

COVID-19 CODE OF CONDUCT, DECLARATION, RELEASE AND ASSUMPTION OF RISK

*Any applicant wishing to sit for the July Bar exam must execute the following Declaration and return it to the office of the Board of Bar Examiners on or before **June 19, 2020**. All applicants will be asked to verbally reaffirm the truthfulness of the below declaration prior to both days of the exam. If an applicant does not return this Declaration by this deadline, their bar exam application will be considered void, as if it was never filed, and they will receive a full credit of monies paid for this exam toward a future Oregon bar exam, or in the alternative, they can request a partial refund.*

RECITALS

- A. On March 23, 2020, Oregon’s Governor Kate Brown (the Governor) issued Executive Order No. 20-12, entitled “Stay Home, Save Lives.” The Stay Home, Save Lives Order mandated that most Oregonians stay home, required certain Oregon businesses to close, and established regulations for public gatherings and social distancing. The intent of the Order was to slow, and eventually reduce, the spread of COVID-19. On May 14, 2020, the Governor issued Executive Order No. 20-25, entitled “A Safe and Strong Oregon.” The Safe and Strong Oregon Order establishes a framework for reopening Oregon through phases once certain baseline requirements are met. The Safe and Strong Oregon Order includes requirements for social distancing, facemasks and good hygiene.
- B. The Oregon State Board of Bar Examiners (the Board) recognizes the importance of licensing new competent lawyers every year through the Uniform Bar Exam. The Board will take all steps necessary to comply with existing federal, state and local public health laws and orders designed to prevent the transmission of COVID-19.
- C. The Board will continually assess, based on current public health conditions, whether to postpone, cancel, or significantly reduce the number of attendees at an exam site or in an exam room. While the Board will try to give applicants sufficient notice of any changes, the prevalence of COVID-19 has created a fluid environment that requires flexibility on the part of the Board and bar admission applicants.
- D. Compliance with public health orders is only possible with the full commitment and cooperation of all bar exam applicants.
- E. To ensure that all test-takers comply with the Board’s policies, procedures and protocols, the Chair hereby amends the Oregon Bar Application to require all applicants to execute the following Code of Conduct Declaration as an addendum to the Oregon Bar Exam Application and Release of Information for COVID-19 Contact Tracing.

**COVID-19 CODE OF CONDUCT DECLARATION AND
RELEASE OF INFORMATION FOR COVID-19 CONTACT TRACING**

I, _____ hereby affirm that:

- 1. I agree I will not attend the July 2020 Bar Exam if I have any reason to believe I have COVID-19.

For purposes of this declaration, an applicant has “reason to believe” the applicant has COVID-19 if:

- (a) On or after July 13, 2020, the applicant is exposed to an individual with a confirmed case of COVID-19;
- (b) On or after July 13, 2020, the applicant has symptoms of COVID-19; or

(c) The applicant has tested positive for COVID-19,

unless, a licensed health provider confirms that the applicant does not have COVID-19 or informs the applicant that the applicant is no longer contagious.

For purposes of this declaration, I agree “symptoms of COVID-19” means symptoms of COVID-19 identified by the United States Center for Disease Control, including:

- (a) cough,
- (b) shortness of breath or difficulty breathing,
- (c) fever,
- (d) chills,
- (e) muscle pain,
- (f) sore throat,
- (g) new loss of taste or smell.

2. If I have reason to believe I have COVID-19, I acknowledge I will not be seated at the July 2020 Oregon Bar Exam; instead, I will be offered the opportunity to accept a credit toward a future exam, or to withdraw from the exam and receive a partial refund, pursuant to Oregon Chief Justice Emergency Order 20-09.
3. If I am exhibiting symptoms of COVID-19 during the July 2020 Oregon Bar Exam, I agree Bar staff may immediately end my exam and I will be directed to immediately leave the testing site.
4. I agree that while I am at the Oregon Bar Exam testing site I will make every effort possible to stay at least six (6) feet away from any other person at all times.
5. I agree to wear a surgical mask, or comparable mask that covers my nose and mouth, during the entire time that I am at an Oregon Bar Exam testing site, regardless of whether the Oregon Bar Exam is presently in an active session, unless an exception applies. I agree the only exceptions to wearing my mask at all times include (a) if I am asked to remove my mask at the request of Bar staff or a Bar Exam Proctor for identification purposes; (b) if I am located more than six (6) feet away from any other person and engaged in the act of eating or drinking; or (c) if I am inside a fully enclosed vehicle. I understand that it is my responsibility to bring my own mask to the exam site, and my mask must comply with the guidelines provided by the Centers for Disease Control at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>.
6. If the Board determines that it is necessary to measure the body temperature of examinees before they enter a building or exam site, then I consent to having my temperature measured at that time, and agree that I will not attempt to enter the Oregon Bar Exam testing site unless and until my temperature has been measured and I have been approved for entry.
7. I agree to submit a legible color photograph or color copy of my state or federal identification to the Board on or before June 19, 2020, so that Oregon Bar Exam proctors can confirm my identity at the testing site from a distance. If I fail to do so, I agree that I will not be permitted to sit for the examination.
8. I have read and acknowledge Oregon Governor Kate Brown’s Executive Order 20-25, available at <https://www.oregon.gov/gov/admin/pages/executive-orders.aspx>. I have also read and acknowledge the Oregon Health Authority’s regulations and guidance related to COVID-19, available at

<https://govstatus.egov.com/OR-OHA-COVID-19>. I have taken reasonable efforts to remain informed about all Oregon public health laws and orders related to COVID-19, and will continue to do so until I sit for the Oregon Bar Exam.

9. I agree that upon request by any federal, state or local public health official engaged in contact tracing related to the spread of COVID-19, the Oregon State Bar may disclose my attendance at any portion of the July 2020 Oregon Bar Exam (including name, seat location and testing site), together with any email address, phone number, and physical and mailing address I have provided to the Board.
10. I acknowledge that the Board's policies, procedures and protocols for the July 2020 Oregon Bar Exam including this Code of Conduct, are intended to reduce the risk of transmission of COVID-19. I recognize that in order to ensure the safest testing environment possible, absent accommodation under the Americans with Disabilities Act, the Board must require all exam takers to completely comply with these policies, procedures and protocols. I agree that if I violate the Board's policies, procedures and protocols related to COVID-19, I will demonstrate a disregard for the rights, safety, and welfare of others in violation of the Rules for Admission (RFA) 1.25(c)(iv) and 1.30(f), and the recency of this conduct would be an aggravating factor in determining my present good moral character under RFA 1.35. Therefore, should I violate any Board policy, procedure or protocol related to COVID-19 or any of the affirmations in this Declaration, the Board may consider my actions in a future character and fitness proceeding.
11. If I am asked to leave the testing site because I exhibit COVID-19 symptoms or fail to comply with any part of this Code of Conduct, I understand that my July 2020 Oregon Bar Exam will be void, and will be treated as though I never sat for the exam. If my exam is void, I will receive a full credit toward a future Oregon bar exam, or in the alternative, I can request a partial refund.
12. **On each day of the Oregon Bar Exam I will be asked to verbally reaffirm that all statements in this declaration remain true. If any statement in this declaration is no longer true, I agree to immediately inform Bar staff or proctors of that fact and follow all of instructions to reduce the risk of COVID-19 transmission.** I agree that my failure to disclose any statement in this declaration is no longer true would be a material misstatement of fact and the Board may consider my actions in a future character and fitness proceeding.

I HEREBY DECLARE THAT THE ABOVE STATEMENTS ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND I UNDERSTAND THAT ANY FALSE STATEMENT IN MY APPLICATION OR ON THE DAY OF THE OREGON BAR EXAM MAY RESULT IN THE DENIAL OF MY ADMISSION, UNDER ORS 9.220(2)(a).

_____ (Applicant)

_____ Date

**RELEASE AND ASSUMPTION OF RISK
FOR EXPOSURE TO OR INFECTION WITH
COVID-19 AT OREGON BAR EXAM**

I acknowledge that in spite of all of the policies and procedures in place to protect test-takers, attending any bar examination could lead to my exposure to or infection with COVID-19. COVID-19, also known as Coronavirus, is a highly contagious virus and can result in serious illness, debilitating injury, or death.

I have evaluated my decision to sit for the July 2020 exam, in light of the risks of exposure to and infection with COVID-19, and I have consulted with my health providers about my individual risks as necessary. I understand that I could opt to withdraw from the exam and receive full credit toward one of the next two bar exams offered in Oregon or a partial refund at any time.

I have decided to sit for the exam despite the risk of exposure to or infection with COVID-19. I acknowledge that the Oregon State Bar, the Oregon State Board of Bar Examiners, and their directors, officers, agents, employees and volunteers (the "Oregon State Bar Parties") are absolutely immune from any liability related to administering the Oregon Bar Exam under ORS 9.537.

I KNOWINGLY AND FREELY ASSUME ALL SUCH RISKS, BOTH KNOWN AND UNKNOWN, EVEN IF ARISING FROM THE NEGLIGENCE OF THE OREGON STATE BAR PARTIES, TO THE FULLEST EXTENT PERMITTED BY LAW. I ASSUME FULL RESPONSIBILITY FOR MY PARTICIPATION IN THIS BAR EXAM.

I, FOR MYSELF AND ON BEHALF OF MY PARENTS, MY HEIRS, ASSIGNS, PERSONAL REPRESENTATIVES AND ESTATE HEREBY RELEASE, INDEMNIFY, AND HOLD HARMLESS THE OREGON STATE BAR PARTIES WITH RESPECT TO ANY AND ALL INJURY, DISABILITY, DEATH, OR LOSS OR DAMAGE TO PERSON OR PROPERTY, WHETHER ARISING FROM THE NEGLIGENCE OF THE OREGON STATE BAR PARTIES OR OTHERWISE, TO THE FULLEST EXTENT PERMITTED BY LAW.

I have read the contents of this release and I sign this voluntarily and with full understanding of its contents.

Applicant Name (please print) Signature Date