

Diploma Privilege & October 2020 Bar Exam Frequently Asked Questions

On Monday, June 29, the Oregon Supreme Court voted to offer certain applicants for the July bar exam the opportunity to seek diploma privilege admission in lieu of taking the bar exam. At the same time, the court also directed the Board of Bar Examiners (BBX) to offer an online October exam to select applicants. Below are answers to frequently asked questions concerning the options for applicants this year. The Court issued its order on June 30.

TIME SENSITIVE ELECTION: Please note that eligible applicants must make an election on or before midnight (Pacific Time) July 6, 2020.

1. What is diploma privilege?

Diploma privilege is the opportunity to seek admission to the Oregon State Bar without the usual requirement of taking and passing a bar exam. Those seeking admission by diploma privilege must satisfy all other admission requirements outlined in the Rules for Admission of Attorneys, including the requirement to take and pass the MPRE exam and successfully complete the character and fitness investigation. Admission by diploma privilege will result in licensure in Oregon only.

2. What is the deadline to elect diploma privilege?

Midnight (Pacific Time) July 6, 2020.

Any applicant who is eligible for diploma privilege must elect admission by diploma privilege, in writing, by filling out the form at the Admissions webpage, www.osbar.org/admissions prior to midnight (Pacific Time) July 6, 2020.

No person will be permitted to elect diploma privilege after midnight (Pacific Time) July 6, 2020.

Please do not wait until the last moment to make your election. People who do not make a timely election because of technical difficulties, or any other reason, will be denied diploma privilege.

3. Who is eligible to seek admission by diploma privilege in Oregon?

Two groups of applicants are eligible.

First, graduates from Oregon's three law schools who timely submitted a complete application for the July 2020 exam and who graduated in 2020 (or who will graduate in 2020) are eligible for diploma privilege admission. The option to elect diploma privilege extends to those 2020 graduates who failed the February bar exam and timely submitted a complete application for the July exam. No July applicant may be admitted via diploma privilege unless and until their graduation is confirmed through a Certificate of Graduation from the registrar of their law school.

Second, 2020 graduates from all ABA-accredited law schools who applied for the July exam in Oregon are also eligible for diploma privilege admission if their law school had a first-time pass rate of at least 86% in 2019.

The bar has published a list of Qualified Law Schools at www.osbar.org/admissions.

4. Can I change my mind and elect to take the July or October Bar exam after electing diploma privilege?

No. Elections are final. No one will be permitted to "switch" to taking the July or October Bar exams after making an election.

5. Can I elect admission by diploma privilege and ALSO sit for the July or October bar exam?

No. Individuals who elect diploma privilege will not be allowed to sit for the July or October bar exam.

Also, at this time, current members of the Oregon State Bar are not permitted to sit for any Oregon bar exam. The Board of Bar Examiners plans to consider whether to amend this restriction in light of diploma privilege admission.

6. Are graduates who withdrew their July bar exam applications precluded from electing admission by diploma privilege?

No. Bar applicants who timely submitted a complete application for the July 2020 bar exam are eligible for admission even if (1) they postponed taking the exam to February 2021, (2) withdrew their application, or (3) did not timely return a signed Code of Conduct form to the OSB. Those who were granted a partial refund must repay any fees that the bar refunded before they may elect the option of diploma privilege. The OSB will be contacting all applicants with instructions on how to make their election between taking a bar exam and opting for diploma privilege. Instructions are also available at www.osbar.org/Admissions.

7. Are 2020 graduates of Oregon's law schools (or any other law school) entitled to request diploma privilege even if they decided not to file an application for the July exam?

No. Only those who applied for the July 2020 bar exam are eligible for diploma privilege. Those graduates who did not apply for the July exam may apply for the October exam or wait until February 2021, when the Oregon State Bar plans to offer another Uniform Bar Examination (UBE) exam.

8. Will diploma privilege admittees be eligible for reciprocal admission in other states?

Maybe. Applicants are encouraged to contact directly other bars to which they would like to seek admission for more information.

The answer to this question depends on the rules of the state to which an applicant applies for reciprocal admission. Many states, like Oregon, require applicants to pass at least one state's bar exam before they can seek reciprocal admission. A few states do not, and may allow for admission on motion based on comity when an applicant has practiced long enough in their home jurisdiction.

Admission by reciprocity typically requires an applicant to demonstrate they have practiced law in their home jurisdiction for a number of years. In this way, reciprocity admission is very different from seeking admission based on a portable UBE score.

9. Will diploma privilege be extended to graduates from the Class of 2019 or other classes?

No. The Board of Bar Examiners has no authority to change the Oregon Supreme Court's order regarding diploma privilege, and the Court has indicated that it does not intend to expand the scope of the diploma privilege. Members of the Class of 2020 who did not apply for the July bar exam and other law students who graduated prior to 2020 are required to take a bar exam in order to be admitted to the Oregon State Bar.

10. Will there still be a July bar exam?

Yes. The bar has every intention of holding a July bar exam. The July bar exam is an option for those who have already applied for the exam and been given an exam number unless they elect admission by diploma privilege or to sit for the October exam.

The July bar exam will be the only additional UBE given in Oregon in 2020. The cut score for the July 2020 bar exam will be 266 (for UBE exams given after September 30, 2020, the cut score will return to 274, unless the court orders otherwise).

Applicants registered for the July 2020 bar exam who need or desire to obtain a portable UBE score should remain registered for the July 2020 exam.

11. The NCBE is offering an online bar exam in October. Will Oregon offer the NCBE online October exam?

Yes, as stated in the Court's order, the BBX will offer the October exam to a limited group of applicants.

The following subset of individuals will be eligible to sit for the October exam:

- (1) Any person who submitted a complete application, postmarked by May 30, 2020, for the July 2020 Oregon bar examination; and
- (2) Any person who took, but failed to pass, the February Oregon 2020 bar examination and who did not submit a complete application, postmarked by May 30, 2020, for the July 2020 Oregon Bar examination.

In addition, the Board of Bar Examiners is evaluating whether the October exam may be offered to additional applicants, pursuant to the Court's order. We will update this FAQ when that decision has been made.

The October bar exam will be an online-only exam but will not be a UBE, so a passing score will apply to licensure in Oregon only. Information about a cut score or pass rate for the online exam is not yet available.

The exam will take place on October 5 and 6, 2020. The remote exam will present one-half of the exam materials of a normal UBE exam. It will consist of three essays, one performance test and 100 multiple-choice questions. While the exam materials will be provided electronically from the National Conference of Bar Examiners, the test will be administered using the ILG testing platform. It will be conducted remotely, meaning that examinees will take the exam from their home, work or school, and it will be proctored by live proctors who will view the examinees in a virtual exam room. In order to take the October exam, examinees must test on a computer with reliable internet access and a working web camera and mic so that the proctor can observe the examinees actions and the exam environment. Applicants are responsible for securing the necessary electronic equipment and their own remote testing space/environment.

12. If I am currently registered for the July Bar exam but would rather take the online October Bar exam, what should I do?

Applicants who are currently registered for the July bar exam who want to elect to sit for the October online exam must do so, in writing, by midnight (Pacific Time) July 6, 2020, by following the instructions on the Admissions webpage at www.osbar.org/admissions.

If you withdraw from the July exam after July 6, 2020, the court's order does not ensure you will be seated for the October Bar exam. (Only if the Board of Bar Examiners determines it is possible to extend seating to additional applicants could you request to be tested in October).

13. If I took, but did not pass, the February 2020 bar exam and wish to take the October bar exam, what should I do?

The BBX will set a deadline to apply to sit for the October exam in the coming weeks. You will need to submit a timely, complete application for the October bar exam prior to that deadline.

14. I am currently registered for the July Bar exam and I wish to remain registered for the July Bar exam. What should I do?

You do not need to take any action at this time. Please continue to monitor the Admissions webpage at www.osbar.org/admissions for information regarding the July exam. The OSB will contact you with information about when and where you will be seated for the examination on or before July 13, 2020.

15. May graduates who previously failed the February 2020 bar exam but did not apply for the July bar exam register for and take the remote October bar exam?

Yes, they may. Please note that to qualify to sit for the October exam, applicants cannot have taken a bar exam anywhere in the country after June 29, 2020. If an applicant taking the Oregon remote exam in October is found to have taken another U.S. jurisdiction's bar exam between June 29, 2020, and October 6, 2020, the applicant's exam score will not be graded and will be deemed void.

16. Will admittees from the October online bar exam be eligible for reciprocal admission in other states?

Maybe.

Applicants are encouraged to contact other bars to which they would like to seek reciprocity admission for more information. The answer to this question depends on the rules of the state to which an applicant applies for reciprocal admission.

Admission by reciprocity typically requires an applicant to demonstrate they have practiced law in their home jurisdiction for a number of years. In this way, reciprocity admission is very different from admission through a portable UBE score.

17. I want to take the October bar exam, but I am not currently qualified because I didn't register for the July exam, nor did I take and fail to pass the February Exam. Can I still register for the October exam?

Maybe. If there are sufficient resources and space left in the remote October exam, the BBX may allow for a short open enrollment period for additional applicants, but the number of test-takers will be capped. The dates of this open enrollment period and the cap will be announced at a later point in time. The announcement will be posted on the OSB Admissions Department homepage at www.osbar.org/admissions.

18. If applicants elect to take the July exam and it is canceled or postponed, will those applicants be eligible for diploma privilege admission?

No. Under the terms of the Court's order applicants must decide by **July 6, 2020**, whether they intend to (1) seek admission by diploma privilege, (2) take the October 2020 remote exam, or (3) do nothing and continue with the UBE July 2020 exam.

The Supreme Court has indicated that if the July exam is canceled, it may at that time consider whether to issue an order extending the diploma privilege to July 2020 applicants who were unable to test due to the cancellation. However, the Court has indicated it will not accept or consider petitions or letters in support of such a request until an actual cancellation has occurred.

19. If the bar cancels the July bar exam due to COVID-19, what options will July registrants have?

The bar has every intention of administering a July bar exam. If the exam has to be canceled, however, applicants who are registered for the July exam will automatically be registered for the October 2020 remote exam. If a July applicant does not want to take the October remote exam, the applicant will be permitted to notify the OSB Admissions Department and instead receive a full credit toward the February 2021 UBE exam or a partial refund.

20. What happens if the August MPRE administration is canceled or postponed?

Under the Rules for Admission of Attorneys, bar applicants must take and pass the MPRE prior to admission to the Oregon State Bar. This means that if the August MPRE exam is canceled or postponed, admission to the bar will be delayed.

21. If I meet all the qualifications except one or two, from whom do I seek waiver of a rule or requirement.

The Oregon State Board of Bar Examiners and the Oregon State Bar do not have authority to waive any of the requirements stated in the Rules for Admission of Attorneys (RFA) or in Oregon Supreme Court Order No. 20-012. Per RFA 4.20, a person with a current application before the BBX can petition the Oregon Supreme Court to waive a rule or requirement of the RFAs.

22. What if I elect for diploma privilege, but the BBX later determines I am not eligible for diploma privilege?

You will not be permitted to sit for the July 2020 exam. You may be offered a credit to take a later exam, or a partial refund, depending on the circumstances of your ineligibility.