



**Supreme Judicial Court
John Adams Courthouse
One Pemberton Square, Suite 2500
Boston, Massachusetts 02108**

Ralph D. Gants
Chief Justice

April 22, 2020

Dear Law School Deans,

I want to thank you for your thoughtful letters regarding how to address the many challenges facing this year's law school graduates, including the joint letter, the letter from the deans of color, and various other letters and emails that I have received from individual deans. The Justices and the Board of Bar Examiners (BBE) have decided to proceed with the plan we set forth in the attached document, which has four elements:

1. We will plan to conduct the Massachusetts bar exam using the Uniform Bar exam on September 30 and October 1, if that exam can be conducted safely. If that is to happen, we will need the help of some of your law schools to provide assistance with additional exam space and staffing to ensure that we are able to provide a safe exam environment that includes social distancing and meets the needs of all examinees.
2. If we cannot safely conduct an in-person bar examination on September 30-October 1 using the Uniform Bar exam, we will conduct our own remotely administered bar exam that will grant admission only to the bar of Massachusetts. I believe that, at this point, we are the only state in the nation that has made this commitment to an online exam if that becomes necessary. When we speak of a Massachusetts only exam, we are speaking of its consequence (Massachusetts bar admission only), not of its content. This exam would not be testing only Massachusetts law, and how it differs in some respects from the law of other states. Rather, the BBE will work with you to ensure that it will be similar in content to the subjects tested on the UBE, so that students who have been preparing for the UBE will not need to make major adjustments in preparing for the Massachusetts only exam.
3. Regardless whether the September 30-October 1 bar exam is the UBE or a Massachusetts only exam, the BBE will make every effort to expedite the grading of the exam and its character and fitness investigations so that law graduates will know by mid-to-late December whether they have passed and are eligible for admission. As a result, admission to the bar will be postponed by only eight weeks -- from the week of November 16-20, 2020, when the bar admission ceremonies were going to be held, to the week of January 11-15, 2021, when they will now be held. And if a law graduate has a pressing need to be admitted in late December, the Clerk of the Supreme Judicial Court for Suffolk County (Clerk) will admit the law graduate then, reducing the delay to only five or six weeks.

4. For those students who are most likely to need to appear in court before they can be sworn in, which are generally those who have or will obtain employment with a district attorney, CPCS, a state legal office, or a legal services provider, and who have yet to obtain the SJC Rule 3:03 certification necessary to do so, we will permit them to obtain such certification at any time before graduation. This, of course, will require your prompt action in documenting your approval of their character and filing that approval with the Clerk.

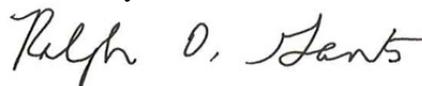
Because we expect the delay in admission to the bar to be relatively modest, the Justices have not approved emergency diploma privilege or temporary practice orders for current law school graduates, apart from the temporary practice already authorized under Rule 3:03. Let me explain why we have not done so.

The pass rate for first time takers of the Massachusetts bar examination in July of 2019 was 81.6%, and the pass rate for all takers was 71.5%, and these pass rates have remained somewhat steady for July exams in each of the last three years. If we were to grant emergency diploma privilege or temporary practice orders, that would mean, if past is prologue, depending on how the privilege or order is crafted, that roughly one in five law graduates who will be practicing law upon graduation will subsequently fail the bar exam and lose the privilege to practice law. Not only would this raise justifiable concerns about their competence to practice law when they were doing so, but it also would create the problem of nascent law practices having suddenly to close shop, potentially leaving clients in the lurch. To be sure, both of these risks would be diminished if they were being closely supervised by experienced practicing attorneys. But such supervision will likely in large part be virtual until the pandemic subsides, and attorneys and law firms are still in the process of working out how they can effectively train and supervise new attorneys with little or no in-person contact. Given these concerns, we did not deem it prudent to embark upon either of these paths where we have reduced the delay in bar admission to only five to eight weeks.

I know that there are thoughtful proposals regarding alternatives to the bar exam and reasonable concerns about the disparate impact of the bar on law graduates of color and about the bar application process for those needing reasonable accommodations. These will be on the agenda for consideration by the committee we were in the process of convening when the public health emergency began. That committee will study all aspects of applying to the bar and possible alternatives to the bar examination. It will be convened as soon as the emergency abates.

We understand that this is a terrible time to graduate from law school, given the likelihood of a deep recession (or worse), the uncertainties as to how and when the pandemic will end, and the challenges of practicing law, training new lawyers, and conducting justice virtually. The Justices and the BBE will continue to work closely with you to attempt to diminish the impact of the pandemic on recent law graduates, consistent with our obligations regarding the practice of law and the protection of the public. I thank you again for all the help you have given us and for all the help I know you will continue to give in the future. We will need that help as we work together to implement our plan and guide law schools graduates in these difficult times.

Sincerely,



Ralph D. Gants

Enclosures