In the Matter of 2020 Attorney Admissions Process	)	SUPREME COURT ORDER No. 20-012
	)	ORDER APPROVING 2020 ATTORNEY ADMISSIONS PROCESS

At a public meeting on June 29, 2020, the Oregon Supreme Court considered requests from the deans of the three Oregon law schools, and considered input from the Oregon Board of Bar Examiners (Board), relating to the upcoming July 2020 Oregon Bar examination and the spread of the COVID-19 virus.

WHEREAS, the Chief Justice previously issued Chief Justice Order 2020-09 (Order Amending Oregon State Bar Rules for Admission and Bar Rules of Procedure During COVID-19 Outbreak), to allow the Oregon State Bar and Board additional flexibility in administering the July 2020 Oregon Bar examination;

WHEREAS, the court acknowledges that the spread of the COVID-19 virus represents an extraordinary burden to applicants registered for the July 2020 Oregon Bar examination and that that burden has had a significantly unequal impact on applicants;

WHEREAS, the Board understands that the rules governing the practice of law permit recent law school graduates to work under the supervision of a member of the Oregon State Bar; and

WHEREAS, this court has inherent authority to regulate the practice of law in Oregon, including regulating admissions to the Oregon State Bar (Bar), under Article VII (Amended), section 1, of the Oregon Constitution, and ORS 9.006, has authority to direct the manner of examination for applicants for admission to the Oregon State Bar, under ORS 9.210 and ORS 9.220;

THE COURT HEREBY ORDERS:

1. Addition of Remote October 2020 Bar Examination

    a. Under this court's Rules for Admission of Attorneys (RFA) 5.05, the Board shall offer a special bar examination, to be remotely administered on October 5 to 6, 2020, using examination materials provided by the National Conference of Bar Examiners.

    b. Any person who obtains a passing score on the October 2020 Oregon Bar examination, and who otherwise is eligible for admission under the Rules for Admission of Attorneys, shall be admitted to practice law in Oregon. However, the October 2020 Oregon Bar examination will not be a Uniform Bar Examination (UBE).

    c. The October 2020 Bar examination may be administered to:

(1) Any person who submitted a complete application, postmarked by May 30, 2020, for the July 2020 Oregon Bar examination; and

(2) Any person who took, but failed to pass, the February Oregon 2020 Bar examination and who did not submit a complete application, postmarked by May 30, 2020, for the July 2020 Oregon Bar examination.

d. Except as provided in subparagraph 1.c., the Chair of the Board of Bar Examiners (Chair) shall have discretion to expand enrollment for the October 2020 Bar examination to individuals not identified in subparagraph 1.c., but who otherwise qualify to sit for a bar exam under the Rules for Admission. The Chair also shall have discretion to impose a limit on the total number of applicants enrolled under this subparagraph.

e. A person who takes any bar examination in the United States in 2020 after the issuance of this order is not eligible to sit for the October 2020 Oregon Bar examination.

f. The Board shall have discretion to impose deadlines for submitting complete applications, including the payment of fees, for the October 2020 Oregon Bar examination.

g. For individuals registered for the July 2020 examination who elect to take the October 2020 examination, any monies paid by the individual toward the fees for the July 2020 exam will be applied as a credit toward the October 2020 exam.

2. 2020 Oregon Emergency Diploma Privilege

a. Notwithstanding ORS 9.210(2), ORS 9.220(3), or the Rules for Admission of Attorneys, a person may be admitted to the Oregon State Bar without taking an Oregon Bar examination required by RFA 5.05 and RFA 5.15 if the person:

(1) Submitted a complete application, postmarked by May 30, 2020, for the July 2020 Oregon Bar examination, regardless of whether the person received an examination number; and

(2) Graduated in 2020 from either

(A) Lewis and Clark Law School, University of Oregon School of Law, or Willamette University College of Law; or

(B) Any other law school accredited by the American Bar Association that had an overall institutional bar examination passage rate, for persons taking a bar examination for the first time in 2019, of 86 percent (rounded to the nearest whole number) or greater.

b. A person who requests admission without taking a bar examination under subparagraph 2.a. must satisfy all other requirements for admission to be

admitted to the Bar, as outlined in the Bar Act, ORS chapter 9, and the Rules for Admission of Attorneys, including that the person demonstrates requisite good moral character and fitness.

c. A person admitted to the Bar under this section will be a fully licensed member of the Bar with the same rights and responsibilities as other Bar members.

d. The Board and Bar have discretion to develop any process necessary to implement this paragraph, including establishing a list of law schools qualifying under subparagraph 2.a.(2).(B).

3. Adjustment to Minimum Passing Score

Supreme Court Order 17-019, which set the pass score for the Oregon Bar examination at 274, is temporarily modified to allow for a minimum passing score of 266 for:

a. The July 2020 Oregon Bar examination; and

b. Any other Uniform Bar Examination taken between the date of this order and September 30, 2020, for purposes of admission to the Oregon Bar under RFA 19.05.

4. Additional Provisions

a. Applicant Election and Timeline

(1) Any person currently registered for the July 2020 Oregon Bar examination may:

(A) Sit for the July 2020 Oregon Bar examination;

(B) Opt out of the July 2020 examination and elect instead to take the remote October 2020 Oregon Bar examination; or

(C) Opt out of all 2020 examinations and elect to request the diploma privilege if qualified to do so under this order.

(2) Any person who is not currently registered for the July 2020 Oregon Bar examination, but who otherwise qualifies for diploma privilege under this order, may

(A) Elect to request the diploma privilege; or

(B) Elect to sit for the October Oregon Bar examination.

(3) The Board has discretion to set a deadline for applicants to submit an application to sit for the October 2020 Bar examination.

(4) The Board shall immediately develop a procedure for making the elections described in subparagraphs 4.a.(1) and (2), and announce that procedure on its website and through any other means that the Board deems necessary.

(5) Any person who elects to request the diploma privilege must notify the Board of the election, in writing, on or before July 6, 2020, in the manner directed by the Board. No person may elect the diploma privilege after July 6, 2020.

(6) Any person currently registered for the July 2020 Oregon Bar examination who opts out of the July 2020 examination and elects instead to take the remote October 2020 Oregon Bar examination must notify the Board of the election, in writing, on or before July 6, 2020, in the manner directed by the Board.

(7) If the Board does not receive a timely election pursuant to subparagraph 4.a.(5)-(6) from an applicant currently registered for the July 2020 Oregon Bar examination, the applicant will remain registered for that examination.

b. Fees

The court delegates to the Board the discretion to determine whether, or to what extent, any fees may be refunded or additional fees may be required and the deadline for paying any required fees..

c. Waiver of Rules

Any Rule for Admission of Attorneys that is inconsistent with this order is waived.

d. Effective Date

This order becomes effective immediately.

Dated this 30th day of June, 2020.

Martha L. Walters

Honorable Martha L. Walters
Chief Justice