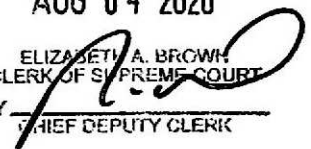


ADKT 558

From: Lydia Nussbaum
Sent: Tuesday, August 04, 2020 9:56 AM
To: Supreme Court Clerk; Addie Rolnick; Sara Gordon
Subject: Letter in support of ADKT 0558

FILED

AUG 04 2020

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

August 4, 2020; 9:57 a.m. PDT

To the Justices of the Supreme Court of Nevada:

We are three law professors on the faculty of the UNLV Boyd School of Law and are also attorneys licensed to practice in the State of Nevada.

We write to express our support for ADKT 0558, a Motion petitioning the Supreme Court of Nevada to reconsider its previous Orders postponing the July Bar Exam and rejecting diploma privilege in lieu of a formal examination. We signed in support of ADKT 0558 but, inadvertently, not all of our names were included in the final submission.

As the Bar applicants' petition clearly outlines, we are living in the midst of a global health crisis that has caused unprecedented disruption. The modifications to the bar examination back in May were a good-sense compromise. However, the ongoing ILG software glitches in spite of numerous updates, the continued expectation of an in-person exam during a pandemic, and the 2-week postponement announced only 72 hours before the administration of the exam all send a clear message: the Board of Bar Examiners is unprepared to deliver a fail-safe examination.

This group of applicants has already labored to prepare for this examination under extreme conditions, encumbered with personal and professional loss as well as financial hardship. Applicants have lost close family members to COVID and have also lost their jobs. Moreover, the conditions faced by exam-takers have become more, not less, extreme since May, including an escalating illness rate and prolonged uncertainty about schooling, child care, housing, and employment. Subjecting these applicants to an additional exam modification places a disproportionate and unwarranted burden on their shoulders. As noted in the Motion, it is a burden that will weigh heaviest on those already marginalized.

We understand that a primary motivation for requiring a formal examination for bar admission is to protect the integrity of the profession. But, as the Motion details, there are many alternatives to a formal examination-- diploma privilege combined with supervised practice, for one--that may well be *better* for securing the integrity of the profession than a written test. Formality solely for the sake of formality trivializes the whole enterprise.

We believe this group of applicants has endured enough already. It is time to recognize that we are living in a changed time and that we must reach out a hand and help these new colleagues to join us in this important profession.

Sincerely,

Professor Sara Gordon
Professor Lydia Nussbaum
Professor Addie Rolnick