

In the Matter of Adopting Measures )  
Related to Remote Oregon Bar )  
Examination )  
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SUPREME COURT ORDER  
No. 20-022  
  
ORDER ADOPTING MEASURES  
RELATED TO REMOTE OREGON BAR  
EXAMINATION

At a public meeting on August 4, 2020, the Oregon Supreme Court considered matters related to the administration of special remotely administered Oregon Bar examinations and considered input from the Board of Bar Examiners (Board) on those matters.

WHEREAS, the Oregon Supreme Court previously issued Supreme Court Order 20-012 (Order Approving 2020 Attorney Admissions Process), which, among other things, ordered that the minimum passing score for admission to the Oregon State Bar be set at 266 for Uniform Bar Examinations (UBE) taken from June 30 to September 30, 2020, and ordered the Board to offer a non-UBE remote bar examination on October 5 to 6, 2020;

WHEREAS, the court acknowledges that the spread of the COVID-19 virus represents an extraordinary burden to applicants registered for the October 2020 Oregon Bar examination and that that burden has had a significantly unequal impact on applicants; and

WHEREAS, this court has inherent authority to regulate the practice of law in Oregon, including regulating admissions to the Oregon State Bar (Bar), under Article VII (Amended), section 1, of the Oregon Constitution and ORS 9.006, and has statutory authority to direct the manner of examination for applicants for admission to the Oregon State Bar under ORS 9.220;

THE COURT HEREBY ORDERS:

1. Reciprocal Score Transferability

The Board of Bar Examiners is authorized to enter memoranda of understanding recognizing the reciprocal transferability of remote examination scores with any other jurisdiction that:

- a. Uses examination materials offered by the National Conference of Bar Examiners; and
- b. Grades any remote examination offered in that jurisdiction using standards that are substantially similar to the standards that Oregon uses to grade any remote examination offered in Oregon.

2. Rule Amendment

Chapter 19 of the Rules for the Admission of Attorneys (RFA) is amended as set out in Exhibit A.

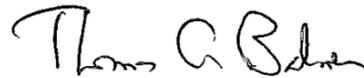
3. Adjustment to Minimum Passing Score

Supreme Court Order 17-019, which set the pass score for the Oregon Bar examination at 274, is modified to allow for a minimum passing score of 266 for:

- a. The October 2020 Oregon Bar examination; and
  - b. Any other qualifying remote bar examination, as that term is defined in RFA 19.10(2), set out in Exhibit A, offered on October 5 to 6, 2020.
4. Effective Date

This order becomes effective immediately.

Dated this 5th day of August, 2020.



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Honorable Thomas A. Balmer  
Presiding Justice

## Exhibit A

Clean Version

### ADMISSION BY OUT-OF-STATE BAR EXAMINATION SCORE

#### 19.05 Admission by UBE Score Earned in Another Jurisdiction

Applicants who have taken the UBE in another United States jurisdiction may be admitted to the practice of law in Oregon without having to take and pass the bar examination in Oregon, subject to the following requirements:

- (1) The applicant must have earned a passing scaled score, as set by the Court upon the recommendation of the Board;
- (2) The applicant must have earned the passing scaled score on an exam taken no earlier than July 2017;
- (3) The applicant must either:
  - (a) Have earned the passing scaled score on an exam taken no more than 36 months prior to the date of application for admission in Oregon under this rule; or
  - (b) Demonstrate that the applicant has been lawfully engaged in the active practice of law for at least two of the three years immediately preceding the date of application; and
- (4) The applicant must meet all other requirements of Rules 19.05, 19.15 and all other applicable rules for admission.

#### 19.10 Admission by Non-UBE Remote Bar Exam Score Earned in Another Jurisdiction

- (1) Applicants who have taken a qualifying remote bar exam in another United States jurisdiction may be admitted to the practice of law in Oregon without having to take and pass the bar examination in Oregon, subject to the following requirements:
  - (a) The applicant must have earned a passing scaled score, as set by the Court upon the recommendation of the Board;
  - (b) The applicant must either:
    - (i) Have earned the passing scaled score on an exam taken no more than 36 months prior to the date of application for admission in Oregon under this rule; or
    - (ii) Demonstrate that the applicant has been lawfully engaged in the active practice of law for at least two of the three years immediately preceding the date of application; and

- (c) The applicant must meet all other requirements of Rules 19.10, 19.15 and all other applicable rules for admission.
- (2) For the purposes of these rules, a "qualifying remote bar exam" means a non-UBE bar exam provided by the NCBE that was remotely administered no earlier than October 4, 2020 by Oregon pursuant to Rule 5.05 and by another United States jurisdiction that is:
- (a) Subject to an agreement or memorandum of understanding, entered into by the Board with any other United States jurisdiction, recognizing the reciprocal transferability of the exam scores; and
  - (b) Has been administered in accordance with the terms of the agreement or memorandum of understanding referenced in subsection (a).

#### 19.15 Additional Requirements for Admission by Out-of-State Bar Exam Score

- (1) Applicants for admission under Rule 19.05 and 19.10 shall:
- (a) Present satisfactory proof of graduation from an ABA approved law school with either a (i) Juris Doctor (J.D.) or (ii) Bachelor of Law (LL.B.) degree; or satisfaction of the requirements of Rule 3.05(2) or (3);
  - (b) Transfer their bar exam score to Oregon by requesting either (i) an official UBE transcript through the NCBE or (ii) an official transcript for a qualifying remote bar exam through the jurisdiction that administered the exam;
  - (c) Possess the good moral character and fitness required of applicants for admission to practice law in Oregon;
  - (d) Take and pass the MPRE prescribed in Rule 7.05;
  - (e) File an application as prescribed in Rule 4.15; and
  - (f) Pay such application fees as may be established by the Board and the Court for applicants under this rule.
- (2) The character and fitness of applicants under this rule shall be reviewed under the procedures set forth in ORS 9.220 and Rules 6.05, 6.10, 6.15, and 9.05 to 9.60.
- (3) As part of completing the 15 hours of accredited CLE activity required by MCLE Rule 3.3(b) to be completed in the first reporting period after admission as an active member, every applicant admitted under this rule shall complete and certify that, of the 15 required hours, 1 hour of the 2 credit hours in ethics is devoted to Oregon ethics and professionalism, and 4 hours of the 10 credit hours in practical skills is devoted to Oregon practice and procedure, as regulated and approved by the Board.

Redline Version -- Deletions shown in strikethrough and additions shown in underline.

ADMISSION BY ~~UNIFORM~~OUT-OF-STATE BAR EXAMINATION SCORE

19.05—~~Admission by UBE Score Earned in Another Jurisdiction~~

~~(1)~~—Applicants who have taken the UBE in another United States jurisdiction may be admitted to the practice of law in Oregon without having to take and pass the bar examination in Oregon, subject to the following requirements:

- ~~(a)~~1) The applicant must have earned a passing scaled score, as set by the Court upon the recommendation of the Board;
- ~~(b)~~2) The applicant must have earned the passing scaled score on an exam taken no earlier than July 2017;
- ~~(c)~~3) The applicant must either:
  - ~~i.~~(a) Have earned the passing scaled score on an exam taken no more than 36 months prior to the date of application for admission in Oregon under this rule;~~i.~~ or
  - ~~ii.~~(b) Demonstrate that the applicant has been lawfully engaged in the active practice of law for at least two of the three years immediately preceding the date of application; and
- ~~(d)~~4) The applicant must meet all other requirements of ~~this rule~~Rules 19.05, 19.15 and all other applicable rules for admission.

19.10 Admission by Non-UBE Remote Bar Exam Score Earned in Another Jurisdiction

(1) Applicants who have taken a qualifying remote bar exam in another United States jurisdiction may be admitted to the practice of law in Oregon without having to take and pass the bar examination in Oregon, subject to the following requirements:

- (a) The applicant must have earned a passing scaled score, as set by the Court upon the recommendation of the Board;
- (b) The applicant must either:
  - (i) Have earned the passing scaled score on an exam taken no more than 36 months prior to the date of application for admission in Oregon under this rule; or
  - (ii) Demonstrate that the applicant has been lawfully engaged in the active practice of law for at least two of the three years immediately preceding the date of application; and
- (c) The applicant must meet all other requirements of Rules 19.10, 19.15 and all other applicable rules for admission.

(2) For the purposes of these rules, a "qualifying remote bar exam" means a non-UBE bar exam provided by the NCBE that was remotely administered no earlier than October 4, 2020 by Oregon pursuant to Rule 5.05 and by another United States jurisdiction that is:

(a) Subject to an agreement or memorandum of understanding, entered into by the Board with any other United States jurisdiction, recognizing the reciprocal transferability of the exam scores; and

(b) Has been administered in accordance with the terms of the agreement or memorandum of understanding referenced in subsection (a).

#### 19.15 Additional Requirements for Admission by Out-of-State Bar Exam Score

(21) Applicants for admission under ~~this rule~~ Rules 19.05 and 19.10 shall:

(a) Present satisfactory proof of graduation from an ABA approved law school with either a ~~(4i)~~ Juris Doctor (J.D.) or ~~(2ii)~~ Bachelor of Law (LL.B.) degree; or satisfaction of the requirements of Rule 3.05(2) or (3);

(b) Transfer ~~the UBE~~ their bar exam score to Oregon by requesting either (i) an official UBE transcript through the NCBE; or (ii) an official transcript for a qualifying remote bar exam through the jurisdiction that administered the exam;

(c) Possess the good moral character and fitness required of applicants for admission to practice law in Oregon;

(d) Take and pass the MPRE prescribed in Rule 7.05;

(e) File an application as prescribed in Rule 4.15; and

(f) Pay such application fees as may be established by the Board and the Court for applicants under this rule.

(32) The character and fitness of applicants under this rule shall be reviewed under the procedures set forth in ORS 9.220 and ~~Admission~~ Rules 6.05, 6.10, 6.15, and 9.05 to 9.60.

(403) As part of completing the 15 hours of accredited CLE activity required by MCLE Rule 3.3(b) to be completed in the first reporting period after admission as an active member, every applicant admitted under this rule shall complete and certify that, of the 15 required hours, 1 hour of the 2 credit hours in ethics is devoted to Oregon ethics and professionalism, and 4 hours of the 10 credit hours in practical skills is devoted to Oregon practice and procedure, as regulated and approved by the Board.