

May 1, 2020

Hon. Janet DiFiore
Chief Judge
The New York Court of Appeals
20 Eagle Street
Albany, New York 12207

Dear Chief Judge DiFiore:

We are deans of non-New York based law schools who have among the most substantial numbers of students who sit for the bar in your state each year. Collectively, the undersigned schools had over two thousand JD and LLM graduates take the New York bar exam in 2019. We write in response to your Court's April 30 Notice stating that, in light of the conditions created by the COVID-19 pandemic, you will offer limited seating for New York's September 9-10 administration of the Uniform Bar Exam and will give priority to JD and LLM graduates of the 15 New York-based law schools.

We recognize that the Court's decision is framed against the need to protect public health in the midst of a pandemic that has brought devastating loss of life, with New York hit especially hard. And we are mindful of the very difficult decisions and trade-offs that all institutions, including your Court, must make at this time.

Still, as you can imagine, the news of your approach has fallen hard on the many students who had planned to sit for the bar in New York this summer or fall, a number of whom have already physically returned or relocated to New York during this pandemic. And we worry that the resulting delay in the exam's administration and admission to practice will fall hardest on the most economically vulnerable of our graduates and on those whose continued presence in the United States will be compromised by the delay.

We stand ready to help find solutions that could expand testing capacity in feasible ways. We write collectively to offer our support to put in place some combination of the following measures to mitigate the effect of your April 30 decision on graduates from out-of-state schools:

- Offering a second date for New York's administration of the UBE in the September 30-October 1 sitting that will be offered by the National Conference of Bar Examiners;
- Increasing seating for New York's September 9-10 administration of the UBE by adding new locations within New York State;
- Creating seats for New York's administration of the UBE outside of New York State, including, potentially, using some of our schools as possible venues;
- Working to develop an on-line bar exam, either in conjunction with the NCBE or as a freestanding New York exam.

We stand ready to work as a group to help identify additional proctors and alternative locations, both inside and outside New York State, and to facilitate any of these solutions.

We are grateful to you for considering these proposals, and we recognize the tremendous work you are doing to navigate an unprecedented public health crisis which has inflicted great loss on the world and on

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the people of New York State. We would welcome discussion with members of your Court or the New York State Board of Law Examiners about how we can help with any of these proposals.

With respect,

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American University Washington College of Law

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