



VIA MAIL

Supreme Court of California
Attn: Tani Gorre Cantil-Sakauye
350 McAllister Street
Room 1295
San Francisco, CA 94102

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

We at Public Justice write in support of the United For Diploma Privilege Coalition's request that the California Supreme Court adopt diploma privilege for 2020 law graduates in light of the COVID-19 pandemic and the recent uprising in support of the Movement for Black Lives. As a legal organization proud to work and hire in the state of California we feel strongly that granting these graduates diploma privilege will not only provide them with an opportunity to equitably join the profession and work to eliminate disparate impacts requiring them to sit for the bar exam—even remotely—would cause, but will also serve the California bar and community.

As you have already recognized, the COVID-19 pandemic has made in-person administration of a bar exam a non-starter due to the health risks of such an event. But administration of a remote exam is not the answer. Moving to a remote exam would only serve to amplify inequalities already prevalent in California's bar exam, and disadvantage many students who may not have access to reliable internet service or for whom pandemic-magnified work and family demands make adequate exam preparation or test-taking time an impossibility.

Many students are facing new hardships as a result of the pandemic, including family and childcare responsibilities, loss of income, and other pressures. Many students need to start work as soon as possible, and will not be able to take the time needed to prepare and sit for an exam administered online in the Fall. Each of these hardships falls more heavily on students of color. And all of these issues compound the inequity about which Public Justice has already written to this body--that California's bar exam disproportionately excludes people of color from admission to the state's bar.¹

Instituting diploma privilege, on the other hand, would allow 2020 graduates to enter the profession on a more equitable basis, and would serve not only these graduates but also the community. A 2019 study of the California Justice Gap conducted by the State Bar of California found that Californians' legal needs far outstrip the supply of legal services.² For instance, State Bar-funded legal aid organizations were unable to respond to 70% of

¹ See Letter of Public Justice to Supreme Court of California, Re: Reevaluating the California Bar Exam Cut Score to Increase Bar Diversity and Improve Access to Justice (Nov. 13, 2019), available at https://www.publicjustice.net/wp-content/uploads/2019/12/Cal-Supreme-Court-bar-admission-letter_FINAL.doc.pdf.

² The State Bar of California, 2019 California Justice Gap Study Executive Report, available at <https://www.calbar.ca.gov/Portals/0/documents/accessJustice/Justice-Gap-Study-Executive-Summary.pdf>.

the more than 450,000 civil legal problems low-income Californians presented to them.³ Conducting the bar exam in a way that excludes large numbers of applicants merely because they lack the resources to meaningfully participate will only serve to exacerbate this problem.

And there is no evidence that forgoing the bar exam would put the community at risk. Wisconsin, for example, has long permitted graduates of in-state law schools to enter the profession without sitting for the bar exam, and has not seen any rise in the incidence of legal malpractice.⁴

Given the hardships wrought by the COVID-19 pandemic, other states including Utah, Washington, and Oregon have already seen fit to grant 2020 graduates some form of diploma privilege.⁵ Public Justice strongly urges the California Supreme Court to do the same.

Sincerely,



F. Paul Bland, Jr. (Bar No. 298635)
Executive Director
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CC:

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³ *Id.* at 13.

⁴ See Stephanie Francis Ward, *Bar exam does little to ensure attorney competence, say lawyers in diploma privilege state*, ABA Journal (April 21, 2020) available at <https://www.abajournal.com/web/article/bar-exam-does-little-to-ensure-attorney-competence-say-lawyers-in-diploma-privilege-state>.

⁵ See Supreme Court of the State of Utah, Order For Temporary Amendments to Bar Admission Procedures During Covid-19 Outbreak (April 21, 2020), available at https://www.abajournal.com/files/Signed_2020.04.21_Bar_Waiver_Order_.pdf; Supreme Court of Washington, Order No. 25700-B-630 Granting Diploma Privilege And Temporarily Modifying Admission & Practice Rules (June 12, 2020), available at <https://images.law.com/contrib/content/uploads/documents/292/69069/Order-Granting-Diploma-Privilege-061220.pdf>; Oregon Supreme Court Order No. 20-012 Approving 2020 Attorney Admissions Process (June 30, 2020) available at <https://s3.amazonaws.com/arc-wordpress-client-uploads/wweek/wp-content/uploads/2020/06/01095602/SCO-20-012-Order-2020-Bar-Exam.pdf>.