

# Supreme Court of Kentucky

2020-35

## ORDER

### **IN RE: ADMINISTRATION OF 2020 BAR EXAMINATIONS**

On March 6, 2020, Governor Beshear entered Executive Order 2020-215 and declared a State of Emergency in response to the novel coronavirus (COVID-19) emergency in the Commonwealth. In light of this measure and to protect the health and safety of employees, volunteers, and bar applicants, and under Section 116 of the Constitution and Supreme Court Rule 2.000, *et seq.*, the Court hereby ORDERS the following measures to be implemented with respect to administration of the upcoming 2020 bar examinations:

1. SUBJECT TO EXISTING GOVERNMENTAL HEALTH RESTRICTIONS, the Kentucky Office of Bar Admissions (KYOBA) shall offer a Summer bar examination on July 28-29 at three locations, and a Fall bar examination on September 30-October 1 at location(s) (to be determined). Applicants may only register for one of the testing dates. No applicant who takes a July exam (whether in Kentucky or another state) is permitted to take a September exam.
2. An applicant who applies by May 11, 2020, will be assigned to the July exam, unless the applicant expresses a preference for the September exam by notifying the KYOBA on or before June 1. If the September preference can be accommodated, the applicant will be notified no later than June 15. The bar exam fees paid for the July test shall be applied to the September test. Except as provided in this Order, bar exam fees are not transferable or refundable. SCR 2.022(7).
3. The application deadline set forth in SCR 2.023 is extended to June 1 for all applicants who have not previously applied and who desire to take the September exam. The late fee, \$500, set forth in SCR 2.023(2) shall apply to all such applications.
4. The July 28-29 bar examination will be held at three locations: University of Louisville, Louisville; Northern Kentucky University, Highland Heights; and University of Kentucky, Lexington. The Board of

Bar Examiners shall determine the most appropriate facility at each location.

- a. Bar applicants who graduated from one of these law schools shall have preference to take the bar examination at their school.
  - b. Applicants who did not attend an in-state law school and applicants who desire to take the examination at a location other than their law school shall notify the KYOBA by June 1, listing the locations in order of preference. The KYOBA shall attempt to assign the indicated preference, but because of space limitations at the school locations, no assurance can be made as to preferred location.
  - c. KYOBA shall assign the testing location for applicants who request non-standard test accommodations pursuant to SCR 2.082.
  - d. Applicants shall be advised of their testing location no later than June 15.
5. Two weeks prior to the exam date, the KYOBA shall notify each applicant of her or his designated report time to the testing location on each day of the bar exam.
6. Two weeks prior to the exam date, the KYOBA shall adopt and notify all applicants of health safety protocols based on then public health considerations. All employees, volunteers, and applicants shall comply with those protocols.
7. Health safety protocols may include COVID-19 screening prior to entry into the test location building, including, but not limited to, a temperature screen. Any applicant who is prohibited from entering the exam location because of health safety protocols shall be deferred to the next bar examination. The Board of Bar Examiners' decisions with respect to health safety protocols shall be binding and non-appealable.
- a. An applicant who is denied admission to the July bar exam due to health safety protocols shall be deferred to September.
  - b. An applicant who is denied admission to the September bar exam due to health safety protocols shall be deferred to February 2021.
8. Upon entry into the exam location, each applicant shall be assigned her or his room and seat location.

9. Except as expressly set forth in this Order, existing Rules of the Kentucky Supreme Court and bar examination rules and protocols of the National Conference of Bar Examiners and the KYOBA remain in full force and effect.

This Order shall be effective upon entry and until further Order of this Court.

Entered this 11th day of May 2020.

  
CHIEF JUSTICE

All sitting; all concur.