District of Columbia
Court of Appeals

No. M-269-20

BEFORE: Blackburne-Rigsby, Chief Judge; Glickman, Thompson, Beckwith, Easterly, McLeese, and Deahl, Associate Judges.

O R D E R
(FILED—September 15, 2020)

WHEREAS, The novel coronavirus pandemic has impacted nearly every facet of life in the District of Columbia and throughout the world. The DC Court of Appeals, consulting with numerous stakeholders and health experts, has worked to uphold its duty to regulate the bar for the protection of the public while protecting the health and safety of examinees, proctors, and staff and addressing the public's need for competent attorneys, the community's need for newly licensed attorneys, and law school graduates' need for employment.

WHEREAS, Since the outset of the pandemic emergency, the court has adapted to changing conditions, and expended significant administrative resources: the court canceled the July 2020 in-person bar examination; planned to administer a September in-person examination; which was also canceled; and, most recently, adopted a remote bar examination, developing reciprocity agreements with twelve other jurisdictions to give examinees flexibility in their employment opportunities and future practices.

WHEREAS, The court has received requests to consider additional options for new attorneys to practice law. On July 16, 2020, a Petition for Emergency Court of Appeals Rule Amendment was filed requesting "diploma privilege[*]." Informally, the court has also been asked to consider expanding temporary practice so that recent law school graduates can practice law under supervision pending results of the bar

[*] Although the petitioners use the term "diploma privilege," we use the term "emergency exam-waiver admission" to more accurately describe this option.

examination and admission. The Court received in excess of 500 comments following its July 29, 2020, Notice requesting input from the public.

WHEREAS, The court has decided to take a multi-faceted approach in response to the COVID-19 pandemic, including administration of the October 2020 Remote Bar Exam and alternative pathways to authorized practice of law in the District of Columbia.

IT IS THEREFORE ORDERED, The court grants, in part, the emergency petition to the extent that the court is working to prepare emergency rules by Monday, September 28, expanding temporary practice under supervision and potentially providing for a form of emergency exam-waiver admission for certain qualifying applicants.

IT IS FURTHER ORDERED, The court has committed to releasing the results of the October 2020 Remote Bar exam by mid-December and completing the character and fitness reviews of successful examinees to permit them to be licensed no later than mid-February[†], only a few weeks later than they would have been licensed based on a July exam, and the court will direct its resources accordingly. With rolling review, certifications will begin after the examination results are released. Applicants may then perform the oath in absentia upon receipt of certification, may participate in a virtual swearing-in ceremony January 27 or February 12, or both.

IT IS FURTHER ORDERED, The deadline to request a refund for the October 2020 Remote Exam is changed from September 15 to September 30. Applicants may withdraw and request refunds by emailing BarExamRefund@dcappeals.gov. Applicants who wish to withdraw and credit their fees to a future application, no later than July 2021, may do so by emailing BarExamWithdrawal@dcappeals.gov.

[†] The Court had committed to certification for admission by late January when the examination was scheduled for September 9 and 10. With the October exam date, and the unprecedented number of registrants, the court commits to completing certification by mid-February.