SUPREME COURT OF GEORGIA

FILED
Administrative Minutes
September 24, 2020
Thérèse S. Barnes
Clerk/Court Executive
SUPREME COURT OF GEORGIA

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

IN RE: OCTOBER 2020 ONLINE BAR EXAMINATION.

In the light of the uncertainty about the duration of the ongoing outbreak of COVID-19 in Georgia and throughout the United States and the extent to which public health may require the continuation of measures to impede the transmission of the SARS-CoV-2 virus, the Supreme Court of Georgia determined that the bar examination originally scheduled to be administered in person in July 2020 and subsequently postponed until September 2020 should be cancelled, and the Court directed the Board of Bar Examiners and Office of Bar Admissions instead to make the necessary arrangements for the online administration of a bar examination on October 5 and 6, 2020. For purposes of this online administration of a bar examination in October 2020, the Court hereby orders:

1. Notwithstanding any provision to the contrary in Part B, Section 1 of the Rules Governing the Admission to the Practice of Law in Georgia (the "Rules"), the Board of Bar Examiners and the Office of Bar Admissions are authorized and directed to establish application procedures, including deadlines and fees, for the online administration of a bar examination in October 2020;
2. Notwithstanding any provision to the contrary in Part B, Section 3 of the Rules, the Board of Bar Examiners and the

Office of Bar Admissions are authorized and directed to establish refund procedures for applicants who withdraw from the online administration of a bar examination in October 2020;

3. Notwithstanding any provision to the contrary in Part B, Section 6 of the Rules, a bar examination in October 2020 shall be administered online, may be proctored remotely (including by use of artificial intelligence technology), and shall consist of:
    a. 100 multiple-choice questions prepared by the National Conference of Bar Examiners (the "NCBE") in the areas of Civil Procedure, Constitutional Law, Contracts, Criminal Law and Procedure, Evidence, Real Property, and Torts (the "multiple-choice section");
    b. Three essay questions on Georgia law prepared by the Board of Bar Examiners and drawn from one or more of the following areas: Business Organizations, Constitutional Law, Contracts, Criminal Law and Procedure, Evidence, Family Law, Federal Practice and Procedure, Georgia Practice and Procedure, Non-Monetary Remedies, Professional Ethics, Property, Torts, Trusts/Wills/Estates, and Uniform Commercial Code (Articles 2, 3, and 9) (the "essay section"); and
    c. One performance question prepared by the NCBE involving any area listed above in Sections (3) (a) or (3) (b) of this Order (the "performance section").
4. All references in the Rules to a "Multistate Bar Examination" shall be understood to refer to the multiple-choice section described above in Section (3) (a) of this Order, and all references to a "Multistate Performance Test" shall be understood to refer to the performance section described above in Section (3) (c);
5. Notwithstanding any provision to the contrary in Part B, Section 8 of the Rules, an applicant will be considered to

have passed the bar examination in October 2020 if the applicant achieves a total score of 270 on the examination. This score shall consist of the sum of the scaled scores on the multiple-choice section, essay section, and performance section of the examination, as described above in Section (3) of this Order. If an applicant receives a total score of 260 or more, but less than 270, the responses of the applicant to the essay and performance questions shall be re-graded by the Board of Bar Examiners prior to the release of scores;

6. Notwithstanding any provision to the contrary in Part B, Section 11 of the Rules, the Board of Bar Examiners and Office of Bar Admissions are authorized and directed to modify the oath to be administered to applicants for the bar examination, so as to permit applicants to use:
    a. Scratch paper, notes on paper, and hard-copy books during the administration of the essay section described above in Section (3) (b) of this Order; and
    b. Scratch paper during the administration of the performance section described above in Section (3) (c) of this Order; and
7. Notwithstanding any provision to the contrary in Part B, Section 12 of the Rules, the Board to Determine Fitness of Bar Applicants shall be authorized to cause an investigation to be made regarding conduct by an applicant that may violate any law or rule governing the bar examination that is discovered before, during, or after the online administration of the bar examination, including as part of the proctoring described above in Section (3) of this Order.

The Court further orders that the online administration of a bar examination in October 2020 shall otherwise be considered a regular bar examination for the purposes of the Rules; shall be considered a bar examination for purposes of Sections 4-1 and 4-2 of our Order of April 17, 2020 concerning provisional admission to the practice of law in Georgia; and shall be considered a "Georgia Bar

Examination" for purposes of Rules 116 and 117 of the Rules of the Supreme Court of Georgia.

All the Justices concur.

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.
Witness my signature and the seal of said court hereto affixed the day and year last above written.

, Clerk