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August 5, 2020

Clerk
D.C. Court of Appeals
430 E Street, N.W.
Washington, D.C. 20001

RE: Support for Admission to the D.C. Bar by Diploma Privilege

Dear Clerk:

I write in response to the Court's July 29, 2020, notice inviting comment on the "proposal to establish a procedure to admit law-school graduates without requiring them to take and pass a bar exam ('diploma privilege')," or, alternatively, to expand temporary practice rules. As dean of Duke University School of Law, I join the deans of all six Washington, D.C. law schools and countless bar applicants, professors, and attorneys in supporting diploma privilege for recent law graduates from ABA-accredited schools seeking admission to the D.C. Bar.

We are all well aware of the circumstances that have brought us to this point. It suffices to say that these are extraordinary times that call for extraordinary remedies. I applaud the Bar's implementation of an online exam and its leadership in entering into reciprocity agreements with other jurisdictions, but more is needed. Over the past several months, future lawyers have experienced a pandemic, economic crisis, protests sparked by the systemic racism in our society, and unprecedented (and frequent) changes to bar exam plans and bar rules. These crises disproportionately impact BIPOC bar applicants, as well as those who are immunocompromised, food or housing insecure, or lacking in high-quality internet service or study spaces. A required exam under these circumstances would be likely to exacerbate issues of inequitable access to the legal profession. Further, this past week has exposed valid concerns about the feasibility of conducting successful online bar exams for hundreds, if not thousands, of applicants.

Our recent JD and LLM graduates are well-prepared for practice by virtue of their law school educations. As with all ABA-accredited law schools, our curriculum requires all students to complete coursework in professional ethics and responsibility, legal writing and analysis, and experiential learning that simulates legal practice. If there are concerns about competency, they can be addressed through appropriate guardrails, such as a period of supervised practice and specific CLE requirements.

Importantly, diploma privilege should extend to any recent law school graduates who can pass the

character and fitness examination and intends to work in a practice requiring D.C. bar admission. In light of the pandemic, many recent graduates who would have otherwise applied to take the D.C. Bar Exam sought to take the UBE exam elsewhere this summer. Accordingly, diploma privilege should not be limited to current applicants. While temporary practice expansion may rely on a similar form of supervised practice, it does not offer the same certainty to applicants or employers, and all parties would struggle with the need for time off from work to prepare for a later bar exam.

My support for diploma privilege is not in lieu of the planned online exam in October. The remote exam may be important to many applicants, including those who wish to take advantage of D.C.'s reciprocity agreements with other jurisdictions. Moreover, by making its administration more manageable for a reduced number of examinees, offering diploma privilege will increase the likelihood of a successful online exam.

Thank you for tremendous efforts so far, and I look forward to your continued support of the newest members of our profession.

Respectfully,

A handwritten signature in cursive script that reads "Kerry Abrams".

Kerry Abrams
James B. Duke and Benjamin N. Duke Dean
Duke University School of Law