Court News ...

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The Supreme Court of South Carolina

RE: COVID-19 Mitigation Measures for the February 2021 South Carolina Bar Examination

ORDER

The February 2021 Bar Examination is scheduled to be conducted on February 23 - 24, 2021. As it did for the July 2020 Examination, this Court has determined the February Bar 2021 Examination will be conducted as a live, in-person examination.1

The purpose of this Order is to discuss mitigation measures for the February 2021 Bar Examination, including requirements for applicants both before and during the Examination. These measures were developed after consultation with the South Carolina Department of Health and Environmental Control (SCDHEC).

To minimize the risk of infection during the Examination, the space devoted to testing rooms has been expanded significantly over that used for the February 2020 Examination. This will allow applicants to be separated by at least six (6) feet while the Examination is being administered.

Applicants will be divided into multiple testing groups. Each group will have its own testing space with a separate entrance, exit and bathroom facilities. Staggered start and end times will be used to minimize any interaction between the testing groups.

Further, except as necessary to make announcements, all staff administering the Examination will wear masks and/or face shields during the Examination.

While this Court and its staff will take all necessary and appropriate measures to minimize the risk posed by COVID-19 during this Examination, the success of these measures is largely dependent on the actions of the applicants both before and during the Examination. Therefore, applicants taking the February 2021 Examination shall comply with the following requirements:

(1) Minimizing Contacts and Other Precautions Fourteen Days Prior to the Examination and Until the Examination is Completed. Applicants must minimize their exposure to other persons for fourteen (14) days prior to the Examination, and until the Examination is completed. This includes avoiding public gatherings, group events, dining-in in restaurants, visiting bars, and shopping in stores for non-essential items or services. To the maximum extent possible, applicants should limit their exposure to members of their immediate households, including roommates. Further, if in public or in other situations where exposure to non-household members is possible, applicants must wear a mask that covers the nose and mouth, and maintain social distancing of at least six (6) feet from these persons.

(2) Use of Public Conveyances for Travel to the Examination. Applicants who intend to use a public conveyance, such as an airline, bus or train, to travel to South Carolina for the Examination must do so at least fourteen (14) days prior to the examination. This is based on the increased risk of infection posed by travel using public conveyances. This requirement does not apply to applicants whose only method of travel to the Examination will be by private motor vehicle, regardless of the distance travelled, or the location where that travel starts. Further, for in-state travel to the Examination, applicants should avoid using public conveyances. If a taxi, bus, rideshare or other public conveyance is used for in-state travel to the Examination, the applicant must wear a mask during this travel.

(3) Wearing of Mask in the Testing Building. All applicants must wear a mask that covers the nose and mouth at all times while in the Testing Building, including while taking the Examination. This requirement applies regardless of whether an applicant may have received one or more doses of a COVID-19 vaccine prior to the Examination.2 The mask may be lifted as necessary to drink water or take medications. While masks will be made available to the applicants at the testing locations, applicants are strongly encouraged to find a mask that is comfortable to wear for an extended period, and to bring that mask to the Examination. Any mask supplied by an applicant will be subject to inspection.

(4) Wearing of Mask in Parking Lots, Sidewalks and Other Common Areas. A mask shall be worn at all times in the common areas surrounding the Testing Building, including any parking lots, driveways and sidewalks (both public and private). A mask need not be worn in a motor vehicle if the applicant is the only person in the vehicle, and the windows and doors are closed so that the applicant is fully enclosed.

(5) Maintaining Social Distancing. To the maximum extent possible, applicants must maintain six (6) feet of distance from other persons, including while waiting in line for medical screening or registration. This requirement applies inside the Testing Building, and to the parking lot, driveways, sidewalks and other common areas surrounding the Testing Building.

(6) Lunch Break. It is anticipated that no food or beverage will be available for purchase at the testing site. Therefore, applicants may want to pack a lunch or snack which can be available to them in their vehicle during the lunch break. Applicants who leave the testing site during lunch must continue to wear masks and maintain social distancing if in public or in other situations where exposure to non-household members is possible. Applicants are prohibited from congregating during the lunch break.

(7) Medical Testing and Screening.

(a) COVID-19 Testing. While insufficient testing was available to do so for the July 2020 Examination, it appears sufficient testing resources are now available to test each applicant for the February 2021 Examination,3 and applicants will be required to take a COVID-19 test a few days prior to the Examination. An applicant who tests positive or fails to be tested for COVID-19 may be excluded from the Examination. Additional information regarding this required testing will be provided to the applicants closer to the start of the Examination

(b) Survey. To assist with the medical screening discussed below, applicants will be required to complete a survey a few days before the Examination. This survey will also contain questions relating to the applicant's adherence to the requirements of this order. It is anticipated this survey will be conducted using Survey Monkey.

(c) Medical Screening. Prior to each session of the Examination, each applicant will be screened by medical personnel. This will include taking the applicant's temperature and requiring the applicant to answer questions related to possible COVID-19 infection or exposure. Any applicant who has a temperature of 100.4 Degrees Fahrenheit (38 Degrees Celsius) or higher will not be allowed to take the Examination. Further, based on the responses provided during the survey or screening, or symptoms exhibited during the screening, applicants may, on a case-by-case basis, be prohibited from entering the Testing Building to take the Examination. If at any point in the Examination, it is discovered that an applicant has a temperature of 100.4 Degrees Fahrenheit or higher, or an applicant otherwise exhibits symptoms of COVID-19 infection, the applicant's participation in the Examination will end.

(d) Applicants Precluded from Continuing with Examination. An applicant who is not permitted to take or continue to take the Examination under (a) or (c) above will be allowed to take the July 2021 Examination without any additional fee. This will not apply to any applicant who is excluded based on his or her failure to obtain testing for COVID-19 as required by this order or any subsequent guidance from this Court regarding such testing.

(8) Reporting Symptoms. If an applicant experiences symptoms of COVID-19 (including fever, cough, shortness of breath or difficulty breathing, chills, muscle pain, sore throat, and/or new loss of sense of taste or smell) during the Examination, the applicant must immediately notify the staff administering the Examination.

(9) Use of Hand-Sanitizer and Disinfecting Testing Table/Chair. Hand-sanitizer dispensers will be available throughout the Testing Building, including the area where the medical screening will be conducted. Applicants are encouraged to use hand-sanitizer frequently. Further, on each day of the Examination, each applicant will be provided with a small bottle of hand-sanitizer for personal use. While the testing tables and chairs will be disinfected before the first session of the Examination, applicants may be asked to sanitize the surfaces of their individual testing table and chair at the end of each testing session. Appropriate disinfecting materials will be provided.

(10) Visiting Restrooms in Testing Building. Applicants are asked to thoroughly wash their hands upon entering and leaving the restrooms. The facilities in some restrooms may be blocked off to help ensure proper social distancing.

(11) Interaction Between Testing Groups. As indicated above, the applicants will be divided into multiple testing groups. From the start of the Examination until the Examination is concluded on the last day, applicants should avoid any contact with a person in another testing group. This shall not apply to applicants who are members of the same household, including roommates.

(12) Applicants Must Promptly Leave After Testing is Completed for the Day. At the conclusion of the testing for each day, applicants must promptly leave the Testing Building and its associated parking lots and common areas. Congregating in parking lots or other common areas is prohibited.

If it is determined that an applicant taking the February 2021 Examination has violated the requirements set forth above, this Court may take such action as it deems appropriate. This may include, but is not limited to, finding the applicant unfit for admission, prohibiting the applicant from using the results of the Examination for admission, and/or preventing the applicant from reapplying for admission for up to five (5) years. Further, if the applicant has already been admitted, the Supreme Court may vacate the admission or discipline the lawyer.

By proceeding to take the Examination, each applicant acknowledges and voluntarily assumes all risk of exposure to or infection with COVID-19 by attending the Examination, and the possibility that such exposure or infection may result in personal injury, illness, permanent disability, or death. Further, by appearing for this Examination, the applicant is certifying his or her full compliance with the requirements of this Order.

Any applicant who is unwilling to fully comply with the requirements contained in this Order should withdraw his or her application to sit for the February 2021 Bar Examination.

The Court reserves the right to modify this Order as necessary. Any modified Order will be posted to the South Carolina Judicial Branch Website. Further, during the administration of the Examination, the

Clerk of this Court, and such staff members as he may authorize, may permit deviations from this Order as may be necessary.

1 This Court will continue to evaluate the COVID-19 crisis, including state and federal directives and guidance, and may impose additional mitigation measures to ensure the Examination can be safely conducted. While extremely unlikely based on the information which is currently available, in the event this Court determines the Examination cannot be safely conducted and it becomes necessary to cancel the Examination, applicants who cannot sit for the February 2021 Examination will be allowed to apply for the July 2021 Examination without paying an additional filing fee.

2 The Centers for Disease Control (CDC) indicates there is insufficient information available to determine whether a person who has received a COVID-19 vaccine can still spread the virus that causes COVID-19 to other people. https://www.cdc.gov/coronavirus/2019-ncov/vaccines/faq.html.

3 SCDHEC is currently providing free COVID-19 testing across the State of South Carolina (https://scdhec.gov/covid19/find-covid-19-testing-location), and it indicates this testing will continue to be available through the entire month of February 2021.

s/Donald W. Beatty C.J.

s/John W. Kittredge J.

s/Kaye G. Hearn J.

s/John Cannon Few J.

s/George C. James, Jr. J.

Columbia, South Carolina
February 4, 2021