IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE MATTER OF THE FEBRUARY 2021 NEVADA BAR EXAMINATION

FILED
NOV 05 2020
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
CHIEF DEPUTY CLERK

ORDER REGARDING FEBRUARY 2021 NEVADA BAR EXAMINATION

Given the ongoing COVID-19 pandemic, the Board of Bar Examiners (the Board) has requested that the February 2021 bar examination be conducted remotely under the same protocols and procedures used to conduct the August 11 and 12, 2020, examination. The Board's request is attached at Exhibit A. Specifically, the Board proposes to eliminate the Multistate Bar Examination (MBE) from the February 2021 examination. The examination will maintain the essay portion of the examination, including seven Nevada essay questions and two performance tests. The examination will be conducted online with the ILG software used for the August 2020 examination, except for applicants who require accommodation or who choose to handwrite the examination. In consultation with a psychometrician, the Board has developed specific procedures designed to ensure reliable grading of an essay-based exam.

We approve the request submitted by the Board modifying the format of the February 2021 Nevada bar examination. Accordingly, this court orders as follows:

1. The bar examination will be held on February 23 and 24, 2021, using the software the Board has used to administer the essay sessions for the last four Nevada bar exams;
2. Applicants may use outside materials to complete the exam but are prohibited from seeking or accepting assistance from any other individual during the exam;

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3. The Board shall submit a set of applicant instructions to the court for approval no later than Monday, February 1, 2021;
4. The Board shall administer the exam in a manner consistent with this order and have available during the examination proctors and technical support for the examinees to communicate with by phone;
5. The Board shall notify applicants who have already submitted applications for the February 2021 bar of this change in format and give such applicants until December 1, 2020, to withdraw and receive a full refund or reschedule for the July 2021 examination with no additional fee.

Further, Supreme Court Rules 54(4), 65, and 69(1), as well as paragraphs 14, 32, 33, and 36 of Addendum 1 to those Rules shall be suspended for the February 2021 Nevada bar examination.

It is so ORDERED.

Pickering, C.J.
Pickering

Gibbons, J.
Gibbons

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

Cadish, J.
Cadish

Silver, J.
Silver

cc: Eric Dobberstein, President, State Bar of Nevada
Kimberly Farmer, Executive Director, State Bar of Nevada
Richard M. Trachok II, Chair, Board of Bar Examiners
Brian Kunzi, Admissions Director, State Bar of Nevada
Clark County Bar Association
Washoe County Bar Association
First Judicial District Bar Association
Douglas County Bar Association
Elko County Bar Association
Administrative Office of the Courts

EXHIBIT A

STATE BAR OF NEVADA

ADMISSIONS
DEPARTMENT

MEMO

October 29, 2020

To: Chief Justice Kristina Pickering
Subj: February 2021 Nevada Bar Exam

With the upswing in COVID19 cases and the likelihood these will only increase as the cold season is upon us the Board of Bar Examiners recommends that Nevada follow the same protocol for the February 2021 Bar Exam as was used for the July 2020 exam. The Board believes the added stress of a possible in-person bar exam during the height of the pandemic would not serve the bar or the examinees. It is preferable to announce the plans for a remote as early as possible. This would mean that once again we will not use the MBE portion of the exam. Instead of the three-day duration originally planned for the in-person test we would again offer the test over a two-day period, commencing on February 23rd. The Board's experiences with the August exam were positive and the results were well within the range of the last ten years.

We are implementing adjustments to the calibration process to increase the overall exam reliability. The reliability of this exam was .81 and in line with past written exams. Some of our adjustments might even increase the reliability of the exam. In addition, we adjusted the formulation of the exam questions and the exam rubric focusing on the minimal competence threshold. Finally, we will include two Nevada Performance Tests and seven substantive test questions, which includes a Professional Responsibility question. Our experience with the NPT on this last exam was quite positive. As the author and grader of the NPT I must say it was helpful in assessing the overall minimal competence of the examinees.

If you have any questions, please give me a call.

Rick Trachok
Chair, Board of Bar Examiners