

1                   **IN THE SUPREME COURT OF THE STATE OF NEW MEXICO**

2   **April 28, 2020**

3                   **NO. 20-8500-015**

4                   **IN THE MATTER OF THE**  
5                   **ADMINISTRATION OF THE BAR EXAMINATION**  
6                   **BY THE NEW MEXICO BOARD OF BAR EXAMINERS**  
7                   **DURING THE COVID-19 PUBLIC HEALTH EMERGENCY**

8   **ORDER**

9                   WHEREAS, this matter having come before the Court upon  
10                  recommendation of the Board of Bar Examiners to postpone the next  
11                  administration of the bar examination until it can be safely held in light of the  
12                  current gathering restrictions required as a result of the current public health  
13                  emergency caused by the COVID-19 pandemic, and the Court having considered  
14                  the recommendation and being sufficiently advised, Chief Justice Judith K.  
15                  Nakamura, Justice Barbara J. Vigil, Justice Michael E. Vigil, Justice C. Shannon  
16                  Bacon, and Justice David K. Thomson concurring;

17                  NOW, THEREFORE, IT IS ORDERED that the bar examination previously  
18                  scheduled to take place in July 2020 shall be postponed until September 2020,  
19                  subject to the requirements set forth in this order;

20                  IT IS FURTHER ORDERED that the “in-person attendance” requirement

1 for successful completion of the course on New Mexico law under Rule 15-103(G)  
2 NMRA may be satisfied via a live, web-based instruction platform approved by the  
3 Board of Bar Examiners until further order of the Court;

4 IT IS FURTHER ORDERED that an ad hoc working group shall be formed  
5 by the executive director of the Board of Bar Examiners to identify possible  
6 venues to recommend to this Court for a rescheduled bar examination to take place  
7 in September 2020, and, in making its recommendation, the ad hoc working group  
8 shall focus on the possibility of administering the September bar examination from  
9 multiple, small-group venues at the same time if necessary to comply with  
10 gathering restrictions that still may be in place at that time because of the ongoing  
11 and evolving public health emergency;

12 IT IS FURTHER ORDERED that the ad hoc working group shall develop a  
13 recommendation for a temporary, alternative practice program that would provide  
14 a limited, supervised opportunity for legal practice by applicants awaiting an  
15 opportunity to take a bar examination should an ongoing public health emergency  
16 require the cancellation of the anticipated -- but yet to be scheduled -- September  
17 2020 bar examination;

18 IT IS FURTHER ORDERED that the size and composition of the ad hoc  
19 working group shall be at the discretion of the executive director of the Board of

1 Bar Examiners, who shall serve as chair of the working group, provided that the  
2 working group includes among its members the following individuals:

- 3 (1) the chair of the Board of Bar Examiners, or the chair's designee;
- 4
- 5 (2) the president of the Board of Bar Commissioners, or the president's  
6 designee;
- 7
- 8 (3) the executive director of the State Bar of New Mexico, or the  
9 executive director's designee;
- 10
- 11 (4) the chair of the Disciplinary Board, or the chair's designee;
- 12
- 13 (5) chief disciplinary counsel for the Disciplinary Board, or chief  
14 disciplinary counsel's designee; and
- 15
- 16 (6) the clerk of the Supreme Court, or the clerk's designee;

17 IT IS FURTHER ORDERED that the ad hoc working group  
18 recommendations required by this order shall be submitted to this Court on or  
19 before June 22, 2020;

20 IT IS FURTHER ORDERED that the deadlines for registration and fees  
21 imposed for late registrations for a July bar examination under Rule 15-104(B)(1)  
22 and (2) NMRA and Rule 15-105(A)(5)(a) and (b) NMRA shall apply for a  
23 September 2020 bar examination;

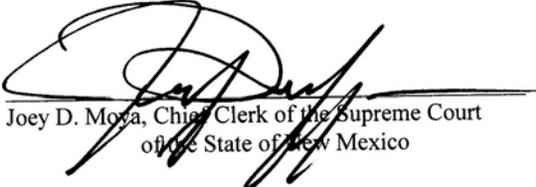
24 IT IS FURTHER ORDERED that anyone who has already submitted an  
25 application for the July 2020 bar examination may withdraw that application

1 without prejudice to submitting an application at a later date and, notwithstanding  
2 the provisions of Rule 15-105(B) NMRA, shall receive a refund of the application  
3 fee, and any related late fees that have already been paid, provided that a new  
4 application fee shall be paid if an application is re-submitted at a later date.

5 IT IS SO ORDERED.



WITNESS, the Honorable Judith K. Nakamura, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 28th day of April, 2020.

  
Joey D. Moya, Chief Clerk of the Supreme Court  
of the State of New Mexico

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