IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

April 28, 2020

NO. 20-8500-015

IN THE MATTER OF THE ADMINISTRATION OF THE BAR EXAMINATION BY THE NEW MEXICO BOARD OF BAR EXAMINERS DURING THE COVID-19 PUBLIC HEALTH EMERGENCY

ORDER

WHEREAS, this matter having come before the Court upon recommendation of the Board of Bar Examiners to postpone the next administration of the bar examination until it can be safely held in light of the current gathering restrictions required as a result of the current public health emergency caused by the COVID-19 pandemic, and the Court having considered the recommendation and being sufficiently advised, Chief Justice Judith K. Nakamura, Justice Barbara J. Vigil, Justice Michael E. Vigil, Justice C. Shannon Bacon, and Justice David K. Thomson concurring;

NOW, THEREFORE, IT IS ORDERED that the bar examination previously scheduled to take place in July 2020 shall be postponed until September 2020, subject to the requirements set forth in this order;

IT IS FURTHER ORDERED that the "in-person attendance" requirement

for successful completion of the course on New Mexico law under Rule 15-103(G) NMRA may be satisfied via a live, web-based instruction platform approved by the Board of Bar Examiners until further order of the Court;

IT IS FURTHER ORDERED that an ad hoc working group shall be formed by the executive director of the Board of Bar Examiners to identify possible venues to recommend to this Court for a rescheduled bar examination to take place in September 2020, and, in making its recommendation, the ad hoc working group shall focus on the possibility of administering the September bar examination from multiple, small-group venues at the same time if necessary to comply with gathering restrictions that still may be in place at that time because of the ongoing and evolving public health emergency;

IT IS FURTHER ORDERED that the ad hoc working group shall develop a recommendation for a temporary, alternative practice program that would provide a limited, supervised opportunity for legal practice by applicants awaiting an opportunity to take a bar examination should an ongoing public health emergency require the cancellation of the anticipated -- but yet to be scheduled -- September 2020 bar examination;

IT IS FURTHER ORDERED that the size and composition of the ad hoc working group shall be at the discretion of the executive director of the Board of

Bar Examiners, who shall serve as chair of the working group, provided that the working group includes among its members the following individuals:

(1) the chair of the Board of Bar Examiners, or the chair's designee;

(2) the president of the Board of Bar Commissioners, or the president's designee;

(3) the executive director of the State Bar of New Mexico, or the executive director's designee;

(4) the chair of the Disciplinary Board, or the chair's designee;

(5) chief disciplinary counsel for the Disciplinary Board, or chief disciplinary counsel's designee; and

(6) the clerk of the Supreme Court, or the clerk's designee;

IT IS FURTHER ORDERED that the ad hoc working group recommendations required by this order shall be submitted to this Court on or before June 22, 2020;

IT IS FURTHER ORDERED that the deadlines for registration and fees imposed for late registrations for a July bar examination under Rule 15-104(B)(1) and (2) NMRA and Rule 15-105(A)(5)(a) and (b) NMRA shall apply for a September 2020 bar examination;

IT IS FURTHER ORDERED that anyone who has already submitted an application for the July 2020 bar examination may withdraw that application

without prejudice to submitting an application at a later date and, notwithstanding the provisions of Rule 15-105(B) NMRA, shall receive a refund of the application fee, and any related late fees that have already been paid, provided that a new application fee shall be paid if an application is re-submitted at a later date.

IT IS SO ORDERED.

WITNESS, the Honorable Judith K. Nakamura, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 28th day of April, 2020.

Joey D. Moya, Chief Clerk of the Supreme Court
of the State of New Mexico