

Hon. Tani G. Cantil-Sakauye, Chief Justice of California
Associate Justices of the California Supreme Court
350 McAllister Street, 5th Floor
San Francisco, CA 94102-4797

Dear Chief Justice Cantil-Sakauye and Associate Justices of the California Supreme Court,

We write as deans of the ABA-accredited law schools in California. We express our appreciation for all of your efforts to deal with the many issues concerning the bar exam at this unprecedented and difficult time.

We write now to urge that California administer the bar exam on October 5-6 without remote proctoring and without limits on what materials the student may consult during the exam. Indiana and Nevada took this approach in July for their bar exams.

There are many reasons why this would be desirable for this bar exam. There is great concern over whether and how the remote proctoring will work. Also, in order to administer a closed book exam, the California bar has developed detailed rules for students, such as not allowing food or books to be visible. This creates serious hardship for students who live in small apartments.

The bar exam always is a source of stress for those taking it, but the situation this year is dramatically different. We still are in the midst of the COVID-19 pandemic which has affected many of our graduates and their families. Many are dislocated by the fires and adversely affected by the smoke. We are in the midst of a national reckoning with racism and anti-Blackness. Administering the exam without remote proctoring and in an open book manner would decrease the stress for many taking the bar. In addition, there is a non-trivial risk of significant technical issues or snafus in the planned administration that would be substantially alleviated by this alternative approach.

Whether the bar exam should continue to be closed book in the future is an important issue to consider. But for the October 5-6 bar exam which is being administered remotely, we urge you to consider administering this without remote proctoring or a restriction of the materials students may use.

Thank you for considering our views.

Sincerely,

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