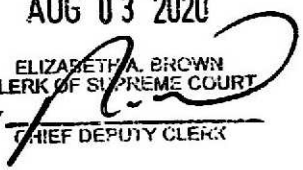


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ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

July 31, 2020

Elizabeth A. Brown
Clerk of the Supreme Court
nvscclerk@nvcourts.nv.gov

Re: Complications with the July (now August) 2020 bar exam

Dear Honorable Justices of the Nevada Supreme Court:

I hope this letter finds you happy and healthy during these tough times. The purpose of this letter is to inform you of the difficulties, fears, and injustice applicants have faced while preparing for the administration of the upcoming bar exam. My hope is that this honorable Court will recognize the current situation and issue an order affording 2020 graduates an emergency diploma privilege. Alternatively, this Court should drop the ILG Exam360 software as the vehicle to administer the exam.

1. *Administration of a remote bar exam has been a logistical nightmare for both the state bar and applicants.*

Despite the State Bar of Nevada's best efforts, the ILG Exam360 software is not a reliable solution. As bar applicants, we have been asked to download and redownload the ILG Exam360 software at least six times. We have also participated in several trial exams including a live exam trial that took place on July 29th. Each update brings new changes that demolish our expectations on how the real exam will be administered.

Additionally, we have been told that we are using ILG Exam360 voluntarily and that any software or computer glitch we will result in disqualification from bar admittance. In fear that our equipment might fail during the bar exam, many of us have upgraded our computers, webcams, monitors, and internet modems. We are spending money in a time entrenched with financial burden and future employment woes. Neither does a remote bar exam consider the difficulties that applicants face while trying to find access to computers, a stable internet connection, and a quiet space to take the exam. We also have concerns for our privacy rights during the exam. The uncertainty and risks

involved with a remote exam has slashed our confidence and added stress to an already overwhelmed group.

Finally, there have been problems with the trial exams that raise considerable alarm. Specifically, during the live trial exam on July 29th, myself and other applicants faced several glitches and slowdowns. As I am sure you are aware, Indiana bar applicants also participated in the same live trial exam with similar issues. In response to these technical complications, the Indiana Supreme Court issued an order dropping ILG Exam360 for their bar exam.

In considering the situation as a whole, there is simply too much risk to permit a remote bar exam at this time. I respectfully request that this Honorable Court follow Indiana's decision and drop ILG Exam360 as the software to be used for the upcoming bar exam.

3. *An emergency diploma privilege is proper.*

Currently, there are five states that have granted an emergency diploma privilege (Utah, Washington, Oregon, Wisconsin, and Louisiana). Many other jurisdictions are considering or reconsidering this option. These jurisdictions have taken an in-depth look at whether it makes sense to retain an exam system during a pandemic and civil unrest. These jurisdictions have properly concluded that any in-person administration of the bar exam is a significant public health hazard, that an online bar exam is not logistically feasible, and that postponement of bar admission would financially destroy applicants.

I respectfully request that this Court reconsider affording ABA law school graduates an emergency diploma privilege as many of our neighboring jurisdictions have done. This will allow us to secure our pending job offers and give us the emotional and financial security that we so desperately need at this time.

3. *The time to act is now.*

The current trends in COVID-19 cases, including recent spikes, make it abundantly clear that we must act quickly. Not only is there a need to protect the public health, the psychological and financial suffering of applicants awaiting to be admitted to the bar is overwhelming.

The pressure of preparing and taking the bar exam during these unprecedented times has heightened the psychological and emotional stress of applicants. We have become anxious and stressed during a time where their main focus should be on protecting the public interest and building a better community.

In light of the ever-changing circumstances due to this pandemic, a diploma privilege is the humane solution and the only route that can offer clarity and certainty to the many applicants awaiting admission to the Nevada bar. For these reasons, I respectfully request that this Court afford an emergency diploma privilege to all 2020 graduates from an ABA accredited law school who are currently awaiting the July 2020 Nevada bar exam.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Askeroth', written in a cursive style.

Jade Askeroth
2020 JD Graduate
July 2020 Bar Applicant