results are unacceptable where other viable, although not perfect means of licensure are available. This is also the reason transferring my application to February is not a viable option for me and my family. We need health insurance beginning in August, I need income before my school loans become due in December. Postponing licensure for almost a year is simply not an option for me and my family.

These risks are increased for my fellow Bar applicants who are non-white member of our communities. In my own county, where cases of COVID-19 continue to reach record levels, more than 70% of those infected are Black and other non-white citizens of my community. These same citizens are disproportionately and historically marginalized in our profession - at a time when a strong argument can be made that our profession needs them more than ever.

Personally, there are days where the reality in which we live is too heavy. Over a million of our fellow humans are dead around the world. Approximately 20% of the world's casualties are fellow citizens of our own nation, despite the U.S. making up approximately 5% of the world's population. Since the first known case of Coronavirus in the U.S. in February, there have been more U.S. casualties than in World War I or Vietnam. Fewer people live in my hometown than the number of those who have died around the country. It has touched us all. A friend of mine tested positive and was hospitalized for five weeks on a ventilator, alone in ICU - no visits from family or friends. The loneliness of that thought should be terrifying to all of us. But my friend was lucky because he did not die. The loneliness of a COVID-19 death - to imagine that - is unbearable. I know I will die some day, as we all will. But I do not want my wife to have to make end-of-life decisions for me over the telephone - and the thought of losing her is more than I can take. But this is the risk we are being asked to take when we are asked to take the North Carolina Bar Exam in less than a month from now. Who could study adequately for an already difficult exam with so much on the line? No class of prior Bar applicants knows this feeling. The choice to ensure my own safety and delay using my talents and abilities to make my

community better through the practice of law, or to literally risk everything is not only a choice no person should ever have to make - it is a choice no person should ever be expected to make. Our communities need us NOW! We are of no use to our neighbors or to the profession if we are dead.

APPLICANT STATEMENT 2

Going to Raleigh and taking this exam is extremely dangerous during the COVID-19 pandemic. For all of us to sit in a room (or even 3 rooms) will not mitigate the possibility of contamination of the virus. If even one asymptomatic person attends, many many people will become ill. Even if masks are worn, it will be unsafe to use the bathroom as studies have shown that the virus can be passed by toilet flushes of fecal matter. I feel incredible anxiety about taking this exam, knowing that I could get my fiancé or elderly parents sick (my mother has Multiple Sclerosis), but also knowing that if the test goes forward, I do not have a choice but to sit for the exam. We have been placed in an impossible position of making a non-choice of taking the test or acting safely. This is not a time for business as usual. The decision to have an in-person bar exam is wreaking mental health havoc on those of who must sit for it, and it is likely to kill some of us when we get infected. We are just asking for some empathy in this incredible time.

APPLICANT STATEMENT 3

As someone who has never had a history of anxiety issues, I now have frequent panic attacks about COVID, the exam, and finances. I worry about not only having to overcome the risk of contracting COVID before/during the exam for myself, but I also have to overcome the risk of exposing my immunocompromised spouse. I have nowhere to go to quarantine myself for two weeks. I cannot go home to my immunocompromised parent and I cannot afford a hotel for that long. The only alternative is to transfer to the February 2021 exam, but I cannot afford for to not work until then, or to work and then take time off to study again. It feels as if no one of power is listening or cares; the stress is, at times, smothering.

A few days ago my spouse and I joked about how strange it is to be considering end of life wishes while prepping for the bar exam. But at the core of it is something very serious--applicants are being forced to choose between the health of our loved ones in order to be licensed versus facing financial ruin. Nevertheless, I still attempt to focus my studies enough to pass the bar.

APPLICANT STATEMENT 4

I'm an older applicant licensed in another state. I last took the July 2000 California exam, and have maintained my active bar status. I live in NC now, with my wife and teenage daughter. Wife goes to the office daily, teenager is at camp for a few weeks in July - so I might be eventually exposed by them. It's definitely upsetting that the current exam accommodations (no masks during exam, no added locations for better distancing) leave plenty of risk of catching or spreading the virus. If we were given an option to delay prior to purchasing and spending weeks on bar prep, I probably would have pushed until February. I realize it was difficult to assess how this has all played out - I, too, thought the case numbers would be much lower over the summer. By June 10th, when we were notified that a no penalty waiver to February 2021 was a choice, I'd already spent thousands on the course, had been studying for weeks, booked a hotel, and had planned my summer around the test. Oh well, I'm all in now. I'll have a mask on during the test. Hope everyone else does as well. It's definitely an added stress about whether they're going to be able to pull this off safely. Diploma privilege seems like a very good idea right now.

APPLICANT STATEMENT 5

Due to everything going on I feel as if it is necessary to postpone the bar exam. These are times of uncertainty coupled with stress and anxiety because we truly are uncertain of what may happen next. It's filled with stress and anxiety because taking this exam will make or break our careers. We should not be forced to take an exam under conditions that are unsafe to everyone. We should not be forced to take an exam while a pandemic is going and in the wake of serious civil rights issues. It's a lot to put on anyone but it's even more to put on a recently graduated law student trying to find time study for an exam that will make or break her career. It's hard to cancel our normal everyday distractions while studying. But if you add a pandemic to that and then several civil rights issues it becomes chaos. It's unfair that we should be expected to sit for the bar and manage to receive a score that was expected of students taking the bar previously. Students who took the bar last year did not have these situations. Students who even took the bar in February were not living through all of this distractions. Take into consideration the mental impact it is having on all of us. Take into consideration that times are not the same as they just were in February.

APPLICANT STATEMENT 6

Taking the North Carolina bar exam is a privilege. The bar marks the beginning of a life-changing career for many of us, including myself I hope. My 3L year of law school ended abruptly in March when the Charleston School of Law switched to online Zoom classes due to COVID-19. Before I knew it, the month of May had arrived and law school was over for me. For three years, I looked forward to graduating from law school, celebrating this incredible achievement with friends, family, and colleagues. Not being able to have a graduation ceremony was upsetting, although I figured it wasn't a big deal because COVID-19 would be over soon, and life would return to normal in the next month or so. Except it hasn't. Nothing about anyone's lives are "normal" these days. Even a simple trip to a grocery store is no longer normal. Although there is face mask mandate in North Carolina, I find myself walking the grocery store aisles often seeing the majority of people not comply. I diligently wear a face mask to protect others, because I have Irritable Bowel Disease (ulcerative colitis), and I am immunocompromised. I have hoped that others would wear a mask to protect me as well, but unfortunately, that is not the world that we live in anymore. However, my worries do not end there. My dad has MS and is immunocompromised, my mother has high blood pressure and is on medications that put her at risk, and my grandmother is in a long-term rehab isolated from the world to protect her from COVID-19. All of these things weigh on me daily. I began studying for the bar on May 18. I study six or sometimes seven days a week, for eight hours a day. When I take my weekly grocery trip or run errands, I constantly fear the fact that there is a possibility that I will get COVID-19 or infect anyone else. I also worry about the potential that I may get infected or infect any other bar takers in July. Just like me, all other bar takers have relentlessly put in the hours to prepare for the most important exam of our lives. As you all know, studying for the bar is stressful enough, but to add the incredibly dangerous virus COVID-19 in the mix makes this obstacle impossible. All North Carolina bar takers are being forced to choose between risking their health and safety, as well as the health and safety of their family members by taking the bar in July or postponing until February and risking financial hardship. I, like many others, weigh the pros and cons of these options every single day, and it is clear that there is no good choice. I have an immense amount of student debt that I incurred when attending law school. I knew that would be the case when I decided to pursue this career path, and that it would be worth every single penny because I would have the potential to achieve a law license. In turn, having a law license would allow me to advocate for those who cannot advocate for themselves, something that is becoming more and more important every single day. However, it is painful to think that I will have to risk my health and safety in July to attain my law license. In preparation, I have stopped taking my IBD medicine because it suppresses my immune system, and would make me more vulnerable to COVID-19. Although these are details you may not want to hear about, I think it's crucial you know about them. Amongst studying for the bar at home, I am constantly running to the bathroom and weathering

all of the other painful symptoms of this autoimmune disease. I've been doing this because quite frankly I have no other choice. I cannot postpone taking the exam in February because of impending student loan payments. So, this is where I find myself, in a flare, occasionally running low fevers, constantly using the restroom, unable to eat or drink coffee most of the time because that only makes things worse, pushing myself through grueling hours of MBE practice questions, MEE practice, and MPT's. Occasionally, I will take a break to catch up on the news, however, this isn't a relaxing activity either because, in addition to COVID-19, our country is working through a civil rights movement. I am a white woman with white privilege. Since the death of George Floyd, who was born in Raeford, North Carolina right down the road from my parents' home, I have constantly tried to reflect on my implicit bias and the gigantic issue of systemic racism in our country. In law school, I had the opportunity to take a criminal sentencing class where issues like this were discussed, but to see it happen, to watch the horrifying video of George Floyd's death, to hear about traumatizing experiences from black friends is shocking, scary, and disgusting. I am fortunate enough to have not been directly impacted by these racial issues, that is my privilege, the privilege to learn about racism instead of experience it. Many others, including other North Carolina bar takers are not as fortunate. I kindly ask that you consider all of our impact statements.

APPLICANT STATEMENT 7

My wife and I have a 4-month old child. We do not know how this virus will impact him physically. We have stayed at home for the duration of this pandemic, aside from brief trips for necessities. My potential exposure during the exam creates an unreasonable risk to my child. We have both been studying and working from home. We have shared child care responsibilities as child care is not available and would not be affordable on one salary. We have both dealt with increased stress and general malaise at the situation and the inability to operate with any sense of normality.

APPLICANT STATEMENT 8

Knowing full well some of my fellow students need the July Bar exam to take place so they might start employment, the risk to the health of the applicants as well as their families and communities from potential spread of COVID is too high to overlook. Diploma privilege for NC schools with exemplary bar passage rates in the past five years is the only way to cut down the number of test takers. I would advocate for Diploma privilege with a year of supervised practice under a member of the NC Bar.

APPLICANT STATEMENT 9

Having an in-person bar exam would expose hundreds of REAL people with REAL health problems to an unnecessary risk of death. Delaying a bar exam would pose significant financial difficulties for all of us. For me personally, I simply cannot afford to wait another 2-6 months to take an exam. I, like many of you, did not anticipate a global pandemic happening. I only saved up enough money to be able to take an in-person exam in July. I do not have the resources or financial means to continue to study for months as I wait for a bar exam to maybe be administered. Lastly, an online exam is not feasible either and will have a disparate impact among test takers. Some test takers will have distractions while taking the exam such as children or roommates. Others, like myself, live in small towns or other areas where fast internet is not available. I will already be taking a stressful exam, except now, I will under constant worry that my internet will go out. I know we're asking you to do something new and depart from tradition by granting diploma privilege, but please please please do the just and fair thing for all of us new attorneys who are looking forward to joining the legal profession.

APPLICANT STATEMENT 10

I have been substantially impacted by social isolation which has triggered pre-existing trauma and created a sub-par study environment, in addition to financial stress resulting from employment opportunity loss. The civil unrest has been challenging for me, but this is incomparable to the challenges it has posed to my Black peers. Additionally, living with members in high risk populations for Covid has placed a strain on my mental health and our relationship as I move forward with taking this test, and the risk I pose to them as a participant in a "super-spreader event". However, all parties in the household recognize the lack of viable alternatives.

APPLICANT STATEMENT 11

I am genuinely concerned about the safety measures being taken for this bar exam due to the effects of COVID-19 on my family. My mother has a severe underlying lung condition where she is already at an oxygen deficit on a daily basis. Her doctor told my family that COVID-19 would likely have a deadly impact on her if she were to contract the disease. As a result, we have not left our house since March 2020. We have not been in close contact with anyone besides our immediate family. My sister is pregnant in another state due soon, and we are unable to travel to see her. My other sister's wedding had to be postponed because we can not risk my mother's health. The thought of being in the same place as hundreds of people to take the bar exam only increases the sheer panic and anxiety I already feel that comes with taking the bar without such circumstances we are surrounded with today. I do not feel safe being around that many people, regardless of being 6 feet apart from other applicants. Additionally, I live out of state. I will have to drive 12 hours before taking the bar, and quarantine in my basement away from my

parents for 2 weeks after the bar due to my mother's severe condition. With the increase in COVID-19 cases, and likely a greater increase after the 4th of July holiday, I please ask that you put the future legal leaders of North Carolina first. We can not do this without you, and you can not do this without us. Please postpone this exam date. Thank you

APPLICANT STATEMENT 12

In law school, I earned writing credits for completing a research article about the prevalence and causes of depression. Lawyers are the most frequently depressed occupational group in the U.S. Depression and anxiety is cited by 26% of all lawyers who seek counseling. Over 25% of North Carolina Lawyers experience physical symptoms of extreme anxiety at least three times per month during the year. 37% of North Carolina Lawyers suffer from Depression. 11% of North Carolina Lawyers suffer from suicide ideation. 10.8% of all deaths among lawyers in the United States were suicides, and it was the third leading cause of death that year. Suicide is 69.3 deaths per 100,000 individuals compared to the 10 to 14 per 100,000 individuals in the general population. In short, the rate of death by suicide is six times the suicide rate of the general population.

Those statistics were provided by the Dave Nee Foundation, a website dedicated to law students and lawyers who suffer from depression in memory of Dave Nee, a student who committed suicide during bar prep.

I suffered from depression in law school. I suffered to an extent that I wrote a research paper hoping to reach anyone who suffered like I did to tell them they were not alone. I was so excited, to finally be a lawyer. I could not wait to begin my career and live in Raleigh. Certainly, those who suffer from mental illness are suffering now more than ever. COVID, isolation, racial injustice, financial strains, death of family members, illness, and to top it off Bar Preparation stress.

The legal profession wonders why lawyers are so depressed. Perhaps an example is that the Class of 2020 have the unique opportunity of signing an assumption of the risk waiver that states that by taking this test, lawyers assume the risk of dying. The North Carolina Bar Examiners have written expressly that obtaining a license is more important than the risk of death.

I am scared to write what I am about to, because my character and fitness has not passed yet and I worry that saying I am struggling will further cause another impossible obstacle to entry. But it has to be said because I am not alone and the stigma of depression adds to the high rate of suicide by lawyers. My mental health has plummeted from studying ten hours a day for an exam

that endangers so many people, worrying about my family, worrying about passing, worrying about being able to live financially, losing friends, watching those I want to protect silenced and without help.

It makes me wonder if I chose the right profession. I want to be a lawyer to protect people. I will be okay, because my health insurance still has a few more months to seek help if I need it. But what about when I cannot get a job in the next couple months, like I was expecting? What about those who cannot see their therapists during COVID and are studying for the Bar? What about those who had to make the impossible decision to forgo the July Bar because they are immunocompromised? Will they be okay mentally?

The decisions of the North Carolina Board of Law Examiners are willing to take that risk. The July Bar will endanger many. If not physically, the mental strain of this year's circumstances without a doubt will increase the already daunting rate of mental health issues lawyers face.

I urge North Carolina Legal Professionals to consider these risks. We need to do better as a profession. A lawyer's sole job is to protect people. Please protect us.

APPLICANT STATEMENT 13

I may be your least priority—an NC law school graduate with original intentions of applying for the bar elsewhere. Still, I'd like to address the hurdles NC has thrown my way, and I am hardly alone in this. Due to past job experience and potential job offers, I originally had planned to sit for the NY bar exam, and as I made my first Barbri payment back in August 2019, I made that choice apparent. It was also a cost-effective choice, as NC would have requested that I pay close an upfront lump sum by the first week of January 2020, whereas NY spread out the application and its fees—something I could budget for. Money was, and still is, and very real issue for me; had I had the cash, I probably would've applied for NC. Still, I always intended to tack-on an NC license once I got barred in NY. Come May 2020, when NY opened its applications, it was looking almost entirely likely that I, and out-of-state test-taker during a pandemic, would have been bumped to Feb 2021. Acting on the advice of others much wiser than I, and noticing my peers in similar situations doing the same, I ditched NY and looked for alternative UBE solutions. NC, however, despite a global pandemic, and despite law school deans and faculty begging for some flexibility, refused to re-open its applications for last-minute, emergency applicants from its own state, even though it would have resulted in a huge financial gain for NC. So, I looked for the next closest thing and found TN, a UBE state in which I have no intention whatsoever of practicing. I just wanted to get licensed. My family cannot support me financially in this time of limbo. Although grandmother helped me make my Barbri payments, as it was literally my late grandfather's dying wish, I don't have parents with a lake house on

Lake Norman where I could shelter in place, or family with a savings account to help me stay afloat and stress-free while I study for the bar. Instead, I am currently working part-time, studying, and trying to pay rent for my new house where I safely self-isolate and study in peace. I have lost so much sleep and energy ruminating on all the possible and highly likely worst-case scenarios that 2020 could hold for my career. I have cried so much. I am so tired. And I am heartbroken that my home state, where I have lived for the last 10 years, has apparently refused to do absolutely anything to manifest it cares for its students and citizens. So this is why I politely ask that you strongly consider providing diploma privilege, on the basis of bar exam registration AND/OR NC law school J.D.—if TN goes through with diploma privilege of its own, I would most likely get rejected as an out of state candidate and would continue to meander through my limbo of future-unemployment-by-COVID on my own.

APPLICANT STATEMENT 14

It is difficult to explain to someone that intensity and sacrifice it takes to study for the Bar Exam. It is impossible for someone who has not been through it to understand the stress and pressure it applies. Anyone who has taken it in the past understands that stress, pain, sacrifice and pressure it takes, but no one understands the pressure, sacrifice and stress, suffered by today's recent graduates studying for the Bar Exam. This is not like issues in the past, this is not a tornado, power outage, or common cold. We are in the midst of national pandemic with a highly contagious virus that can hurt or kill the high risk loved people that are close to us. The class of 2020 has endured this pandemic and has graduated. North Carolina is now required to wear masks and the court systems across the state are moving to online platforms.

On top of the pressures of the bar exam, on top of the pressures of the pandemic, we are dealing with one of the most politically divisive and racial eras in our history. Many of us came to law school to fight the injustice we are currently seeing nationwide. The racial and social tensions are mounting and we cannot help. We try not to look at the news, we remove social media platforms, try to ignore the protests outside of our windows so we can buckle down and study for the Bar Exam. We are seeing our friends, families and communities be torn apart and we have to selfishly stay in and study for the Bar Exam. This is not to say it is unfair we have to take time away to study for a test, This is being brought to light because it is unfair that we are unable to help our community, it is unfair that we are stuck inside studying for a Bar Exam when our hearts are outside with our community, and it is unfair to these recent graduates to apply extra unneeded pressure.

If North Carolina decides it is safe to administer the Bar Exam in July I would like to take it. The current conditions are unacceptable. The day after Roy Cooper announced Phase 2 would extend to July 17 and masks were required the NCBLE sent out an updated FAQ. It states that high risk test takers may not be afforded appropriate accommodations and a few answers below said wearing a mask is NOT mandatory once the exam begins. The Bar Exam is a test to be administered inside, without mask being required during the test and without accommodations for high risk test takers. That does not sound like a safely administered exam. The amount of mental pressure and stress that puts on a healthy person is astronomical. I cannot even begin to understand the stress it puts on a person who is high risk or whose family is high risk.

The safety of our people is of the utmost importance. The NCBLE has stated that they must maintain the in person UBE Bar Exam for the integrity of the profession. Yet, when one student asked the NCBLE about remote options they were told to sign up in Washington DC and take the test remotely, then transfer your score into North Carolina. If NCBLE accepts Washington DC remote UBE then why would they not offer the remote option? If it was truly about integrity

of the professional license they would not allow any remote scored to be accepted. The Bar Exam is not being offered to keep up the integrity of the exam. So why is it being offered? Why is it being offered under these circumstances? If there is a chance even a .1% chance that taking the bar exam could infect and ultimately kill a test taker or family member than we should not be required to sit and take this test. We know about the risk presented and urge the courts to proceed with caution. Look at the states around the country that opened to early and see where they stand. As lawyers and professionals we owe more than having attorneys that can pass a minimum competency standard. We owe the community and families our best foot forward and owe them the protection we can afford. It is our duty to protect the surrounding community and also the test takers and their families.

Each night over the past three weeks I can hear the protests outside. Everywhere we turn there is new information about the coronavirus and new statistics. There is no getting away from this environment for us, we must sit here, study and suffer until it is bar exam time. Then the class will again face unmeasurable pressure and stress, but this time it will not be the fault of a novel virus or the unraveling of our countries race relations. This time the fault is the North Carolina Lawyers who decided that their, minimum competency test, this right of passage, is more important than the test takers (and their families) lives. Through all this, the class of 2020 law school grads will persevere and prevail, because we have shown we have integrity and the perseverance to endure these hardships. Whether they were made by an unforeseeable natural event or by the very lawyers we hope to join soon.

Thank you for the consideration and taking the time to read this. I look forward to participating in the North Carolina legal community. There is no accurate description for the difficulties we are going through today and this last month of studying. There is probably no accurate description for what many people are going though, with business lost, jobs lost, and ultimately friends and family lost. This is not a time to risk and take a chance. This is a time for care, integrity, and intelligent decisions. There is science and data out there, consult it and help us safely become lawyers.

APPLICANT STATEMENT 15

As an older J.D. recipient and the only in-state family of my 74 year old father, I am deeply concerned for my own and my family's health. I have done everything that has been asked of me to reduce the spread of Covid. I have only been in public twice since March, both times masked (and both were grocery store trips). I only see my father if I have been quarantined for at least a week prior. I have done all of this because I was asked and because I have wanted to remain healthy so that I can take the bar. Now, I am being told that if I want to utilize the degree I worked so hard to receive I have to be in a room with 700 other people. Further angering me is

that this decision was made by the NCBLE REMOTELY because they were concerned that the virus might pass if the 11 members met in person!

APPLICANT STATEMENT 16

As of today (6/30), North Carolina is experiencing the second-highest number of hospitalizations since the pandemic began. The Governor has delayed the next phase of reopening, mandated mask use throughout the state, and has published guidelines warning against mass gatherings. Yet, 750 law graduates seeking licensure are asked to sit in two large rooms, with no masks for 12 hours over a two day period. This is particularly alarming given the known risk of asymptomatic spread. I personally am worried about exposing my parents - my father is 70 years old, with a history of cardiovascular problems and diabetes. I cannot afford to self isolate in a hotel for two weeks after the exam is over. I don't understand why applicant health is being needlessly jeopardized, and why there are not more flexible options available. Other jurisdictions have opted for diploma privilege, an online administration, or created a September date. In NC applicants can either risk the July date or wait until February without a license. We are also required to sign a waiver voluntarily assuming the risk of infection or death, a requirement I am not aware exists in other jurisdictions. If the July date must go forward as planned, more can be done to help ensure the safety of applicants. At the absolute bare minimum, mask use should be required throughout the examination period. Smaller rooms with less applicants should also be considered given the length of the exam. North Carolina can do better.

APPLICANT STATEMENT 17

You should not have to risk human life for a job. I am not high risk for COVID-19, however that does not invalidate my concerns. Many of my family, friends, and fellow students ARE high risk. To force 700 students into a testing center where masks are OPTIONAL, is negligent and irresponsible when there are other alternatives available. "You can just transfer to the february exam" is something that is a common response to diploma privilege. The Class of 2020 took out student loans to survive for the fall of 2019, spring of 2020, and potentially the summer of 2020. To force those students to take out more loans, on top of the 6 figures of debt to obtain a law degree is asinine. I will state again, you should not have to risk human life for a job. I hope the Board considers this reasonable alternative.

APPLICANT STATEMENT 18

I wish for the bar exam to stay on schedule and in person. Although I recognize the unprecedented circumstances facing this administration, I believe the exam can be given and taken as scheduled. Postponing or changing the administration of the bar exam could leave me

jobless with no means of income with bills that are already stacking up. Quite literally, I cannot afford to not take the exam as scheduled.

APPLICANT STATEMENT 19

I am a first-generation American, college grad, and soon to be a legal professional. My parents and I came to this country with nothing but hopes and dreams. I was finally realizing those dreams as my law school graduation date approached. Unfortunately, COVID-19 derailed all that. The NCBLE argues that the July date is necessary because there are individuals that need jobs and that having to wait longer would hurt them and their families financially. However, they offer a February date for those that are unwilling to risk their life and the safety of those close to them in exchange for a license to practice law. This is ridiculous. My father has diabetes, my mother has hypercholesterolemia, and my little brother is developmentally disabled and has several physical disabilities. Each of us is at a higher risk for severe illness if we were to catch COVID-19 and while the Board says they're keeping the July date because it's what's best for the majority of us, that's not necessarily true. They just care about maintaining the need for a bar exam, making their money, and making bar prep companies money. Diploma privilege would do more to help than it would to hurt those of us scheduled to sit for the bar in July and that the February option is a cop-out and makes them look like hypocrites. Forcing me to travel 6+ hours to Raleigh in July, where I'll be packed into a convention center with 800+ individuals is not what's best for me and it's not what's best for the majority of us. If the Board and North Carolina truly cared about the future legal professionals that will be representing the state, they would grant 2020 graduates diploma privilege. Furthermore, it is evident that Justice Beasley and the rest of the NC Supreme Court understand the importance of protecting themselves, their staff, and the attorneys that appear before the court, as evidenced by the recent extension of emergency orders extending protections in NC courthouses over the last week or so. Why do licensed attorneys and judges deserve better protections than recent law school grads? Make it make sense.

APPLICANT STATEMENT 20

I have been impacted by the efforts of this small group, attempting to speak on behalf of all 2020 bar examinees. The distractions of COVID-19 and the racial tension in our nation have been difficult. However, the stresses they pose on us as examinees do not surpass those of licensed attorneys, healthcare workers, government officials, etc. who continue working on our behalf amidst these difficult times. These individuals continue to show up for work each day and do their jobs. It is with this in mind that I wake up every day to do what must be done in order to prepare for the impending bar exam and my future career as a legal servant to my community. What has been most difficult in my preparation for the bar exam is the daunting thought that the bar exam will be cancelled as a result of a vast minority of students who are

tirelessly advocating for diploma privilege, which NC will never permit, rather than seeking reasonable accommodations for the few who desperately need and deserve them. Please keep this in mind as you continue to impart even more uncertainty and stress on your peers during what is already a difficult time.

APPLICANT STATEMENT 21

Hi, I was born with a genetic birth defect that has caused me to have a weakened immune system my entire life. I have had to take corticosteroids for this genetic condition since I was a week old and these drugs also make my body more vulnerable to sickness. During this pandemic I have been very careful to isolate and not put myself at any unnecessary risk of getting sick because if I were to get sick I don't know how that may play out. I also have always been a bit strapped when it comes to money because I came from a single parent household. Due to this I have never hadn't any assistance from parents or family when it comes to tuition which means I have quite a lot of student loan debt. I have no choice but to take the July bar exam despite the health risks because I cannot afford to wait until February to take the test. I need to get a job, which is already hard during a pandemic, and will be even harder without a law license. I am concerned that having all bar exam test takers in the same place will breed this virus and while many of us are young a healthy, that does not mean that this virus is not just as deadly for us and for our family members. I do not understand why it has been so difficult to find some other way to adapt to this current situation, such as having the N.C. bar applicants take the exam at the law schools throughout our state. The school facilities would provide adequate space to properly social distance and I am sure that the law school faculties would be more than willing to assist with the proctoring of the exam. I hope something is worked out because I would prefer not to put my life at risk just because I have chosen to pursue a career in law in my home state of North Carolina.

APPLICANT STATEMENT 22

The impact of Covid-19 throughout the nation and specifically the state of North Carolina has left me jolted with fear of taking an exam with over 700 people located in a few rooms, regardless of the conditions. The conditions for an in person bar exam are perfect for an asymptomatic carrier to come in and spread it to people who live in our community, and the possible spread afterwards is enormous.

Personally, I have a family member younger than myself who has tested positive of Covid-19. The description of how he is feeling is something that I am not comfortable possibly spreading to other individuals. While I am young, and will possibly be able to bear the virus, there are many people in the area that I am concerned for. As lawyers, we are taught that we must defend the public. Having an exam in person will create a cluster that will go against that very principle.

My mental health with the fears of Covid relating to this exam has caused an extreme drain and anxiety since the beginning of my bar prep course. With the bar exam being an already stressful event, the idea that I could harm every single person I interact with is a gigantic distraction that I am positive has caused everyone issues in their studying. Further, the commercial bar prep courses have been moved entirely online, which are conditions that produce lower results than in person instruction, especially in the law.

North Carolina has not curbed the virus. In fact, our cases are consistently rising, making us one of the worst clusters in the country. I am extremely afraid of causing an explosion to the already staggering numbers by my presence taking an exam when other alternatives are available that would greatly promote public health and safety.

I would like the NCBLE to require masks for all examinees during the entire exam. It could save lives and is so incredibly easy!!

While I support diploma privilege for our class because of the high risks associated with taking an in seat bar exam, I do not support the cancelation or delay of the July bar exam without a simultaneous announcement of the pathway to licensure for 2020 applicants. There is already so much uncertainty in our lives right now, I don't think it's fair to make changes to the July bar without a concrete plan to move forward. Delaying the bar, even just a few months, could financially ruin many of our classmates. While I don't wish to minimize the fact that lives could be lost, canceling the exam doesn't solve all the problems. If the NCBLE will not give us DP, we need to proceed with the July exam. If that's the case I hope we can come up with some solutions to make the environment more safe such as required masks and more testing locations.

APPLICANT STATEMENT 23

I am shocked that the NCBLE has elected to be one of the few entities on the planet that scoffs at a pandemic that has brought the whole world to a halt. I often think about the things that have been postponed/cancelled: the Olympics, March Madness, national political conventions, and countless other major events. There is already serious talk of canceling similar events in the fall. The most wealthy, powerful groups in the world have forsaken incalculable profits, because they recognize the risk of spreading COVID-19. Yet, somehow, the NCBLE does not.

I understand the NCBLE wants to administer the NC UBE for our sake, and I am grateful for that. My legal education has placed me in massive debt, and I need to begin my career as soon as I can. My situation is not unique, so postponing/cancelling the exam is just not an option. Besides, when would it be moved to? In the past few days COVID-19 has surged in North Carolina, and the end of the strange world in which we find ourselves does not seem to be near. The exam cannot be postponed or cancelled, so it must be changed.

I have heard enough of the excuses that suggest it is not feasible to administer the exam in a proper socially distant form. Options are readily available, for instance, administering the exam at each NC law school. To reject suggestions like this leads me to believe the decision is based, not upon suggestions being impractical, rather upon not wanting to relinquish control. If there truly is no way to administer the exam in a way that doesn't jeopardize the health of everyone taking it, their families, and the community at large, then a diploma privilege is the only option remaining.

I cannot put off starting my career. I need to start providing for my family. But cannot risk contracting a deadly disease or spreading it to my loved ones. Considering my immunosuppressed fiancé, father, grandfather, grandmother, brother, and anyone else who we may not know has a suppressed immune system, it is not safe for me to take the Bar in July. To make applicants choose between their loved ones and their career/dreams/aspirations is cruel.

It is often said the legal profession is saturated with graduates. However, I believe that injustice such as this proves that we need more lawyers. Now more than ever.

APPLICANT STATEMENT 24

I am especially worried about the long-term effects of COVID-19. The thing is, we don't know what they are. If I contract this virus from one of my peers while I take the test, what will happen to me in the long run? Will I suffer lasting effects? Will I live a life that's anything less than the active and fulfilling one I live now?

The NCBLE doesn't know. The eleven men and women on the Board don't have to risk exposure at this exam and they have no idea what will happen to the hundreds of applicants who, for financial and career reasons, have no choice but to submit to their will.

The North Carolina Rules of Professional Conduct (Rule 0.1 (16) states: "The legal profession's relative autonomy carries with it a responsibility to assure that its regulations are conceived in the public interest and not in furtherance of parochial or self-interested concerns of the bar."

The NCBLE's decision to hold an in-person bar exam and subject hundreds of its future colleagues is nothing if not parochial and self-interested. Its decision is in no way in the public interest. What North Carolinians needs right this minute is a thousand well-educated, scrappy young lawyers who are ready to go to bat for this country and its people while we rebuild America and our state.

The NCBLE's decision flies in the face Rule 0.1 because it is entirely self-interested: a shift to (limited) diploma privilege or an online bar exam would require an immense amount of work, whereas an optional mask policy and procuring a second venue require relatively little brain power and creative muscle. The NCBLE's decision violates Rule 0.1 because it screams of parochial devotion to one method of licensure at the expense of many other reasonable alternatives, at a time in American history when we're all learning (at last) that maybe the way we've always done things isn't the best way to keep doing them.

My peers and my classmates and I have spent the last three years being lectured on (and in many cases, learning in real time from excellent mentors in the bar) the creativity and responsibility of our chosen profession and the people who make it magical. We are asking the NCBLE to spare us the choice between our health and our licenses, between our loans and our families, and between our safety and our security. I'm confident that's not a choice any member of the Board would accept for him or herself. What makes us, your future colleagues, worthy of anything less than a creative solution for a terrifying and unpredictable time?

If the Board can assure me that I won't suffer long-lasting consequences from an inevitable COVID-19 infection, I will mask up and sit this bar exam without another word. If the Board

can tell me why its decision doesn't violate the Rules of Professional Conduct, then I will double up on hand sanitizer (because the Board isn't providing it) and show up on time to whichever venue I am assigned. If the Board can say, without equivocation, that five of its members will be in one testing venue and six will be in the other during the bar exam at the end of July, then I'll be happy to see them there and I won't shake their hands.

But if the Board produces anything less than a 100% assurance of my safety, an explanation as to how this mask-optional, in-person exam does not violate the Rules of Professional Conduct, and assurance of their own presence in these dangerous conditions during the exam, then I would ask them how they can possibly ask my peers and me to submit to this dangerous and unrealistic testing environment.

APPLICANT STATEMENT 25

I am concerned about the upcoming bar exam for a multitude of reasons—including the safety of myself and my peers—but I want to draw your attention to a specific issue. I currently hold a Judge Advocate job offer, contingent on being licensed. However, the military has come forward with a new medically disqualifying condition which would prevent me from becoming a UCMJ Officer. On 6 May 2020, the DOD disqualified all previously diagnosed COVID-19 patients from military service. I am now being placed in an extremely difficult position where I must choose to attend the bar and risk exposure, which would disqualify me from my job opportunity, or try to delay the exam until it is truly safe, which will also result in my job offer being revoked. I know my situation is unique, but I also suspect there are other applicants who are hopeful Judge Advocates who are facing the same choice. This pandemic truly is (hopefully) and once in a lifetime event which requires once in a lifetime accommodations. I strongly urge the NCBE to consider diploma privilege because there are many of us who are substantially impacted and disadvantaged by taking the bar during this pandemic. Thank you.

APPLICANT STATEMENT 26

These are crazy times and it feels like a strange world we're living in. First and foremost, the constant discrimination, perpetuating racism, and overall lack of accountability is painful. As a white woman I have never felt personally discriminated against, but I know too many who have, and it pains me to see and hear the things that our brothers and sisters are suffering through. Our justice system is failing so many people in this great country, and that is one of the primary reasons why I yearn to be a criminal defense attorney; to fight for those who cannot fight for themselves. Secondly, the COVID pandemic has touched many of our lives, including mine. Although I have not been severely impacted by it, I know many who have and it's both sad and terrifying. Moreover, it's upsetting that so many people, including myself, have worked tirelessly throughout law school to achieve our dreams and now we are put in the position of choosing our health and safety over sitting for the Bar and beginning our careers. I feel that

there are several other options for administering this exam that would minimize the risk to our health and safety while maintaining the integrity of the exam. Studying for, and passing, the Bar Exam is one of the most intense, stressful, and nerve-racking things I have ever done, and I do not want to prolong it any longer than necessary.

APPLICANT STATEMENT 27

Please consider adjusting the current plan in place for the July bar exam. I was diagnosed with rheumatoid arthritis during my 1L year and I have been on an immune-suppressing drug since then. I have done everything I possibly can since March to follow the guidelines, wear a mask, wash my hands, and social distance. I am truly terrified I will get COVID-19, and taking an in-person exam in July scares me. Please hear me when I say that I want to take the bar. I do not want an easy pass. I experienced, three months before coming to law school, the murder of my close friend, a young black man. I saw the injustice he and his family received when there was no investigation, no arrests, and no charges. I started law school that August, deeply committed to fighting against racial injustice. I struggled, especially during my first year, to study and learn and keep up all while processing and grieving the loss of my friend. But I didn't give up and I know the meaning of hard work, even when circumstances are difficult. Again, I do not want an easy pass when it comes to the bar exam. I am excited to join this profession and understand the necessity of a competency exam. However, I understand the necessity generally, not during a global pandemic where our nation and our state is unable to get this pandemic under control. Holding an in-person exam with hundreds of people, not knowing what they have been doing or how strictly they have been adhering to protective guidelines, is dangerous.

APPLICANT STATEMENT 28

I was deeply disheartened to hear the impractical arguments the chair of the BLE had against Diploma Privilege. The fact that it has just never been done before should not be a valid reason to keep this logical solution off the table. We are in the midst of a once in a lifetime pandemic where the top epidemiologists in the world agree that the long term affects of this disease are unknown. The virus is surging right now in N.C. The same reason why sporting events are not taking place with stadiums only a quarter full of fans, is the same reason why it is not safe to have 800 gather for the bar exam. No social distancing measures can fully protect spreading the virus with this many people together. Even if groups are separated as planned, there will still be hundreds of people using the same restrooms, entrances/exits and break spaces. It is simply illogical and irresponsible to risk the health and safety of so many individuals, families and communities. Also, the fact that an extremely small minority of applicants need transferable UBE scores is irrelevant. The BLE can still hold the July exam for the extreme small minority who need transferable UBE scores. I have yet to hear a valid argument as to why a "diploma privilege with guardrails" is inadequate.

I am also disappointed with the silence of the law school deans. All of the N.C. law schools were quick to point out the dangers of the virus and the inequitable and unfair realities the disease would have on many students when they decided to move Spring Semesters remote and ungraded. They understood then that many students had inadequate study accommodations, families to take care of full time and that many students would be disproportionately affected by the virus. They let fairness and compassion drive their decisions then-- but not now.

I think during times of crisis such that we are facing now, it is important for our leaders and decision makers to do what is right, not what is easy. Let us now do what is right for our students and communities instead of just folding into the comfort of what is the status quo.

I cannot afford to postpone a paycheck for 7 months. I have rent to pay, people to support, and need healthcare from my employer.

APPLICANT STATEMENT 29

Thank you for the consideration and taking the time to read this. I look forward to participating in the North Carolina legal community. There is no accurate description for the difficulties we are going through today and this last month of studying. There is probably no accurate description for what many people are going through, with business lost, jobs lost, and ultimately friends and family lost. This is not a time to risk and take a chance. This is a time for care, integrity, and intelligent decisions. There is science and data out there, consult it and help us safely become lawyers.

APPLICANT STATEMENT 30

Following the closing of the NC bar app, I received an offer for my dream job in NC. As the application window for the NC bar had closed, and I had been applying for jobs across the country, my law school dean encouraged me to apply to take the exam in the closest UBE jurisdiction. So, I applied to the TN July test date. However, as an out of state tester, I was pushed to the October date after all UBE applications were closed. My employers have been very understanding, but I can't start working until I am licensed. My spouse and I are supposed to be moving across the state for my new job. However, with everything so up in the air regarding licensing, we have no idea when we'll be able to move. As such, we've had to move in with my in laws indefinitely since we can't sign a lease for an unknown time period in which one of us isn't working. Now, TN is having more capacity issues than anticipated and its looking like they'll be pushing testers back even further. If that happens, it seems I'll have no choice but to seek as much of a refund as possible and pay even more fees to take the February exam in NC. Hopefully my employer will be understanding if that happens and I won't lose my dream job. I just want to begin my work helping the children and schools in our state, but I have no idea when I will actually get to do that.

APPLICANT STATEMENT 31

Studying for the bar during a pandemic and a civil rights movement has been an unparalleled experience. It has been hard to balance studying with the mental impact of all the things happening in the world. I fear for my friends and my family, should I have to expose myself to 750+ people while taking the bar exam. The solutions for these issues, such as self quarantine are not feasible. I live with my significant other and can not afford to stay somewhere else should I have to quarantine. Additionally, there is no outlet for the stress of studying and the impact on my mental health as a pandemic is going on right outside my front door. However, I cannot afford to delay taking the exam past July. Financially, I am in the worst place in my life and cannot work while studying. If I had to delay the exam, I would not be able to pay my car payments or other loans. Going directly from quarantine during spring semester into 10 weeks of studying has created a strong feeling of isolation and helplessness. My mental health has been heavily impacted. Additionally, it has been hard to find appropriate study space as my family is home and the schools and public libraries have been closed due to corona virus. Although I continue to study, these obstacles have definitely impacted the strength of my studying as I have had to adjust away from the methods of studying I know work for me based on limitations due to coronavirus.

APPLICANT STATEMENT 32

I do not face many of the challenges others do and I'm in a place of great privilege, I feel a moral obligation to advocate for everyone trying to seek admission to this profession. I do not think the bar can be administered safely (especially following the mask guideline change) and to delay or postpone the exam would result in further inequities. It is unethical to ask applicants to choose between their health and their jobs, their livelihood or the wellbeing of their families. It is unacceptable to demand participation in the bar exam under these conditions. The risks are simply not worth it and the continued uncertainty and fear around the exam are perpetuating additional stress and anxiety during a period of already high stress. Please do the right thing for all applicants and grant diploma privilege.

APPLICANT STATEMENT 33

As a Type I diabetic, I am deeply concerned by the prospect of attending North Carolina's in-person July bar exam. I have managed diabetes for most of my life. In that time, I have never been more concerned about complications from my diabetes than I am now because of the pandemic. Every day I see new reports raising the alarm that people with autoimmune diseases like myself are more vulnerable to COVID-19. More vulnerable to developing severe symptoms, hospitalization, long-term effects, and death than the general population. I am frightened that an in-person, indoor, extended-length exam drawing hundreds of people from across the state and country—in complete contravention of all advice given to the public about mass gatherings—recklessly puts myself and others at risk of contracting COVID-19 and developing a severe or debilitating illness.

To minimize my risk for contracting COVID-19, I have followed public health advice and self-isolated at home since March. With the bar exam still scheduled for July, I have also been worried that contracting COVID-19 would derail studying. As a result, my only in-person interactions in over three months have been with medical personnel. I have not seen my partner, although he lives five minutes down the road. I have not seen the few friends who remained in the area after in-person classes were suspended. I have not seen my parents, who live out of state, since last year. My daily life has essentially been reduced to studying, driving through to pick up groceries and prescriptions, and exercising outdoors at times when few others are out. Preparing for the bar exam—an ordinarily stressful task—has been particularly difficult under these circumstances.

I have struggled with whether transferring to the February 2021 administration would be the best choice for my health and safety. But ultimately, that is not a realistic option. In May, when 19 other states had already adopted plans to modify their summer exams, the Board of Law Examiners informed us that it “presently intends” to administer the exam in July. It was not until over a month later, on June 10, that the Board of Law Examiners notified us of the option

to transfer to February. Because of this continuing indecision, and a lack of transparency concerning if and how the exam might be modified, we all have been forced to act as if the exam will happen. As such, I have already spent considerable time and money preparing this summer. It will be difficult, if not impossible, for me to reinvest those resources eight months from now—especially since I will be working a full-time job necessary to maintain health insurance.

APPLICANT STATEMENT 34

Black people have been disproportionately affected by this pandemic and uprising against racial injustice. We have had to suffer family losses from COVID-19. We have had to watch people who look like us be brutally murdered on camera. We have felt the overwhelming weight of grief and anxiety during this time. And we have had to go through all of that while studying for an exam that has historically been harder for black people to pass. I am worried about myself as a pre-diabetic black woman who may suffer exponentially more if I contract this virus at the exam. I am also worried about my black family in Raleigh/Garner/Goldsboro who may face increased exposure if this exam takes place as planned. Because that's just it, whatever spreads during this exam doesn't just affect me and my classmates in the exam facilities. It spreads. It spreads to our families, essential workers, and across every single community not just in North Carolina but also the country. These are not normal times. These are not normal barriers one faces while studying. We need to rise to the moment and adjust to this reality. And the reality is that North Carolina is a coronavirus hotspot. And if we hold the exam as planned in July, we will only serve to exacerbate that fact. We must seek alternatives and protect the newest members of the legal community and North Carolina's citizens as a whole.

APPLICANT STATEMENT 35

At the beginning of law school, I never dreamed of taking the bar exam under such extreme conditions; none of us did. We worked hard for the last three years. For some of us, it has been the most challenging venture we have ever taken on. When the last semester finally arrived, I was excited to wrap up my coursework and dive into bar prep—yes, excited to start bar prep! I am one of those people. Unfortunately, as the Covid-19 crisis developed, I have become fearful of my safety during the exam, as well as the safety of others. Even more afraid to speak up about it. During the end of law school, several professors would reach out and say they are “here for us” and would support us in any way they could. I believed them and felt like no matter what, people were looking out for us during this health crisis. However, post-graduation there has been a wave of deafening silence from most of those professors, and ultimately the law school, regarding the severe risks of the bar exam. If the bar exam is a make-or-break-it for a determination of competency, then I worry about our profession. Many of us enrolled in law school to become advocates for others, and we wish the field would advocate for us.

APPLICANT STATEMENT 36

I have \$1,000 left in the bank from financial aid. I spent all of my money on rent, the bar application, and my bar prep study course. My hands are tied; I am forced to pass the bar in order to work. I can't even bartend right now because everything is closed. I sincerely have no idea what I will do and the stress of everything eats at me. Me and everyone else are desperate to take the test this July, despite the huge risks to our own health, families, and the public at large. For me, a delay in the bar exam is simply not an option. I urge the NC Bar to adopt a diploma privilege in light of this pandemic and other jurisdictions willing to do so. Thanks for reading.

APPLICANT STATEMENT 37

It is difficult to explain to someone that intensity and sacrifice it takes to study for the Bar Exam. It is impossible for someone who has not been through it to understand the stress and pressure it applies. Anyone who has taken it in the past understands that stress, pain, sacrifice and pressure it takes, but no one understands the pressure, sacrifice and stress, suffered by todays recent graduates studying for the Bar Exam. This is not like issues in the past, this is not a tornado, power outage, or common cold. We are in the midst of national pandemic with a highly contagious virus that can hurt or kill the high risk loved people that are close to us. The class of 2020 as endured this pandemic and has graduated. North Carolina is now required to wear masks and the governments systems across the state are moving to online/remote platforms.

On top of the pressures of the bar exam, on top of the pressures of the pandemic, we are dealing with one of the most politically divisive and racial eras in our history. Many of us came to law school to for the injustice we are currently seeing nationwide. The racial and social tensions are mounting and we cannot help. We try not to look at the news, we remove social media platforms, try to ignore the protests outside of our windows so we can buckle down and study for the Bar Exam. We are seeing our friends, families and communities be torn apart and we have to selfishly stay in and study for the Bar Exam. This is not to say it is unfair we have to take time away to study for a test, This is being brought to light because it is unfair that we are unable to help our community, it is unfair that we are stuck inside studying for a Bar Exam when our hearts are outside with our community, and it is unfair to these recent graduates to apply extra unneeded pressure.

If North Carolina decides it is safe to administer the Bar Exam in July I would like to take it. However, the current conditions are unacceptable. The day after Roy Cooper announced Phase 2 would extend to July 17 and masks were required the NCBLE sent out an updated FAQ. It states that high risk test takers may not be afforded appropriate accommodations and a few answers below said wearing a mask is NOT mandatory once the exam begins. The Bar Exam is

a test to be administered inside, without mask being required during the test and without accommodations for high risk test takers. That does not sound like a safely administered exam. The amount of mental pressure and stress that puts on a healthy person is astronomical. I cannot even begin to understand the stress it puts on a person who is high risk or whose family is high risk.

The safety of our people is of the utmost importance. The NCBLE has stated that they must maintain the in person UBE Bar Exam for the integrity of the profession. States across the country are making changes and offering safe methods of the bar exam. Shortened time period, spreading out, delaying the exam with a temporary practice license, or even administer the test remotely. Give credit to the students that are being put forward to be ethical. The bar exam is not about ethics and it is the last step of becoming a lawyer. We have been through and graduates law school, professional responsibility classes and taken the ethics portion of the licensing. Why can we not be trusted at this stage to act ethically? The only difference between now and after the bar exam is the bar exam, which is not an ethical exam.

Look at the states around the country that opened to early and see where they stand. As lawyers and professionals we owe more than having attorneys that can pass a minimum competency standard.

We owe the community and families our best foot forward and owe them the protection we can afford. It is our duty to protect the surrounding community and also the test takers and their families. Trust that our class will remain ethical and vigilant as attorneys in North Carolina. Thank you for the consideration and taking the time to read this. I look forward to participating in the North Carolina legal community. There is no accurate description for the difficulties we are going through today and this last month of studying. There is probably no accurate description for what many people are going through, with business lost, jobs lost, and ultimately friends and family lost. This is not a time to risk and take a chance. This is a time for care, integrity, and intelligent decisions. There is science and data out there, consult it and help us safely become lawyers.

APPLICANT STATEMENT 38

Studying for the bar during a pandemic and a civil rights movement has been an unparalleled experience. It has been hard to balance studying with the mental impact of all the things happening in the world. I fear for my friends and my family, should I have to expose myself to 750+ people while taking the bar exam. The solutions for these issues, such as self quarantine are not feasible. I live with my significant other and cannot afford to stay somewhere else should I have to quarantine. Additionally, there is no outlet for the stress of studying and the impact on my mental health as a pandemic is going on right outside my front door. However, I

cannot afford to delay taking the exam past July. Financially, I am in the worst place in my life and cannot work while studying. If I had to delay the exam, I would not be able to pay my car payments or other loans. Going directly from quarantine during spring semester into 10 weeks of studying has created a strong feeling of isolation and helplessness. My mental health has been heavily impacted. Additionally, it has been hard to find appropriate study space as my family is home and the schools and public libraries have been closed due to corona virus. Although I continue to study, these obstacles have definitely impacted the strength of my studying as I have had to adjust away from the methods of studying I know work for me based on limitations due to coronavirus.

APPLICANT STATEMENT 39

My husband is high risk. I do not feel comfortable taking the July exam in person and getting him sick.

APPLICANT STATEMENT 40

I elected to take the February 2021 bar exam instead of the July bar exam because I am on medications that may suppress my immune system. Being forced to choose between my health and my career has been demoralizing and incredibly distracting as I attempted to study for the July bar exam. I'm thinking of taking the bar exam in a different state altogether because North Carolina doesn't seem responsive to public health concerns or the needs of disabled applicants. North Carolina shouldn't be losing good attorneys because of poor policies.

APPLICANT STATEMENT 41

I am immunocompromised. The “take it or leave it” option of waiving liability for exposure to health risks or further delaying employment opportunities in this unprecedented time is unconscionable.

APPLICANT STATEMENT 42

In addition to the successful completion of my JD, I am a 100% single parent. My son, Alexander, was born premature weighing 2lbs 6oz. After his birth, Alexander was immediately ventilated due to his severely underdeveloped lungs. He ultimately spent 93 days in the NICU where he was given breathing assistance and additional oxygen for the majority of his stay there.

Though Alexander eventually became strong enough to breathe on his own, he suffers from asthma. His asthma is commonly triggered by viruses such as RSV or similar viruses that affect the respiratory system. Often, this results in the need for steroid and nebulizer treatments to help

him breath. My son's issues with lung capacity are both significant and frightening in light of COVID-19. As such, I have taken great precautions to keep my son healthy and away from sources of infection.

Moreover, as a 100% single parent, isolating myself from my child after the bar exam in July, or February is not an option. Additionally, I am originally from Canada where all of my family (besides my children) still reside. The borders between Canada and the United States have been closed since the spread of COVID-19. This means I have absolutely no one to help me if I become ill and no family members to send my son to in the same event.

Furthermore, I have experienced significant academic challenges since the outbreak of COVID-19. During the last semester of law school, I was also supervising a new online home-school system that my children had no choice but to engage in. My quiet study time has become a thing of the past and distractions continue to mount.

My level of anxiety is at a peak. I worry constantly about having to take a bar exam that will very likely expose me to COVID-19 and has the potential to severely injure or even kill my son. And I balance that worry against my other significant worry that if I do not take the bar exam my career will not begin. I will have no way of paying for my home, feeding my children, and repaying student debt. What was supposed to be an exciting time as I kick off a career I have dreamed of since I was 15 years old has instead become a time where I worry that I will lose my life, my child's life, or face financial ruin. As I watch my state issue emergency orders to minimize the number of people in the courts, while still providing legal services, I cannot help but wonder why and how a similar arrangement has not been made regarding the bar examination.

The challenges that I face have grown tremendously due to the global pandemic. My ability to prepare for the bar exam has been greatly hindered in a way that disproportionately affects me. The board is asking me to study for the bar as if a global pandemic with terrifying health consequences were not occurring. The board is asking that I study as if a myriad of social unrest has not been all around us. The board is asking me to study as if my financial resources were unlimited with the ability to compensate for any sudden changes in test dates. The board is asking me to study as if this were normal. This is not normal.

Considering the current situation, granting diploma privilege is the only just solution. The class of 2020 has experienced extraordinary challenges. Insofar, as was within our power, we have risen above them. The bar examiners forcing us to choose between financial failure or our health and our family members' health is beyond our power. I ask that you take this measure which will protect us, our families, our finances, and our mental well-being. Health concerns, familial and financial responsibilities, should not detrimentally impact one's ability to be

admitted to the bar.

APPLICANT STATEMENT 43

I have faced many hardships as a result of the current pandemic. I am unable to work, which has caused me great financial strain. I recently turned 26 and have been unable to obtain my own health insurance, meaning that if I were to contract COVID, I would have to pay for treatment out of pocket, which is not a possibility due to the financial strain. I have been physically isolated away from family and friends, to protect not only myself, but also others that I am currently residing with who are at very high risk of contracting and dying from COVID. I cannot afford to move to a new home away from them because I cannot work. I have been unable to participate in any of my normal coping methods for my depression and anxiety disorder, which not only impacts my day to day mental health but also makes focusing on studying for the bar exam extremely difficult.

Preparing for the bar has its own unique challenges, it is physically, mentally, and emotionally draining. COVID-19 has only intensified these challenges for current applicants. The failure of Board of Law Examiners to meaningfully consider alternatives to the July 2020 bar examination is reprehensible. In a field such as this one, which already has many challenges with mental health and huge financial strain on new graduates, among others, it is imperative that the North Carolina Board of Law Examiners adopt emergency diploma privilege, or in the alternative, other measures that account for the unprecedented situation that the July 2020 applicants are facing. We should not have to risk our health, safety, and possibly lives, in order to obtain our law licensure.

I cannot afford to put off taking the bar exam. Due to my financial position, it is simply not an option that I can consider. If the bar exam cannot take place, and diploma privilege is not granted, I will certainly run out of funds before the February test. In addition, my family cannot afford to support me for 6+ months while I wait for the bar exam to be administered.

APPLICANT STATEMENT 44

There has been such mixed messaging related to the coronavirus. Generally, I feel the government of North Carolina has been very receptive to the plight of those facing economic struggles during the pandemic and while there are competing messages in the media as a whole, the government of North Carolina has presented a unified front as to the existence of the virus, the danger it poses, and what steps people need to take to protect themselves and their loved ones.

That unified front has crumbled regarding the bar exam. The courts are limiting jury trials and

allowing for telephonic hearings, the governor has prohibited gatherings of more than 10 people, the North Carolina Bar Association moved their quarterly meeting (which I believe only involves around 60 people) scheduled for July 24 to a virtual meeting. This and many other actions show that the legal profession and state government is taking steps to protect practicing attorneys and limit face-to-face exposure. And yet, I am told to sign a waiver and go sit in a room with 300+ people for them exam.

My father passed away roughly a week and a half after I started studying for the exam (from cancer, not COVID). We could only have 10 people at his funeral, we had to rotate out family members to say goodbye at his gravesite. Why is it I am not allowed to grieve with my family, but I can go sit with hundreds of strangers for this exam?

The mixed messaging means that it is hard for me to understand if it is safe to sit for the exam and means that I feel like I do not have the information to make an informed choice about whether or not to sign the waiver.

Additionally, Kimberly Herrick, Chair of the NCBLE, has stated that doing an online exam is “really not practical” for North Carolina (WRAL, June 23, 2020); that NCBLE “would like to be able to have [the exam] as we regularly do” (Spectrum News 1, Jun 10, 2020); and that “the issue with [testing] remotely is. . .security for the exam” (News & Observer, June 23, 2020). Currently, California, DC, Florida, Maryland, Michigan, and Nevada have found ways to offer the exam online. This means there are several examples of online testing available which North Carolina could follow in order to ensure secure testing procedures. To say that North Carolina is incapable of adapting a technological solution, in the year 2020, should just be embarrassing. And it is aggravating that as students and bar applicants we have been asked to adapt so much to meet this test, and yet NCBLE is willing to do nothing but tell us to bring a mask and shirk responsibility by making us sign a waiver like they are not the ones forcing us to be there. Online exams and diploma privilege are real, viable options being utilized in this country. North Carolina should consider them.

APPLICANT STATEMENT 45

I am planning to take the bar in July 2020 and while I do not personally suffer from any ailments that make it more risky to sit for the exam- I know that is not true for many people. For that reason, I'm concerned that the policies in place will not adequately protect those people. I'd like the NCBA to consider alternatives and perhaps leave some choices up to test-takers.

APPLICANT STATEMENT 46

I am the spouse of an applicant for the July bar exam. I have been the sole support for our family through law school and the same is true now as they prepare day after day for the bar. I go to work. I run all errands. I care for family and provide what comfort I can. I am extremely cautious in every interaction I have outside of the house. When there was a chance that a colleague had been exposed to the virus, I restricted myself to the guest room for a week until they tested negative. I am prepared to isolate in that room again right now. My spouse has dedicated four years of incredible effort to earn the right to stand before the bar. I, our families, faculty, students and friends have all gone above and beyond to support this dream. We have sacrificed all of this. We simply ask the NCBLE to find it in themselves to ask no more of this graduating class than what they have already endured. Let them live. Let them work. Let them do the good they are trained for at the time they are needed most.

APPLICANT STATEMENT 47

I am a 2020 graduate of an NC law school and am preparing to take the July 2020 bar exam. The social implications of the pandemic and the NCBLE's decision to continue with an in person bar exam, postponed or not, has impacted me greatly. This pandemic has made studying for the bar exam a more stressful and emotionally challenging experience than I could have imagined. The stress and anxiety has been heightened by an unprecedented feeling of isolation. I have avoided going to gatherings and seeing family and friends to comply with the safer-at-home order and because I feel like I cannot miss days of studying if I get sick. This anxiety was made worse by the NCBLE's COVID- 19 screening waiver and requirement that we testify, under threat of perjury, that we have not tested positive or come in contact with people who have. Although bar study has traditionally been a solitary endeavor, previous bar-takers have had the opportunity to balance this social-interaction deficit with the ability to safely leave the house, study in different locations, and even share short visits with family and friends outside study hours. It is hard to explain to anyone not currently studying for the bar why I have to make these tough decisions not to participate. The choice to stay home, even after studying all day, seems completely voluntary to them. These circumstances have not only made more difficult to stay focused on studying, but also to sustain healthy relationships with friends and family. The circumstances of extreme isolation have amplified the need to "lean on" my support network, but have also sadly made my support network feel more distant than ever. This has taken a toll on my self- esteem, causes me to lose sleep and has lead to other physical implications of stress.

To be clear, any anxiety or stress I have felt as a result of any local incidents of racism and violence perpetrated in my community inevitably pales in comparison to the experience of my fellow bar-takers who are people of color. I have felt a sincere sense of guilt and ethical

obligation to participate in community initiatives and calls for justice to combat the systemic racism we have ignored for far too long. It is unrealistic to expect any empathetic individual, especially one with the skill set of a law graduate to feel fulfilled in a time where our inaction feels morally wrong. These feelings of trauma, guilt and insufficiency make focusing on and studying for this exam very difficult.

While the stress of coping with a global pandemic and national cultural shift has been heavy, the uncertainty of the bar exam has been an equally heavy burden to carry during this time. The NCBLE's changing requirements and unexpected announcements have made mentally preparing for this exam almost impossible. Bar takers this year have no one to ask about expectations for exam-day details. Many of us spent hours studying with a mask on during the month of June to prepare for exam conditions as a result of unclear guidance on whether we would be required to wear a mask during the exam. I was relieved to read in a recent update that one would not be required after the examination begins, only to be told today, just a few weeks before the exam, that the requirement has changed and that we will now be required to wear a mask during the exam. In addition to concerns of my glasses fogging up on exam day and of feeling like I'm unable to breath during the exam, the mask will serve as a constant reminder that we have assumed the risk to exposure to a highly contagious and deadly virus in a room where 300 other people are under similar conditions for the entire exam. This is not the only example of changing conditions and uncertainty, but it is the one affecting me most at this moment. These concerns are obviously not addressed by NOT wearing a mask or by a postponement of the exam. They can only be addressed by an issuance of emergency diploma privilege, the only solution which recognizes the unique circumstances of the current administration of this exam and the heightened levels of stress and psychological distress experienced by my fellow graduates and me.

APPLICANT STATEMENT 48

Black people have been disproportionately affected by this pandemic and uprising against racial injustice. We have had to suffer family losses from COVID-19. We have had to watch people who look like us be brutally murdered on camera. We have felt the overwhelming weight of grief and anxiety during this time. And we have had to go through all of that while studying for an exam that has historically been harder for black people to pass. I am worried about myself as a pre-diabetic black woman who may suffer exponentially more if I contract this virus at the exam. I am also worried about my black family in Raleigh/Garner/Goldsboro who may face increased exposure if this exam takes place as planned. Because that's just it, whatever spreads during this exam doesn't just effect me and my classmates in the exam facilities. It spreads. It spreads to our families, essential workers, and across every single community not just in North Carolina but also the country. These are not normal times. These

are not normal barriers one faces while studying. We need to rise to the moment and adjust to this reality. And the reality is that North Carolina is a coronavirus hotspot. And if we hold the exam as planned in July, we will only serve to exacerbate that fact. We must seek alternatives and protect the newest members of the legal community and North Carolina's citizens as a whole.

APPLICANT STATEMENT 49

The COVID-19 pandemic has certainly impacted many people in a far more disproportionate way than it has impacted me, however, here are my personal impacts: (1) panic and anxiety that has prevented adequate sleep and study habits, (2) moral and ethical obligations to family and friends to not unnecessarily expose myself to large groups of people, balanced with the need to be a licensed attorney which requires exposing myself to a large group of people to take the bar exam, (3) emotional stress and anxiety concerning how to study for an exam that may or may not occur and concerning the constantly changing testing requirements, (4) lack of ability to study effectively with places closed and the prohibition of coming into contact with other people prior to the exam, (5) inability to engage in regular mental health practices such as exercising, engaging in regular therapy sessions due to closures, and spending time with support systems (family and friends).

APPLICANT STATEMENT 50

With the arrival of the coronavirus in the state of North Carolina and the governor's implementation of the "shelter in place" order, I have moved back home with my parents. My parents are over fifty. My father is sixty-six years old and has some significant health concerns. He has had some heart issues and is a diabetic. Every time that I am outside of our home, I am concerned that I may bring this virus back to where we live. I am especially concerned when inconsiderate parties fail to wear a mask. I am afraid that if I am in an environment with people who are not wearing mask, that it could be detrimental if not fatal for my family.

APPLICANT STATEMENT 51

The entry into the legal profession is an important decision that most of us did not take lightly. We studied hard for three years. We prepared ourselves to the best of our ability to enter into a profession that is meant to serve the public and the judicial system. We have not prepared for this. Requiring us to take an exam that puts our health and the health of those around us in jeopardy is not what we signed up for when we decided to become lawyers. Although we welcome challenges and adaptations to the legal field when they arise, the Covid-19 pandemic is never a challenge that we thought we would have to face. Back in March when our schools were shut down and we were forced to finish our degrees online, we accepted it with grace given the

condition of the United States and the world. Now however, we are being faced with a choice between our professional and financial security and our physical and emotional health. The administration of the exam does not serve the public, nor does it serve us, the prospective lawyers and leaders in our communities.

Although the Board of Law Examiners has issued new regulations for the administration of the exam in light of growing public health and safety concerns due to the pandemic, these regulations do not do enough. Although we will be spaced apart, we will be with hundreds of others for multiple hours. The masks are not enough. Additionally, the masks are a hinderance to our performance on the exam, so not only are we forced to put our health at risk, we will not be able to perform to the best of our ability due to the mask requirements as they hinder visibility, breathing, and in general are a distraction that pulls our attention from the important task at hand: passing the bar exam.

APPLICANT STATEMENT 52

Many legal professionals are seen as leaders in their community. Administering the bar exam this July under the current conditions of the State of North Carolina is a failure of leadership. By maintaining the administration of the bar exam, a test that already disproportionately affects minorities, during a time of nationwide crisis is irresponsible and inconsiderate of the health of the examinees and their families. Choosing between our physical health and professional obligations/opportunities is not a choice we thought we would ever have to make, yet it is a choice that we are being forced to make. Now is not a time for rigidity for the sake of hanging onto to a test. Now is the time to be forward thinking leaders in the community and take a better position to balance the public health concerns and the regulation of the profession by extending us diploma privilege so that we can follow through on that choice we made, to be leaders in the community, and to support the justice system and those in need when necessary.

APPLICANT STATEMENT 53

I often sit back and think ‘how can anyone living in America for the last few months think it is okay to administer a bar exam right now?’

It saddens me deeply that we are even having this discussion. That we are fighting so hard for what is so clearly right. People are dying. People are actually getting sick and dying all around us at an alarming rate. Many people who are ill today or have died, would not have if we weren’t so reluctant to change.

It is nearly impossible to study. I know so many fellow graduates (myself included), who feel guilty focusing on a test when we are amidst a global pandemic as well as a human rights crisis. Many of us, are living in through the greatest civil rights movement of our lifetimes. It seems

unbelievably selfish to prioritize our own advancement, over the fight against the systemic and often violent mistreatment of Black people. Many of us have mobilized in a variety of different ways whether it's protesting, starting petitions, or educating those around us of opportunities within the law to push for meaningful change. All of these activities detract from the 10-12 hour/ 6 days a week study schedule we paid for.

Mental health is at all time low in this country. We sat at home for months as we lost family members to the virus, for me, it was my Uncle who we could not gather to bury. Law graduates were robbed of the moment to celebrate one our biggest accomplishments, only to be told that we will still expose ourselves to a large crowd when the numbers were worst. Also, I am not sure how many people of color serve on the NCBLE, but I am sure that their silence when it comes to the disproportionate impact of the last few months on Black applicants is disappointing and unfortunately, expected. If there is one thing the current racial climate is trying to teach us, it's that we can no longer ignore parts of the problem. When we know a marginalized community is suffering, we cannot be aware of this and decide it is not important enough to warrant change.

Now is a time to exhibit grace, empathy, and most importantly, adaptability. Our profession owes it to ourselves and our communities. We are the future of the legal industry, we need those before us to protect us, so that we can do the same for the next generation.

I am trying to wait to see if the date is changed, but if it is not, I will not be sitting for the July bar. It is simply unsafe to administer the exam this month. If it were safe to have this many people together in once space, then almost everything would be reopened on state level. We can not choose if we will contract Covid-19, therefore I am not going to choose when to follow the guidelines and recommendations put in place by CDC and the NDHHS. Ultimately, nothing is more important than saving lives. I won't dare prioritize my career over my life or the health and safety of others.

APPLICANT STATEMENT 54

I have worked my whole life to become an attorney. I came to law school straight through undergrad because becoming a lawyer is what I know I'm meant to do. I have put myself through three years of law school. I have taken on the financial, emotional, and mental burdens along the way with a smile and a grateful heart. Not all are lucky enough to take on hundreds of thousands of dollars in debt and know that it's for the sake of a calling and career they will love. In fact, many people do it without the promise of enjoying the career that awaits them. So I know I am incredibly lucky for the guarantee of a career full of inspiring and intellectually stimulating work. It is because of that feeling that I have always considered myself blessed to study and one day join the practice of law.

That feeling kept me motivated as I worked hard in my classes and took on teaching scholar positions to achieve more scholarship and advance my possibilities for a job at the end of this experience. I spent my summers clerking, interning, volunteering, and soaking in every possible opportunity to set myself up for success at the end of “my last three years of school sacrifice.” I’ve made it. I graduated in the top 10 in my class. I have a job waiting for me upon my licensure in September. I have the exact amount of money I need leftover from my final batch of student loans to get me until my first paycheck.

I need a law license. If you give me the opportunity to earn it, I know that I will. But to take that opportunity away from me now—to kick the can down the road because some of the brightest and most well respected lawyers in our state cannot come together and figure out a way to protect the public while simultaneously giving me a safe opportunity to prove how prepared and deserving I am of the privilege to practice law—would be devastating and unethical.

Administer the exam in July. Spread us out. Grant accommodations. Do what must be done. But please do not cancel or postpone this exam when you’ve had three months (while we’ve been studying) to figure this out. The law deans will provide locations. The law deans will provide funding for additional proctors. If you can’t give the exam safely in July, then come up with a solution that allows us to move forward with our lives. Do not force us into a state of limbo for two more months so that we can have the same problems 3 weeks before a later September exam (because we will).

If you can’t administer an exam, please let us practice provisionally under the supervision of an attorney. Invalidate a provisional license for misbehavior. Make us go to CLEs. We will PAY to go to CLEs and I’m sure the NCBA would love to organize that. Make us work provisionally for 1, 2, 3, or even 5 years before we have a “full” license.

Just please, do not make us wait any longer. We cannot afford it, we cannot mentally handle it, and we do not deserve it. Give us the chance to earn our place on the timeline we were promised and relied on from the beginning. Thank you.

APPLICANT STATEMENT 55

When I began my law school journey three years ago, my only intention was to pursue a career where I could help those who are unable to help themselves. This intention has remained the same for the past three years- I have pursued only opportunities in public interest, which has ultimately left me without paid internship opportunities, without a conditional offer upon passing the bar, and will eventually leave me with an unimpressive salary. None of these factors have been, nor will they ever be enough, to dissuade me from pursuing a career centered upon serving others. I bring light to these factors if only to acknowledge that I deeply understand the

financial implications of delaying a bar exam. I, like so many of my peers, have a mortgage to pay, massive debt looming, and will not be able to financially survive delaying my bar application to February. For these reasons, when I first heard about the backlash the July bar exam was receiving, I kept my head down. I was too terrified of the financial repercussions that I would face, and chose not to listen to the fears of my peers. Ultimately, I was willing to be complicit in something I knew was ethically wrong, if only to further my own interests. After much reflection, I realize that to stay complicit goes against the very reason I have desperately sought to join this profession. I have tirelessly pursued a career where I can fight for those who cannot fight for themselves, and I have every intention to do the same for my peers during this struggle. I have listened to my peers who fear for their lives and the lives of their families if they sit for this exam. I have listened to peers who cannot return home after the exam and expose their families, but have no where else to go. My peers are left in a position where they must choose between taking an exam putting their own health and safety, as well as the health and safety of their loved ones, at risk, or taking on the unimaginable financial burden of delaying their licensure seven months. How anyone can feel that this is a reasonable, satisfactory alternative is beyond all comprehension.

The legal profession has always been driven by a desire to serve others, yet we are flatly failing to serve each other during this difficult, unprecedented time. Staying complicit to this goes against everything I believe this noble profession to stand for.

APPLICANT STATEMENT 56

I often sit back and think ‘how can anyone living in America for the last few months think it is okay to administer a bar exam right now?’

It saddens me deeply that we are even having this discussion. That we are fighting so hard for what is so clearly right. People are dying. People are actually getting sick and dying all around us at an alarming rate. Many people who are ill today or have died, would not have if we weren’t so reluctant to change.

It is nearly impossible to study. I know so many fellow graduates (myself included), who feel guilty focusing on a test when we are amidst a global pandemic as well as a human rights crisis. Many of us, are living in through the greatest civil rights movement of our lifetimes. It seems unbelievably selfish to prioritize our own advancement, over the fight against the systemic and often violent mistreatment of Black people. Many of us have mobilized in a variety of different ways whether it’s protesting, starting petitions, or educating those around us of opportunities within the law to push for meaningful change. All of these activities detract from the 10-12 hour/ 6 days a week study schedule we paid for.

Mental health is at all time low in this country. We sat at home for months as we lost family

members to the virus, for me, it was my Uncle who we could not gather to bury. Law graduates were robbed of the moment to celebrate one our biggest accomplishments, only to be told that we will still expose ourselves to a large crowd when the numbers were worst. Also, I am not sure how many people of color serve on the NCBLE, but I am sure that their silence when it comes to the disproportionate impact of the last few months on Black applicants is disappointing and unfortunately, expected. If there is one thing the current racial climate is trying to teach us, it's that we can no longer ignore parts of the problem. When we know a marginalized community is suffering, we cannot be aware of this and decide it is not important enough to warrant change.

Now is a time to exhibit grace, empathy, and most importantly, adaptability. Our profession owes it to ourselves and our communities. We are the future of the legal industry, we need those before us to protect us, so that we can do the same for the next generation.

I am trying to wait to see if the date is changed, but if it is not, I will not be sitting for the July bar. It is simply unsafe to administer the exam this month. If it were safe to have this many people together in once space, then almost everything would be reopened on state level. We can not choose if we will contract Covid-19, therefore I am not going to choose when to follow the guidelines and recommendations put in place by CDC and the NDHHS. Ultimately, nothing is more important than saving lives. I won't dare prioritize my career over my life or the health and safety of others.

APPLICANT STATEMENT 57

On August 5, 2019 my wife and I welcomed our first child into the world. The very same day we had to schedule a follow-up appointment for a condition called hydronephrosis, which is caused by a build-up of fluid in the kidneys. My son's condition was caught in utero, and has progressed to stage 4 (the most severe). As a result he is scheduled for a corrective surgery that will require four hours of operating while under anesthesia. Furthermore, he has had to be on antibiotics from birth, in an effort to prevent a potentially life-threatening UTI. The unfortunate side effect is that this same medicine increases his risk of viral infection, so when COVID-19 began, my wife and I took every precaution to keep him safe.

Our world has turned upside down. We are cautious of letting my son around even close family, require frequent hand washing and showers after people have gone out into public. Between the pre-existing kidney condition and suppressed immune system, exposure to the virus could be deadly.

Now I am forced into the uncomfortable position of deciding between the fiscal well-being of my family, and the physical. Neither my wife nor I come from money, and we cannot afford to

simply skirt by on the remaining student loans in my bank account until February. Which brings me to alternatives. We could either move testing online, thus preventing the convening of a super-spreader event, whereat 700 students (most of whom are in demographics experiencing a sharp increase in confirmed cases) will or will not wear effective or ineffective masks. Online testing has been adopted by other states, including Florida just recently. But apparently this is simply untenable.

Which leads to the question of provisional diploma privilege. I ask, what was the point of attending law school if not to prepare me to be a lawyer? If Barbri or Themis are just as apt teachers, if the Bar exam is a better indicator, why did I amass six figures of student loan debt? Why is graduate competence not handled at the accreditation stage?

It must also be stressed that this administration of the Bar exam will be fundamentally unfair. The COVID-19 virus impact has disproportionately affected students. It has affected parents different from non-parents. Minority students different from non-minority students. Students from impoverished backgrounds different from those raised in privilege and affluence. Few of my classmates may share my unique situation, but a great many have been affected in different ways.

How many infections would be too many after the administration of this exam? We may hope that no one at the exam is infectious, but statistics would tell us that is unlikely. Some may even be asymptomatic. So how many infections is acceptable? God-forbid, how many deaths? Is the administration of the exam worth a single life? Or permanent lung damage?

How can the exam produce a fair result when nothing may have changed in one student's life, while the student to his left mourns the loss of her brother to the virus, and the student to his right trembles in fear of bringing a viral infection back to his defenseless son?

APPLICANT STATEMENT 58

When I began my law school journey three years ago, my only intention was to pursue a career where I could help those who are unable to help themselves. This intention has remained the same for the past three years- I have pursued only opportunities in public interest, which has ultimately left me without paid internship opportunities, without a conditional offer upon passing the bar, and will eventually leave me with an unimpressive salary. None of these factors have been, nor will they ever be enough, to dissuade me from pursuing a career centered upon serving others. I bring light to these factors if only to acknowledge that I deeply understand the financial implications of delaying a bar exam. I, like so many of my peers, have a mortgage to pay, massive debt looming, and will not be able to financially survive delaying my bar

application to February. For these reasons, when I first heard about the backlash the July bar exam was receiving, I kept my head down. I was too terrified of the financial repercussions that I would face, and chose not to listen to the fears of my peers. Ultimately, I was willing to be complicit in something I knew was ethically wrong, if only to further my own interests. After much reflection, I realize that to stay complicit goes against the very reason I have desperately sought to join this profession. I have tirelessly pursued a career where I can fight for those who cannot fight for themselves, and I have every intention to do the same for my peers during this struggle. I have listened to my peers who fear for their lives and the lives of their families if they sit for this exam. I have listened to peers who cannot return home after the exam and expose their families, but have no where else to go. My peers are left in a position where they must choose between taking an exam putting their own health and safety, as well as the health and safety of their loved ones, at risk, or taking on the unimaginable financial burden of delaying their licensure seven months. How anyone can feel that this is a reasonable, satisfactory alternative is beyond all comprehension.

The legal profession has always been driven by a desire to serve others, yet we are flatly failing to serve each other during this difficult, unprecedented time. Staying complicit to this goes against everything I believe this noble profession to stand for.

APPLICANT STATEMENT 59

COVID-19 has forced me to stay in a condo with shoddy internet. Louisville has been a hot spot for protests. Multiple men have been killed since the black lives matter protests started. One man was confirmed killed today (July 2). Meanwhile, COVID-19 numbers continue to rise and break records. These realities significantly hinder my ability to study effectively and sleep well at night. The state of the world makes it difficult to shroud ourselves from the chaos and study all day. Moreover, as the NCBLE wavers in mask policies and changes waiver language, I'm concerned whether the bar exam will happen on schedule. I'm concerned for my safety. I'm concerned for black lives. I'm concerned for how and when the bar exam will be administered. These issues make studying a far more difficult task and insist upon a post-poned exam and an alternative approach.

I need my results to begin training in January 2021. I think the current climate makes a July examination incredibly impractical. A September or October examination is far more understanding of the conditions. NC COVID-19 positive tests continue to hit record numbers.

APPLICANT STATEMENT 60

COVID-19 has greatly affected my everyday life and well-being while preparing for the bar exam. The uncertainty and resurgence of COVID-19 cases in this state have increased in my anxiety levels. As the exam moves closer, I find myself worrying more about how I will be taking a stressful and significant exam in test conditions creating large spread of coronavirus. I find it increasingly hard to focus on the exam when I am worried about my safety and well-being in sitting in an exam room with hundreds of other applicants over the course of two days.

This pandemic has affected me in my life events beyond studying. Three days ago, my grandmother passed away unexpectedly in a different state. Coronavirus has prohibited me from saying goodbye or paying respects at her funeral. Grief combined with anxiety for the upcoming exam during the pandemic has made my mental health while studying deteriorate.

The uncertainty of my future is prohibiting me from being anything other than a sitting duck. It is unknown if the conditions will be good enough for a later exam in September. I desperately want to become a lawyer and become the first person in my family to do so. Unfortunately, taking the exam in July means risking my life and health to do so.

APPLICANT STATEMENT 61

Per CDC recommendations, indoor gatherings should be limited to 25 people or less. As a high risk individual, I certainly would not be comfortable taking an exam in a room with hundreds of people. This, in addition to the stress of the current situation, would have an effect on my performance on the exam. Being forced to choose between my profession and potentially my life is an onerous burden no one should have to bear.

APPLICANT STATEMENT 62

I get it. The board is in a tough spot right now. Any avenue the NCBLE takes will be subject to fierce criticism. However, the worst action that can be taken is inaction. Every single applicant is currently distracted by the uncertainty of whether or not the bar will take place in July. This factor, on top of the others listed above and below, has negatively impacted the studying ability of virtually every bar applicant. In light of the current circumstances, I ask that the NCBLE make reasonable adjustments to the score required for licensure and quickly make a concrete decision on the bar exam date/method.

APPLICANT STATEMENT 63

The covid-19 pandemic and recent events in this country have caused several mental health impacts on bar applicants. These include grief resulting from death of close family members by COVID-19, social isolation from compliance with public health recommendations, and the stress and trauma of the continued oppression of black citizens being brought to the public eye

yet again.

APPLICANT STATEMENT 64

When I began my law school journey three years ago, my only intention was to pursue a career where I could help those who are unable to help themselves. This intention has remained the same for the past three years- I have pursued only opportunities in public interest, which has ultimately left me without paid internship opportunities, without a conditional offer upon passing the bar, and will eventually leave me with an unimpressive salary. None of these factors have been, nor will they ever be enough, to dissuade me from pursuing a career centered upon serving others. I bring light to these factors if only to acknowledge that I deeply understand the financial implications of delaying a bar exam. I, like so many of my peers, have a mortgage to pay, massive debt looming, and will not be able to financially survive delaying my bar application to February. For these reasons, when I first heard about the backlash the July bar exam was receiving, I kept my head down. I was too terrified of the financial repercussions that I would face, and chose not to listen to the fears of my peers. Ultimately, I was willing to be complicit in something I knew was ethically wrong, if only to further my own interests. After much reflection, I realize that to stay complicit goes against the very reason I have desperately sought to join this profession. I have tirelessly pursued a career where I can fight for those who cannot fight for themselves, and I have every intention to do the same for my peers during this struggle. I have listened to my peers who fear for their lives and the lives of their families if they sit for this exam. I have listened to peers who cannot return home after the exam and expose their families, but have no where else to go. My peers are left in a position where they must choose between taking an exam putting their own health and safety, as well as the health and safety of their loved ones, at risk, or taking on the unimaginable financial burden of delaying their licensure seven months. How anyone can feel that this is a reasonable, satisfactory alternative is beyond all comprehension. The legal profession has always been driven by a desire to serve others, yet we are flatly failing to serve each other during this difficult, unprecedented time. Staying complicit to this goes against everything I believe this noble profession to stand for.

APPLICANT STATEMENT 65

I am an out of state attorney presently registered for the July bar exam, moving to NC to be closer to aging parents. I resigned from my job as an attorney in early March to make preparations for our move and begin bar studies. However, one week later, I found myself unexpectedly homeschooling our two children, ages 7 and 3, due to school closings. This arrangement has continued throughout the summer as Covid19 has continued to spread in our community. If the July exam is not postponed, I will be forced to defer until February, which will detrimentally impact our family, as I am our family's breadwinner. It has been beyond difficult to prepare for this exam in current conditions. I do not feel it is safe to attend the

in-person exam for fear of contracting the virus and spreading it to our family or others. I understand why some would prefer to go forward, but I believe a Fall option for those who wish to postpone should be considered. I also understand why, in these unprecedented times, many of the applicants with substantial law school debt are requesting diploma privilege or temporary licensure. Their concerns are valid and I support these law school graduates. Thank you.

APPLICANT STATEMENT 66

I had to move back home with my parents to study for the bar; I have supported myself financially since college, and I simply could not afford to continue to pay rent for the summer without my work-study jobs or without the living loans I received from my school. Now I am 10 hours away from Raleigh. While I knew it wouldn't be ideal to have to travel before the bar, when I made the decision and declined to extend my lease (before COVID was even in the news cycle) I presumed I could fly. So I've been left with the choice of getting on a plane when most flights are not practicing social distancing, not taking temperatures, etc., or traveling 10 hours right before the bar exam in a car with an oil leak and an engine that doesn't always start (and which I cannot afford to fix right now). On top of this, I personally know 4 individuals under the age of 30 who have tested positive for COVID in the past 10 days, one of whom had to go to the emergency room. On top of this, North Carolina and states across the South are seeing a significant increase in positive COVID tests. On top of this, after all of this traveling and being crammed in a room with several hundred other people who have also been traveling, I will have to go home to my parents, who are in the at-risk age category. My situation is far from ideal, but what makes me really sick are the people whose situations are worse than mine; who truly cannot afford to wait until February, whose spouses or children are immunocompromised, and so on. I can't put into words how upset it makes me that our profession, which we have all worked so hard to try to be a part of, is so willing to flout public health recommendations and put its future members (and their families) at serious risk of physical and financial harm.

OTHER PROFESSIONALS AND FAMILY MEMBER IMPACT STATEMENTS

STATEMENT 1

My fiancé is putting himself at great risk which could then put me and the rest of our family at risk by attending this exam. His mother is immunocompromised and I work at an essential job. This exam is putting not only the test takers at risk, but far more people as well.

STATEMENT 2

My sister-in-law worked hard to get through law school and she deserves to have the opportunity to sit for the bar exam, but she should be able to do so safely. There is nothing holding you back from setting up more testing sites in order to space people further from one another, which is vital given that they'll be indoors for a significant period of time with others. These students should not have to decide between keeping themselves and family members or friends they live with safe and healthy or starting their law career &, relevant to the majority of them, paying off their student debts.

STATEMENT 3

Hello, I am a citizen currently engaged, living with, and supporting a Bar Applicant preparing to take the Exam on July 28 & July 29th. With each decision it seems as though the individuals in charge of this Bar Exam are putting the health and welfare of these students, and those who are directly connected with them, at risk for an inexplicable reason. It seems as though there is an ultimatum where a student has to decide whether they want to risk their health, and the health of their loved ones, or risk losing a job offer. For an individual supporting a current Bar Applicant, I have already felt the stress and anxiety of having to support both of us in a time of unrest. Now on top of that I am worrying about getting myself and my fiance sick. I am worried to go into work (I am privileged that I am able to work from home, most others are unable to do this) due to the fact that if my fiance gets sick it could result in her not getting licensed. I am also worried that she will get sick from taking this exam, and then in turn get me sick. This is the case with many couples, and those who have preexisting health conditions will not be able to take this risk.

STATEMENT 4

Supervised practice has long been a tool of professional communities. For some reason the NCBE believes a predominantly multiple choice exam is a better indication of professional ability than it's historic counterpart. Diploma Privilege is the only theoretical way to allow NC graduates to begin licensed practice amidst an unescapable potential that this exam won't ever be practical or safe to offer. Combining this privilege with supervised practice with a member of the NC Bar in good standing certifies both professional competency and the health of both applicants as well as their families and immediate communities.

STATEMENT 5

I am appalled at the complete lack of integrity of the NC Bar Examiners. Their decision not to require students to wear masks shows that the NC Bar Examiners prioritizes political games over human life. My partner has spent nearly 15 hours a day studying for the Bar Exam over the past months crammed in our small apartment where we are doing everything that we can to stay healthy. Now for apparently no reason other than to appease a manifestly corrupt

and scientifically baseless political agenda, the NC Bar Examiners have decided to put my partner's life at risk, mine, as well as numerous others. People will die, and the NC Bar Examiners will be directly responsible. The blood is on their hands. Shame on the NC Bar Examiners.

STATEMENT 6

My husband recently graduated from law school and is an applicant for the NC July 2020 Bar Exam. While all of law school has been grueling, my husband's stress and anxiety has significantly increased since March 2020. School was quickly placed online and there was little administrative support and in fact he was told by one professor that they would be assigning MORE work since "they had much more time now." There has been no sensitivity to the increase in stress since the pandemic.

I am a mental health therapist and am baffled at the insensitivity a lot of the administration at my husband's school and also the NC Board of Law Examiners (NCBLE) have portrayed. While I believe we are all struggling to adjust to living during a pandemic and no one has all of the answers, I believe there has to be awareness and sensitivity to the plight these students/graduates are facing. As a therapist, I have a unique perspective in which I've seen how living during a pandemic affects a person's mental health. I have seen major increase in anxiety as living during a pandemic is quite uncertain. Also, some folks are having fight/flight/freeze response as there can be a sense of unsafety and danger in the world due to the deadly virus. One way in which folks can feel less stressed and anxious is to feel certain about as much as they can (maintaining a routine, focusing on what hasn't changed) and also to engage in behaviors that help keep you safe (handwashing, masks, social distancing). The NCBLE has been unclear, uncertain, and dismissive of both giving any sort of guidance to the applicants and totally dismissive of any concerns they may have.

Masks are worn for quick social necessities such as shopping for essentials. They are absolutely not protection for prolonged social exposure in a closed room. How can this be seen as safe and not anxiety-producing for test takers? Again, I am baffled at the lack of understanding and acknowledgment of the stressors that are unique to this group of Bar exam takers. My husband does not have the luxury to take the exam at a later date. We have bills piling up as my private practice has decreased by about 40% since having to move to telehealth due to the pandemic. I am self-employed and have no benefits or vacation time. Our insurance is through my husband's school; we need him to be employed by August so that we can have medical insurance. I need help paying the bills.

STATEMENT 7

The exam should be postponed and diploma privilege should be granted, the exams should be

taken at their law schools, or online/remotely. Any other method is absurd and negligent.

STATEMENT 8

My wife is preparing for the Fall 2020 NC Bar Exam and is under a lot of stress. I am immunocompromised and she is very concerned that exposing herself to potential COVID carriers during the exam could carry the risk of passing the virus to me, which could result in hospitalization or even death. Waiting to take the Bar Exam until the Spring is not an option for her because her offer of employment is contingent upon her receiving her license to practice by this September.

These circumstances put our family in a very precarious situation and may result in further harm to ourselves and our community if not addressed.

STATEMENT 9

I have grave concerns about the well being of bar applicants, their families, and the communities to which they will return. The circumstances and conditions under which they are expected to take the bar and egregiously dangerous to physical and mental health. Other states are taking a much more public health minded approach and so should North Carolina. There is no reason to subject students, families, and communities to these detrimental conditions. The Board of Bar Governors leadership will be viewed as an embarrassment and the profession will rightly lose trust and faith in its ability to act in a fair and rational manner.

STATEMENT 10

With the circumstances going on when it comes to the coronavirus, health and safety should come first. Those taking the bar should not have to risk their health in order to make it to the next stage in their career. Also, with the ongoing social climate, mental health should be taken into consideration. All in all, the bar should be pushed out to accommodate these future law professionals.

STATEMENT 11

The current state of our society has introduced a number of variables that will more than likely affect most of the individuals sitting the Bar in July 2020 negatively. The ability to prepare for the bar properly has been taken away from each participant in different and unforeseen ways.

STATEMENT 12

We are in the midst of a Pandemic and cases are spiking all over the country, including the state of North Carolina. It would be completely irresponsible to have bar applicants physically report to a designated location to take this exam. The CDC guidelines are still recommending that any group gatherings, especially those indoors, should have no more than ten people (socially distanced). Not only are students dealing with a plethora of ramifications due to the pandemic, but this country is also in the midst of a fight against racial injustice and inequality. Students of color have gone through a very stressful and traumatic last few weeks. All of this in addition to COVID-19. If you have to require students to sign a waiver in order to take the bar in July, maybe you should not be administering the bar in July. There are other alternatives. Find them. Prioritize the physical and emotional wellbeing of these students. They should not be punished for your inability to be flexible about the conditions surrounding the exam. Their futures and their ability to practice law should not be compromised in this way for wanting to prioritize the health of not only themselves, but their loved ones.

STATEMENT 13

As a nurse we see the impact covid-19 has had on families because loved ones aren't even able to have loved ones in the hospital with them. I have been lucky enough to be a nurse where I did not lose my job but seeing my family members have to be out of work was not easy. Covid-19 affects everybody in a different way and for me it has been not being able to see my family because I am scared to get my grandparents sick. Living alone and not being able to see my family while working at the hospital where stress is always high, is extremely taxing. The world we live in is unprecedented and it is important to be flexible with the times.

STATEMENT 14

I recently watched Kimberly Hedrick's interview on Spectrum's News 1 and I am disturbed by amount of testers that will be in one building at one time. I am concerned about being able to properly social distance 300 people in one building. Please reconsider pushing the bar back or canceling it all together.

July 6, 2020

Governor Roy Cooper

North Carolina Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

Dear Governor Cooper:

We are a group of law school graduates from Campbell University, Duke University, North Carolina Central University, University of North Carolina, Wake Forest, and other law schools across the country. We are registered to take the bar examination administered by the North Carolina Board of Law Examiners (BLE) on July 28-29, 2020. We thank you for your administration's many efforts to keep North Carolina safe, but we must convey our deep concerns about the inadequacy of the safety precautions being implemented by the BLE this year in the face of the COVID-19 pandemic.

With an exemption for educational institutions and government operations, your Executive Order dated May 20, 2020 stated that the "risk of contracting and transmitting COVID-19 is higher in gatherings of larger groups of people because these gatherings offer more opportunity for person-to-person contact with someone infected with COVID-19."¹ Additionally, the order put in place restrictions, "particularly in settings that are indoors, involve people being stationary and in close contact for long periods of time, or are part of mass gatherings."

Likewise, the CDC recommends cancelling any event that includes 250 people or more if there is minimal or moderate spread of COVID-19 in the community. Moreso, the CDC recommends cancelling events of any size if there is a substantial spread of COVID-19 in the community.²

The current total of positive cases in North Carolina has reached more than 66,500 and the unfortunate death toll of over 1,400 North Carolinians. In light of these rising case counts across North Carolina and the region, your June 24, 2020 Executive Order reaffirmed the need for social distancing and limits on mass gatherings.³ That same order extended the mandated use of face coverings in public.

Despite your orders, the CDC's guidelines on canceling events, and the current case totals, the BLE is moving forward with an in-person exam. More than 700 examinees are expected to gather indoors for two full days of testing at the North Carolina State Fairgrounds and the Jane S. McKimmon Center on North Carolina State University's campus.

¹ N.C. Exec. Order No. 141 (May 20, 2020), <https://files.nc.gov/governor/documents/files/EO141-Phase-2.pdf>.

² *FAQ: Community Events, When does the CDC Recommend I Cancel or Postpone an Event?*, Ctrs. for Disease Control & Prevention, <https://faq.coronavirus.gov/community-events/#when-does-the-cdc-recommend-that-i-cancel-or-postpone-an-event> (last visited July 6, 2020).

³ N.C. Exec. Order No. 147 (June 24, 2020), <https://files.nc.gov/governor/documents/files/EO147-Phase-2-Extension.pdf>.

Moreover, the BLE has offered minimal accommodations for those at high-risk for infection and severe illness due to COVID-19 or who live with similarly high-risk family members, despite other alternatives. For example, the deans of our law schools offered to host the exam in smaller classrooms. Yet, the BLE's default accommodation is to allow examinees to postpone the exam until February of 2021. Delaying licensing for seven months is not a viable option. In the midst of this unexpected recession, we need to begin employment immediately in order to pay back student loans and support our families.

Cognizant of the life-threatening choice we are being forced to make, the BLE is requiring each of us to acknowledge that by taking the bar examination, we “voluntarily assume[] all risk of exposure to or infection with COVID-19. . . and the possibility that such exposure or infection may result in personal injury, illness, permanent disability, and death.”⁴ This choice comes at a time when, particularly in Wake County, our age group is at an increased risk. Per Dr. Mandy Cohen: “[w]e’re seeing our new cases really being driven by younger folks, under 49” and per DHHS data North Carolina residents aged 25 to 49 make up 45 percent of cumulative COVID-19 cases overall.⁵

But our concern extends beyond ourselves. After gathering together in Raleigh to take the bar examination, we will return home to our communities across the state and nation. If we contract COVID-19 during the test, we will likely seed outbreaks elsewhere and further burden a healthcare infrastructure that is already increasingly strained. We agree with Dr. Mandy Cohen’s sentiments, “[w]e don’t want to have to go backwards, and that’s what we’re seeing in Florida and in Texas and in Arizona[.] They have to go backwards. We don’t want to have to go backwards. We want to make progress.”⁶

Other states have taken steps to protect bar exam takers and prevent community transmission. Indiana, Louisiana, Massachusetts, Maryland, Michigan, and Nevada will administer a remote exam. Washington, Utah, and Oregon have granted emergency diploma privilege to in-state law school graduates. Kentucky, Minnesota, Tennessee, and Texas are offering multiple testing dates with an expanded provisional licensing arrangement for those who choose a delayed test date.⁷ The BLE has many options before it, any of which will be safer than its current plan.

⁴ Board of Law Examiners of the State of North Carolina, *Notice to Applicants Regarding COVID-19 Requirements, Protective Measures, and Assumption of Risk for July 2020 North Carolina Bar Examination*, https://www.ncble.org/covid_19_requirements.

⁵ Leslie Moreno, *In Wake County, Greatest Number of COVID-19 Cases Come in 25–44 Age Group*, WRAL (June 23, 2020), <https://www.wral.com/coronavirus/younger-age-group-testing-positive/19158443/>; Tyler Dukes, *As Pandemic Continues, Cases of COVID-19 Shift to Younger Residents*, WRAL (June 23, 2020), <https://www.wral.com/coronavirus/as-pandemic-continues-cases-of-covid-19-shift-to-younger-residents/19158237/>.

⁶ *As COVID-19 Cases Hit New High, N.C. Delays K–12 Reopen Plans*, Spectrum News (July 2, 2020, 6:15 AM), <https://spectrumlocalnews.com/nc/triad/news/2020/07/02/as-covid-cases-hit-new-high--n-c--delays-k-12-reopen-plans>.

⁷ National Conference of Bar Examiners, *July 2020 Bar Exam: Jurisdiction Information*, <http://www.ncbex.org/ncbe-covid-19-updates/july-2020-bar-exam-jurisdiction-information/>.

In coordination with the BLE and using your executive powers and those vested in you by the Emergency Management Act,⁸ we respectfully urge you to take whatever steps necessary to mitigate the risks of this exam and protect the public health.

We have attached a copy of a letter addressed to the BLE and the Supreme Court of North Carolina asking that they exercise their powers to the same end.

Sincerely,

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Jen Bordelon, Campbell University Norman Adrian Wiggins School of Law
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⁸ N.C. Gen. Stat. § 166A–19 *et seq.*,

https://www.ncleg.net/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_166A/Article_1A.pdf.

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Morgan Lewis, Wake Forest University School of Law
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Amber Jones, Wake Forest University School of Law
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Mia Chalhoub, Wake Forest University School of Law
Miles Jordan, Wake Forest University School of Law
Hannah Carter, Wake Forest University School of Law
Haleigh Teegarden, Charleston School of Law
Taylor Dant, Samford Cumberland School of Law
Jordan Godwin, Samford Cumberland School of Law
Atiya Vereen, Florida A&M College of Law
Valisha Desir, Seton Hall Law
Desiree Hall, Barry University Dwayne O. Andreas School of Law
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Devona Thompson, Northwestern Pritzker School of Law
Haleigh Teegarden, Charleston School of Law
Christopher Yon, University of Pittsburgh School of Law
Katherine Podvorec, University of Pittsburgh School of Law
Emma Rose, Vanderbilt School of Law
Emily Stanley, William and Mary School of Law

July 6, 2020

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

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 professors¹ 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 to the greatest extent possible."³ Guidance from the CDC indicates that highest-risk events are

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

² N.C. Exec. Order No. 141 (May 20, 2020), <https://files.nc.gov/governor/documents/files/EO141-Phase-2.pdf>.

³ Order of the Chief Justice of the Supreme Court of North Carolina (June 20, 2020), <https://www.nccourts.gov/assets/news-uploads/20%20June%202020%20-%207A-39%28b%29%282%29%20Extension%20Order%20for%20Emergency%20Directives%209-16%20%28FINAL%29.pdf?BFx89k8V3CLISIT9Qq7mUzRSfUGWt6u7>.

“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.”⁴

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.⁵ The Chair of the BLE has stated that she expects approximately 390 applicants in one building and 300 in another.⁶ 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.

⁴ *Considerations for Events and Gatherings*, Ctrs. for Disease Control & Prevention, https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/considerations-for-events-gatherings.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fcommunity%2Flarge-events%2Fmass-gatherings-ready-for-covid-19.html (last updated June 12, 2020).

⁵ *COVID-19 North Carolina Dashboard*, N.C. Dep’t. of Health & Human Servs., <https://covid19.ncdhhs.gov/dashboard> (last visited July 6, 2020).

⁶ *See State Bar Exam to be Given Amid Pandemic*, Spectrum News (July 2, 2020, 12:16 PM), <https://spectrumlocalnews.com/nc/triangle-sandhills/capital-tonight/2020/07/02/state-bar-exam-to-be-given-amid-pandemic>.

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.⁷ 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,

NC Supreme Court Justice
Justice Robert F. Orr (retired)

⁷ See first letter in packet.

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