

## Nebraska Bar Applicant Impact Statements

These impact statements were submitted by 2020 Applicants for the Nebraska Bar Exam. They represent a variety of significant hardships reflecting the diverse experiences of Nebraska law students. These statements are being included in a Petition for granting emergency diploma privilege for current applicants and graduates of Nebraska Law Schools. They have been minimally edited, but preserve the message of their authors.

I am still collecting and adding impact statements and posting them here. If you would still like to add your story you may submit yours here: <https://forms.gle/vdFYXYw1s2PpaDvo9>

The final petition was submitted to the Nebraska Supreme Court on July 10, 2020. Read it here: <https://www.scribd.com/document/468735076/Nebraska-Diploma-Privilege-Petition>

Updates will be posted here:

<https://docs.google.com/document/d/e/2PACX-1vR--JW6o-R1OvRjv8E7NawentSFk8LrdJPadrThbGLlvZW-p-KfD4uz7lkRhh1St9oigVGn-PzSO3j/pub>

### *Impact Statement 1*

“I have family members who are in high– risk groups, and I am worried that no matter what precautions are taken, that it will be possible to contract COVID and infect those that I care about. However, I did not have the ability to push back my testing date, because loan payments will begin before I’m able to take the test and start my employment and therefore will run out of

money to pay for rent, utilities, etc. I am signing a disclaimer to take the exam because I do not have any other financial choice but to take the exam, not because I feel that it is safe to take the exam. I would welcome diploma privilege as relief from the anxiety and stress that this uncertain time has caused me, while also being mindful that many of my classmates are impacted in much larger ways and this would benefit them too.”

### *Impact Statement 2*

“Watching the country's response to the COVID-19 situation has left everyone, including myself, in a state of wonder. Wondering if the country will go through another shutdown. Wondering if there will be a second spike in active cases. Wondering if we are even going to have a bar exam at all. The fact that the Nebraska Supreme Court and the Attorney Services Division administering the examination cannot seem to make up their minds in a way that is conducive to the students taking the exam is highly frustrating. As I sit here writing this, I know I am not alone in my feelings to where I am taking the night off in order to protect my mental health from plummeting. We are in a constant state of flux, not knowing from one day to the next if we are even going to be able to take an exam we have worked so hard to take. The Nebraska Supreme Court and the Attorney Services Division waited until the last minute in May to let examinees know a test was even going to happen. And then told us our preference couldn't be guaranteed. Now, we are having to sign away liability for possible illness just to take a test to be guaranteed a chance to start a career we have put ourselves hundreds of thousands of dollars into debt for. And then, on top of that all, you expect us to PAY for a COVID-19 test to be performed and leave us with more questions than answers. Especially when the Test Nebraska initiative

allows anyone to garner a test. Then, you make it mandatory that we have our tests done in Lincoln, when some of us live in Omaha or, even worse, out of state. As students scheduled to sit for a bar exam, we are watching other states make changes (diploma privilege, online exams, further delays) wondering when we are going to be next to make a change. And here we are, three weeks until our scheduled bar exam and the Supreme Court and Attorney Services Division are making all these changes that are so limiting and frustrating - making it seem almost impossible to even take the bar exam to begin with - and making us choose between our health or careers in a time where we should be focusing on the home stretch. But now, we're now even more stressed out than we were before the July 4th holiday.

“We are here - as fathers, mothers, brothers, sons, sisters, daughters, grandsons, granddaughters, aunts, uncles, cousins, friends, students, aspiring lawyers - asking for your help. Please don't make us have to choose between our health or our careers when it's not something you would do yourself. Look at all the limitations the courts in Nebraska still have in place through a time beyond the scheduled exam. The bar exam violates those court rules that you have in place. The limitations you are requiring be placed on the July 2020 examination are limitations other bar examinees in other states find to be ridiculous and borderline dangerous. We have worked so hard to get where we are at this time and we hope you see that and allow us this one time request for diploma privilege in these uncertain and incredibly stressful times.”

### *Impact Statement 3*

“The uncertainty of the pandemic has been extremely detrimental to my mental health. The fear of potentially testing positive for COVID-19 after many weeks of studying is terrifying.

I have been forced to study at home and all throughout my academic studies, both undergrad and law school I focused best when I was at the library, in a quiet area. I live in an apartment complex and due to schools being out of session and a large number of people working from home, or laid off, the noise has been extremely distracting. The bar exam is extremely stressful in times of normalcy, however this catastrophic world-wide pandemic has increased the stress exponentially.”

#### *Impact Statement 4*

“I recently contracted COVID-19 while I was in Lincoln visiting my girlfriend. I showed some mild flu-like symptoms a few days after I returned. I was joking that I probably had COVID-19. On a whim, I decided to be tested knowing that I probably didn't have it. A few days later, I was shocked when I heard I had COVID-19. I had recently been in contact with my mother (who has a lower immune system) and was worried that my mother would contract the virus. Thankfully she did not.

“My story details how silent this virus can be. Many precautions are being taken in advance of the bar exam, but what about when the test takers are outside of the exam location? Tuesday night, many test takers could contract the virus and bring it with them (unbeknownst) and infect the test takers. After the exam, many of us will celebrate with family members and the possibility of infecting them is high.

“Every lawyer has had to suffer through the bar exam, but none like the class about to take the bar exam in July 2020. No class has had to worry whether their mother was going to contract and succumb to COVID-19. No class has had to scrape up money to pay for a mandated

COVID-19 test before the exam. No class has had to go through as many hurdles and mandates as us.

“The bar exam, as scheduled, is not safe, and people will contract COVID-19. Have they warranted the proctors, the workers in the hotel, etc. will social distance and quarantine before the test. Nope. But will I take the exam? Absolutely. Why would I wait? My employer is depending on me. The rural citizens of Nebraska are depending on me. I haven't worked for many weeks and I need to be licensed as soon as possible to get income flowing.

“Diploma privilege is the safest means at this point, and I support it 100%.”

#### *Impact Statement 5*

“I have always been a mentally healthy person. I anticipated the stresses of bar exam preparation and was ready for them. However, when COVID-19 came about, my mental health deteriorated dramatically. I not only have a difficult time even waking up in the morning, but the sheer fear and dread associated with potentially contracting COVID has caused me to struggle to focus on studying.

“Due to my husband’s work, I cannot study at home since we live in a small house with no private space for just me. Therefore, I have to go study outside my home and risk exposure every single day in order to study for the bar exam. I literally have to choose between my own health and safety and passing the bar exam each and every day, thus putting my mental health in constant decline throughout this process. Such decision-making is not conducive to quality studying or maintaining my personal well-being.

“In June I had essential (non-elective) surgery that required staying overnight at UNMC. For the following two weeks, I constantly lived in fear that I had contracted COVID-19 and would pass the illness to my husband or his parents, one of whom is immunocompromised. We needed to help them with various tasks they could not accomplish alone or solely with my husband, and I lived in fear that I would be the reason for my father-in-law’s demise. Since my surgery, I have been required to return for post-operative procedures and check-ups, and each time I leave the hospital, I have to wait in fear to find out if I contracted and passed along COVID-19. While I knew my surgery and bar preparation would have to coincide, I did not anticipate the dread that accompanied my mandatory procedure and follow-up appointments, nor did I anticipate the continued apoplexy that would follow and disrupt my bar preparation for the following two months.

“Additionally, I have ample questions and concerns about the process for the July bar exam, but nearly every email that has been sent to us flippantly continues to hold over our heads that our Character and Fitness applications are not decided until after we take the bar exam. As such, I am terrified to ask questions, sound critical, or even voice my concerns to the Commission, who is apparently no longer responsible for our safety throughout the remainder of this process, because I am terrified that any negativity or criticism from my end will put my character at issue simply for voicing my opinions. That is why I, along with many of my cohorts, have chosen to remain anonymous in these statements - for fear of the Commission’s backlash and its withholding of our livelihoods.”

*Impact Statement 6*

“2020 will be a year that no one forgets. Coronavirus has already taken some much away from graduates this year. There was no in-person graduation or hooding ceremony. There were no family/friend celebrations. Coronavirus does not and should not take away or hinder our ability to practice law. Studying for the bar is no easy task and the coronavirus has not made it any easier. In fact, the coronavirus has vastly hindered my ability to study for the bar exam. Both my fiancé and I are trying to work/study from home, which means lots of distractions. Yes I could go to a community space to study but then I risk infection which means not being able to sit for the July exam. I knew that I would not be working between graduation and the bar exam and I budgeted accordingly. However, I did not budget enough to last until after the administration of the September exam. Additionally, my insurance will lapse at the end of July and I had planned to get on my employers insurance in August. I will not be able to obtain insurance though my insurance if I am not working full-time. If I were to contract COVID during the administration of the July exam my start date would be pushed back and I would risk being uninsured with COVID. Yes I can obtain a short-term insurance plan but that is more expensive and something I did not budget for. I worry that if I do not pass the July exam because of the impact of COVID or the exam is postponed until September (or October) that I will default on student loan payments.”

“Further, the lack of transparency with the Bar Commission has caused added stress and concern. There is no indication of how applicants will be distanced at the hotel, whether those proctoring the exam will be required to obtain a negative test before the exam and/or are required to quarantine at home. It is difficult to have trust in the system when there are so many questions that continue to be unanswered.”

### *Impact Statement 7*

“I would like to emphasize the severe setbacks that could occur given the requirement that students must test negative for COVID-19 within a few days prior to administration of the bar exam. To my understanding, these would be rapid-response tests. I have doubts as to the accuracy of rapid tests rather than tests that undergo longer and more thorough procedures. Particularly, I am concerned about the injustice that could result for examinees whose test results generate false positives. Examinees have been studying hard for several months, investing time and effort into being ready to take the exam at a particular time. The rapid-response test creates the possibility that examinees who do not have COVID-19 (or had COVID-19 weeks or months ago but are no longer able to spread it) will be denied admission to the exam and forced to delay work as an attorney until the September administration or even the February administration. I realize why testing is something the bar commission feels is important. But I implore you to consider this particular consequence, in addition to the many other concerns of my fellow examinees. Obviously there are many other concerns to be considered - I do not assert that this concern is above others. I just wanted to get it into the narrative on the chance that it hasn't yet been discussed.”

### *Impact Statement 8*

“I am taking the bar exam in September but my two roommates are taking it in July. I am concerned about my roommates contracting COVID-19 during the July test. Furthermore, I do not know how we can comply with social distancing measures given that my roommates will



move out after the test. My nearest family is 12 hours away and I have nowhere to stay in Lincoln if I can't be around my roommates.”

*Impact Statement 9*

“The COVID-19 pandemic heavily impacted my studies during the last semester of law school and currently hinders my ability to focus while studying for the Bar exam. I cannot adequately prepare while worrying whether I'm subjecting myself to unreasonable and dangerous health risks just so I can take the Bar exam. Further, for myself and many others not taking the exam is not an option. If we do not take the July 2020 bar exam we will lose our jobs. I never thought by entering this profession that I would be placed in a situation where I had to choose between my health and my job. The lack of empathy is disconcerting.”

*Impact Statement 10*

“Even under ‘normal’ testing conditions, this is an inherently stressful time. To be taking the most important test of our lives during this time takes the stress to an unprecedented level for all test takers.

“There are three areas of my life that COVID has had a direct and substantial impact on my ability to study for the bar exam. I have significant concerns about my health and the health of my family members. My elderly grandfather has a pre-existing condition impacting his lungs and other underlying health complications that would make it difficult for him to survive if he were to contract COVID. Additionally, the extreme isolation that has resulted from quarantine has caused unanticipated stress and anxiety that makes it difficult to study and focus. Furthermore, if

I had to postpone taking the exam until it was truly safe to do so, my job offer would be rescinded.

“I believe that the Nebraska Bar Commission and the Nebraska Supreme Court should allow 2020 bar examinees and graduates to be granted diploma privilege in the state of Nebraska. I am uncomfortable and scared to take the bar exam under these conditions. While the mandatory mask and distance requirements create a safer environment to take the bar exam, all examinees will be in close proximity and indoors for an extended period of time over two days. This significant risk will be in the back of my mind throughout the entire exam. In addition to being in the same room, we will be using the same common spaces such as bathrooms. Giving individuals the option to take the exam at a later date does not address the inherently dangerous nature of conducting an exam in this format or the practical realities of finding a job. There is no guarantee that the conditions will be better in September and it is likely that there will be more reported cases at that time.

“Those with pre-existing conditions are effectively required to choose between maintaining their health and safety and taking a test that is required for their employment.

“Finally, courts all across this country, including the Nebraska Supreme Court, are hearing cases virtually because it is unsafe to do so in person. The number of people that would have been present for those hearings are a fraction of the individuals that will be taking and administering the bar exam in one room. If it is unsafe for the Nebraska Supreme Court to hear oral arguments in person, it is unsafe for examinees to take the bar exam in person.”

*Impact Statement 11*

“I am quite sure that studying for the bar examination is always a stressful experience. However, studying for the bar examination in the midst of an ongoing global respiratory pandemic, a breathtakingly toxic political climate, and an ongoing civil rights movement significantly adds to the stress experienced by test-takers. What's more, the Nebraska Bar Commission has consistently ignored input from examinees and law school faculty members regarding the administration of the bar examination, choosing instead to add additional requirements for test takers at every turn.

“Personally, I have found the process of bar preparation to be a profoundly demoralizing experience. However, that stress is dramatically overshadowed by the additional (and completely unnecessary) stress that accompanies every new email I receive from the Bar Commission. Each day brings with it the possibility of additional requirements -- additional tasks, forms, restrictions, and expectations -- which further disrupt a study routine already crippled by self doubt, self isolation, and concern for the state of the world.

“I understand the need to comply with guidance from the health department. I understand the necessity of social distancing requirements. I understand the logic behind a mask requirement and the COVID tests. I understand that the Bar Commission is trying. What I do not understand is why the bar commission insists on making things harder than they need to be.

“Permitting COVID tests to be taken in Omaha would be a helpful and rational solution.

“Permitting the examination to be taken online would be better still.

“Permitting examinees to receive emergency diploma privilege in this unprecedented time would be best.”

## *Impact Statement 12*

“Over the past 3 years of law school, I have admittedly tried to hammer into my head the mentality that the Bar Commission, the NE Supreme Court, and many Nebraska practicing attorneys want me to have about the bar exam. The idea being ‘regardless of whether the countless hours of preparation you put into taking the bar exam has anything to do with what you need to know about actually practicing law, you do it anyway because... well, because you have to. Because we had to.’

“Admittedly, this mentality has never rung true to me, but it has never felt more wrong than it does now, during a global pandemic. No other graduating class has faced uncertainty like we have faced it. The daily uncertainty of which heightened requirements the Commission is going to require of us. The daily uncertainty of watching other state bar commissions taking action to protect their incoming colleagues of the legal profession, but seeing no action from ours. The daily uncertainty of thinking, ‘If I go get groceries today (taking all recommended precautions, but seeing few other shoppers do the same) I could contract COVID.’ And if I can somehow skip past in my mind how this necessary errand could pose dangerous consequences for my roommates and my family, I’m also concerned that, ‘As a result of simply going grocery shopping, I could complete all this studying and not be able to take the July Bar Exam because I contracted COVID through no fault of my own. Not to mention going to get the test done in a location where all my fellow classmates will also be and contaminating everyone without even having any symptoms. And who knows if my future employer will be able to hold my job for me any longer, since this is already a big burden on them to hire me prior to taking the bar, but especially so during a pandemic? Who am I kidding, I couldn’t afford to wait to take the next

exam anyway.’ These are the thoughts running through my head on a daily basis any time I leave the house.

“I realize that some of these anxieties and fears have always plagued those who have attempted to tackle this beast of a bar exam. But many of them are new, and they are legitimate.

“This pandemic has impacted my mental health greatly. My therapist has to remind me how unrealistic these bar exam expectations are at the beginning of each of our Zoom sessions so I don’t blame myself for how terrible studying is going.

“This pandemic has impacted my finances. I have worked part time since graduation even though most attorneys I talked to advised studying full time. I decided against their advice, even though I knew it was not in my long-term best interests because I didn’t want to take out yet another loan. I decided this because something could happen with my future employment as a result of the pandemic. Companies are closing down or laying employees off every day.

“This pandemic has impacted my family in countless ways. My amazing sister works as a nurse at UNMC treating COVID patients. And my brave brother joined the military recently. He wanted a way to help pay his tuition and student loans, since he was laid off from his other employment as a result of the pandemic.

“If the Commission and the Supreme Court choose to grant flexibility about the bar exam during this unprecedented time, it wouldn’t erase all of the mounting problems of the pandemic. But it would demonstrate a strong example for the rest of Nebraska’s legal community. It would reflect that although things will never be the same, there are actions we, as the legal profession, won’t hesitate to take to keep each other safe and wholly healthy when we have a say in the

matter. Chief Justice and Members of the Court, you have a say in the matter. I respectfully and strongly urge you to take action.

### *Impact Statement 13*

“Like many 3Ls, COVID upended my academic, professional, and personal life in ways I never could have imagined. We left for spring break and never stepped foot in a classroom again. The loss of milestones like hooding seems trivial in comparison to the sudden deprivation of the support network we relied on for the last three years, the absence of a structured classroom environment, compounded by the unanticipated adaptation of integral skill-based classes that were designed for courtrooms instead of zoom-lectures. Like a lot of my classmates, I worked full-time in addition to finishing a full-time course load, and the culmination of my academic career and entrance into my professional career hinged on my ability to perform the same deadlines equally as effectively from my living room couch. Unlike a lot of my classmates, I was lucky enough to have a quiet place to study, and I don't know how many of my fellow students managed to balance equal or greater workloads as well as they did under those circumstances. That said, the isolation that made this semester manageable took an enormous toll on my mental health, and substantially impeded my ability to prepare for the most important examination of my life from the outset. I can count on one hand how many of my classmates I have seen in five months, I cannot track how many I never got to see before they moved away to study for their respective bar exams. The irony is not lost on me that we were denied a graduation for (very legitimate) safety reasons, yet the first reunion with my class will be under circumstances of an examination that feels completely out of our control. A choice between our physical safety and

our ability to earn a living (not to mention insurance coverage, which many of us will otherwise lose) is no choice at all. If the legal profession thinks that a grab-bag multiple choice test is a better indication of our abilities as attorneys than our demonstrated capacity to graduate in the midst of a global pandemic, adjust the entirety of our academic and professional routines in our final semester, in addition to meeting familial obligations, applying for jobs in the absence of legal licenses (or assurances of testing conditions), moving out of state, all the while facing looming financial student loan debts, paying thousands of dollars for bar prep courses that we are left to self-administer, and being reminded that COVID restrictions are a character and fitness issue (meanwhile the only bar we've left the house for involved trips to a notary), they are unaware of the magnitude of what our class has accomplished so far.”

#### *Impact Statement 14*

“2020 has been a trying year. From classes abruptly being moved online to the entire world shutting down amidst 540,000 global deaths to date to civil unrest worldwide, this year has been nothing but complicated and has required leaders to act in a positive and progressive manner. Some of their actions have been helpful, but many have been unbelievable disappointments. Among the disappointing actions has been the Nebraska legal community’s response. There have been no concessions given by the Nebraska Supreme Court or the Nebraska State Bar Association, excepting the opportunity to remain senior certified for a longer period of time. Time and time again, the future attorneys of Nebraska have requested empathy and understanding, whether that be through the granting of diploma privilege or some provisional practice of the law until a bar exam can be safely administered and examinees can

effectively study (e.g., without fear of family members being sick, without spending time with dying loved ones, or without worrying about how the increasing civil unrest will affect overall futures, etc.). However, those requests have been left unheeded while examinees suffer sickness and death, both within their family and friend groups. Empathy is said to be a cornerstone of the legal community, yet it appears that empathy does not apply to those already within its ranks.

“Each examinee today has been backed into a corner with no choice but to subject themselves and their loved ones to sickness or potential death due to COVID-19. Many examinees, like myself, also have employment tied to the passage of the July bar exam. Without taking the exam, we would be out of jobs in an ever-worsening legal job market. The stress of finding worthwhile employment combined with the current state of the nation is immense, and is far more than any other examinee has ever dealt with before. With this clear understanding, Nebraska’s response has been to enact a mandatory liability waiver and COVID-19 test, which has shown how little the Nebraska Supreme Court and Bar Association cares for its future attorneys. In no way has the bar exam ever been subject to so much uncertainty or additional requirements, such as spending more money attempting to get a COVID-19 test, watching civil unrest within our own communities, or signing a liability waiver in the likely case we get sick during the exam. The liability waiver itself shows that examiners understand the danger posed by having a July bar exam. So why continue to hold the bar exam? Why risk the lives of Nebraska’s future attorneys and their families, especially if they live with members of their family? Instead of working with its future attorneys, Nebraska has continuously worked against them - setting up hurdle after hurdle and deliberately creating an unsafe environment that none of us have a choice but to enter into. The best course of action for Nebraska to take now would be to postpone the



bar exam until it is safe to take it and to grant a temporary diploma privilege for those graduates of ABA accredited law schools so that we can freely practice and keep employment. Such action is entirely against the Nebraska Supreme Court's and Nebraska State Bar Association's desires, but the current environment we all live in requires it. The well-being, both financial and physical, of Nebraska's future attorneys requires it. And, most of all, the Nebraska legal community requires it because thus far its actions have done nothing but alienate an entire class of attorneys who were monumentally let down during a great time of need."

#### *Impact Statement 15*

"Studying for the bar exam is bound to be a stressful time, but this stress should not include the fear that we will contract COVID-19 during the administration of the exam. I am hopeful that my fellow applicants are abiding by the social distancing and safety guidelines set out by the NSBC. However, there is no guarantee that the other individuals that we will be in proximity to, such as proctors and hotel staff, will be abiding by these same guidelines. Further, as the Marriott is no longer accepting hotel guests during the dates of the exam, the examinees who must stay in a hotel are now spread out among other hotels in Lincoln, exposing themselves to even more individuals whose COVID-19 status is unknown.

"I appreciate the measures the NSBC has implemented to make testing safer for examinees. Mandatory mask wearing does decrease the risk of transmission, but as new evidence of airborne transmission of the virus, especially in closed rooms with air conditioners, is discovered, it is apparent that the only way to effectively prevent transmission is by avoiding large gatherings.

“The ability to defer to a later exam date is not a viable option. First, there is no guarantee that the situation will have improved by the date of the next exam. There are still active cases in Nebraska. While we are not seeing the spike that many other states are experiencing right now, there is no guarantee that cases will not increase as businesses continue to reopen. The situation in the fall could be the same as it is today, if not worse. Second, for many applicants like myself, the financial strain of being unable to begin full-time work as an attorney until later than planned is too great. Going into my final year of law school I was aware that I would not be working during the time between graduation and the bar exam and budgeted accordingly. The thought of taking the exam this month while the pandemic is largely uncontrolled is uncomfortable and anxiety-inducing, but I am not financially able to delay full-time work until after the administration of a September exam.

“It is unreasonable for examinees to be forced to make the decision between acting in the interest of their health or of their future careers.”

### *Impact Statement 16*

“Not super impactful regarding studying because Themis is all online for me anyway. However, the additional restrictions constantly coming up and being put on us to complete prior to being able to sit for the exam is constantly taking away from my studying and increasing my stress level and having an impact on my mental health as I do not handle stress as well as I should. I'm barely finding time to study and get through the vast amount of material I need to review prior to the exam and the constant interruptions and requirements I have to fulfill due to the coronavirus pandemic to sit for the exam is becoming burdensome and disadvantageous.”

*Impact Statement 17*

“I am considered a high risk patient for COVID, and have had to move home to save money while studying for the bar. Instead of being able to work while studying to offset costs, I have been isolated in western Nebraska since May. It is incredibly stressful to begin with, and the lack of real help, consideration or even real communication from the Bar Commission isn't helping. It all sincerely makes me question coming home to practice law.”

*Impact Statement 18*

“I first want to start by saying that I am afraid of backlash from speaking out against the Nebraska Bar Commission. It has been made abundantly clear that our Character and Fitness decisions are made after the administration of the bar. This makes it impossible for students to voice legitimate concerns over the health and safety of the administration of the exam for fear that they will be unable to practice law. At this point, I have sunk over \$100,000 into a legal career that is being held ransom by the NCBE and the NSBC. I have been asked to choose between taking an exam which allows me to begin paying back my debt OR exposing myself to a virus that has already killed 130,000 Americans and over half a million individuals worldwide. I have never had a ticket or been arrested; I have never been fired from a job. I am a law-abiding, rule-following person. However, I must speak up for inequity when I see it; this is what law school has taught me. Please do not make me choose between a career helping others and my family's physical health and my own mental and physical wellbeing.

“I am from out-of-state, and my immediate family are all essential workers. I have spent 4 months alone in my apartment here in Lincoln worrying about their health and wellness. I worry that my parents (who are in the high risk category) and my sister will come down with COVID and need immediate medical attention. This causes me immense worry and stress as I would need to travel 14 hours to be with them and to give them aid. This stress and worry has caused me to lose sleep, forget to eat, have panic attacks, and cry often. I even reached out to administration at the law school to ask for help. I decided to come to Nebraska to study law because Nebraskans were empathetic and kind individuals, the law school was supportive, and I knew I would get a great education. However, I have been deeply disappointed by the callous response and lack of communication from the Nebraska Bar Commission and the Nebraska Supreme Court. While other states are advocating for the health and well-being of their law students (and future legal professionals), Nebraska has remained silent. We are taught to zealously advocate for clients and pursue justice. I feel there has been no advocacy and NO JUSTICE here.

“The bar examination is supposed to be an exam which tests "minimum competency" in the legal profession. However, this year, it will be a test of who has the strongest immune system, the resources to study from home, the environment conducive to study, and the ability to disregard the many distractors that are occurring outside our door. This year, it is inequitable.

“We students have had to face hardships unknown to other graduating classes. Yes, the 2008 class faced a crippled economy and fear of losing their jobs while they studied for the exam. However, we are facing a crippled economy, a renewed civil rights movement, political unrest, and a global pandemic. Each of these stressors alone is enough to distract a student from

studying. However, all four taken together have caused undue hardship to many students studying for the bar exam. I must decide whether the health of my family and myself are more important than the legal education I have received. I will lose my health insurance on July 31st and worry that I will come down with COVID-19 as a result of attending the July bar examination. If I refuse to sign the waiver and refuse sit in July, then I lose my job (which is contingent upon bar passage) and the only way to begin slowly paying back my crippling debt. I am put between two impossible choices. Further, I must worry about whether I can pass, given all of the distractions that we have faced over the past few months of studying. Despite studying for over eight hours every day, my brain is so overwhelmed that I cannot recall information.

“I implore you to acknowledge our struggles and to find an equitable way to determine our ‘competency.’ The bar examination is not it this year. I do not ask that you give us diploma privilege. I understand that it is generally looked at with suspicion among legal professionals who had to take the bar. However, I urge you to consider other options, such as allowing us to practice with supervision until the COVID-19 crisis has ended. Ultimately, you have the power to embrace the displaced and unduly burdened 2020 class or to alienate an entire class of law students. Please remember, ‘the law must be stable, but it must not stand still.’ -Roscoe Pound.”

### *Impact Statement 20*

“In early March my four children's schools cancelled in person classes. Since that time there have been no childcare providers or camps available for me to send my children to. My husband is the Vice Chairman for our Tribal Council, the chairman for our Tribe’s pandemic task force, and is also an essential worker (law enforcement). For the most part, he must work outside

of our home. As a result, while studying for the bar exam I have had to take on the lion's share of childcare responsibilities.

“Not only am I required to study for the bar exam primarily at home while taking care of my children (which is definitely not an environment conducive to quality bar prep), but I also have anxiety about our increased financial burden because all meals and entertainment must now be solely provided at home. I had planned to work up to ten hours per week while studying but am unable to because I cannot leave my children at home unsupervised. We cannot have any family members help us due to the risk of potentially exposing one another to COVID-19. Additionally, I have to manage the stress and anxiety my children are dealing with during this time. They are confused and isolated because they are unable to see friends or family, have not been able to attend school, and cannot participate in regular summer recreational activities. Even our seasonal ceremonial and cultural events have been cancelled.

“I live in a tribal community with a large population of vulnerable tribal members with high health risks. My family is very careful about minimizing our chances of being exposed to COVID-19 for our own safety as well as for the well-being of our community. The stress of studying for the bar exam, in addition to dealing with the burdens that COVID-19 has placed on our country and families is overwhelming. On top of the already extraordinary difficulties the pandemic has placed on studying for the exam, I will now have to drive four hours roundtrip to Lincoln just four days before the bar exam get tested for COVID-19. The extra precautions required to sit for the bar, coupled with the risk of possible exposure to COVID-19 associated with traveling to the testing site, staying in Lincoln, and taking the test in an enclosed space for

several hours with so many people places additional stress upon, and largely inconveniences, those already struggling during this time.

“Granting diploma privilege would enable me to keep my family and community safe, minimize the stress my family is under, and allow me to begin earning a salary working from home for the law firm with which I have secured employment.”

### *Impact Statement 21*

“COVID-19 has impacted my bar preparation significantly. Due to COVID concerns, I had to leave my home and move in the middle of the summer, greatly impacting my study time. I had to find a new place and make major life adjustments due to the virus. There have also been many mental health concerns. The existence of COVID and the increasing likelihood that I or a loved one will contract it adds stress onto the already extremely stressful summer of bar prep. The conditions we are being asked to take the bar exam under are unfair, unethical, and shows a lack of empathy and compassion from the bar examiners. We have been forced to choose between our job and our health. Employers have pressured us to take the July bar exam. They do not want to wait any longer than necessary to have a full time attorney working for them. Many of us would not have gotten job offers if we decided not to take the July bar, and most of us will be fired if we do not take the July bar. For most of us, September, or waiting until February, is not an option. By continuing to host the July bar, the Nebraska Bar Association has enabled our employers to force us to take the July bar, which puts us all at a higher risk of contracting the virus. There are bar takers who are immunocompromised, have asthma, live with high-risk

families members, and dozens of other situations that make it risky for them to be in a room with over 100 people. But the pressure to take the July bar leaves us with no choice.

“There have also been many added barriers to taking the Nebraska bar. We were more or less forced to sign a waiver agreement. We have to keep a temperature log five days before the bar exam, when thermometers are sold out at nearly every store. We must travel to Lincoln the Friday before to take a COVID test, even though many of us (including myself) do not live in town. That COVID test costs additional money, and many test takers can barely afford to live through the summer and pay for the bar as is. For some test takers, this Friday requires them to come into Lincoln three days early, and pay to stay additional nights in a hotel. Staying at a hotel has been ranked as a “high risk” activity, and test takers from out of town have to stay a minimum of two nights in a hotel, more if they need to arrive early for a COVID test. One of the most frustrating and unjust aspects of this is that the Nebraska Bar can make whatever rules they see fit, they can change as many dates as they like, and they can charge us whatever they decide, because we have no other option. This is true regardless of whether we take the exam in July or September.

“Even if we ignore the fact that July is really the only option, the September bar is not any better. Cases continue to rise across the country and Nebraska has not taken many of the recommended procedures. We’re seeing thousands of new cases per day with no sign of slowing down. Waiting one month, which might have seemed helpful in May or June, is clearly not going to be enough time. The numbers and statistics have changed, but the Nebraska Bar Examiners' plans have not. It’s time to consider the health, both physical and mental, and safety of Nebraska’s test takers. It is fundamentally unfair and unjust to make test takers risk their lives to



take this test. There has been a consistent lack of understanding and empathy from the bar examiners. I was hoping to soon be entering a profession that prides themselves on helping others, for providing important representation, and one that shows compassion to the individuals we serve. Based on the actions of the Nebraska Bar Examiners, I do not feel like I am entering that profession.”

### *Impact Statement 22*

“COVID-19 has affected my life in three main ways, and has caused an extraordinary amount of additional stress during bar prep. First, my fiancé and I had to move our wedding due to COVID-19 and throughout the summer have had ongoing complications with the changing circumstances. We very recently decided to limit our wedding to immediate family to prevent any possibility of the spread of covid for our guests. This has created a lot of extra stress and worry on top of an already stressful time. Second, my fiancé works at a prison and my sister, who lives with us, is a pharmacy technician. Both have to go to work daily and are exposed to COVID. I have been isolating at home since March and very rarely go out since I have a higher risk of contracting the disease. However, it has caused me an immense amount of anxiety thinking that if one of them contract the disease before the test date it means that I would not be able to sit for the exam even though I have done everything I was supposed to do. Additionally, if I am unable to sit for the exam it is likely I will lose my job offer, be unable to afford rent, utilities etc. Third, I have had a family member contract covid in the last few months and she was in the hospital on a ventilator for a month due to complications. This was incredibly difficult to experience while attempting to memorize as much as possible before this test. On top of the

already stressful time having to study for the bar exam, we have had to deal with the global pandemic and social upheaval in our communities. We have additional stresses not experienced by previous examinees and it is all magnified by the potential risk that we may be exposed to COVID during our exam period. For some of us with pre-existing conditions, that could be life threatening. It is almost impossible to put into words how anxiety inducing the last two months have been for bar examinees and how unfair the conditions are for current testing. It is silly to expect us to utilize the mental health resources available to us once we become lawyers if the state of our mental health goes unnoticed while trying to become licensed.”

### *Impact Statement 23*

“Studying for the bar exam during the pandemic has been a challenge. Not only have I had to adapt the study habits that have worked for years to be at home, but I have also had to do that while knowing that any day between now and the exam it could be cancelled or delayed. I have resigned myself to the fact that I may not be licensed until 2021.

“I am also dealing with the constant anxiety about the state of the world. I would be lying if I said I wasn’t afraid of COVID-19. I am afraid of catching it during the bar and being unable to work even longer than I have. I am afraid of catching and facing lifelong complications. I am afraid of passing it on to someone I love. The truth is we don’t know what this disease does to the human body. Young people are dying. People are sick for months. Previously healthy individuals now have lungs that look as if they had been smoking for 50 years.

“But what other choice do I have? Making the 2020 class of test takers choose between their health and their career is unconscionable. Where is the empathy? There is no real “choice”

here. Most aren't working and many can't start until after they take or pass the bar—myself included. We are running out of money. After going tens (or hundreds) of thousands of dollars in debt for school, applying for the bar, paying thousands for bar prep, we are now being asked to pay for testing. I am fortunate to not have to arrange a hotel for this but many are not. Asking people to come to Lincoln 5 days before the test and quarantine there until the exam will cost hundreds more.

“Further, the act of going to get tested puts us at risk. I have taken quarantine very seriously, and the thought of going somewhere with people who think or know they have COVID-19 is terrifying.

“This is a profession I previously held in very high regard. I have wanted to be a lawyer for as long as I can remember. However, seeing how bar examiners have treated test takers in Nebraska and around the country has made me rethink my decision. Diploma privilege is the only equitable solution.”

#### *Impact Statement 24*

“Dad, can I tell you an interesting fact about Africa?”, my oldest daughter asks me after I've settled down in a makeshift desk on my bed to read another bar prep outline. I'm supposed to say, no, right? It's hard to say no. It's hard to explain to two kids that their dad can't see them or play with them for eight hours per day, every day for two months, when he's right there. It's just hard.

“And I understand. The bar exam isn't supposed to be easy despite the assurances of every single bar prep company reassuring every single graduate that it's only a test of minimal

competence. Every single lawyer who has had to take the bar exam has complained. There's nothing new. Every year, every law school graduate believes that he can't do it this year. Every year, I'm sure, law school graduates explain why their situation is different than it has been in years past. And I understand the hesitancy to determine that this time, it really is different and do something about it.

“But it is.

“I'm sitting here typing this while my youngest daughter is attempting to take a nap. My oldest daughter is in the room next to me, playing. I can hear every word she is saying and she's talking pretty softly. My wife, their mother, just worked a 12-hour shift as a nurse and is trying to go to sleep. And it would be nice to have a few hours of silence to review an outline, answer questions, or write an essay. But as soon as I start reading another question about partnerships or about family law, I know someone with a little voice will ask me for help to dress a Barbie or get a snack down. And that brief time will make it hard to focus for the next assignment or the next question.

“When I signed up for law school, I knew the culmination of law school is the bar exam. I had a plan. I studied in the library all throughout law school. It was nice and quiet. I could get my work done. But that's impossible, now. If I needed to get work done when my wife was working, I could have a playdate for my kids or have someone watch them. But I can't really do that, now. So I'm studying in a two-bedroom apartment with two kids constantly here. And even at their quietest and even when they're on their best behavior, it is impossible to do the work that I could do in the library.

“I could go on and on about how tough it is to get anything accomplished when there are two kids running around, begging for your attention. I could tell you everything you wanted to know about how to plan out the bar prep videos in a day so that the lectures can fit within a nap time. I could send you detailed blocks of my time that I’ve set up so that I can write a practice MPT after I put the kids down for bed. I could tell you exactly how to watch a lecture on your phone and how to do multiple choice practice questions on your phone because the internet is so poor in your apartment that the children can’t watch a Disney movie to give you time to catch up on where you’re supposed to be in the bar prep course and you have to use the data on your phone.

“But ultimately, that doesn’t matter. These are the choices I’ve made.

“I could tell you about diploma privilege. I could cite to the relevant law review articles about how it’s been applied. And the efficacy of the program. And whether it’s appropriate, here. But ultimately, that decision is out of my hands. And those articles and studies are there whether I provide them or not.

“What does matter is this: In about three weeks, I’m going drive down to Lincoln to take the most important test of my life. One that’s been looming over me for three years. One that I’ve been preparing for, really, since August of 2017. And my biggest concern isn’t what I score on the exam. My biggest concern is that I’m going to get COVID-19 from one of my fellow grads or from someone administering the exam in some capacity and I’m going to get my kids sick. Because they’re young enough and have been relatively healthy, we don’t know if they have an underlying condition that will be exacerbated from this. And every single question that I get right or wrong pales in comparison to my responsibility as a parent to them, to keep them

safe. Ultimately, regardless of how I do on the exam or when I take it, what matters is, my children.” ‘

*Impact Statement 25*

“The requirements and conditions of the July 28-29 exam burden and disadvantage all examinees where I would suggest that almost all have no true choice of whether or not to sit. I have no choice because my job offer and finances require me to take the July Bar exam and necessitate choosing the Bar over personal health. The nature of the pandemic and the Board's honest attempts to alleviate potential exposure and risk still disadvantage examinees as wearing a mask during the entirety of the exam may have a negative impact on performance on many including myself where I have breathing issues. It is also worrying that all these months of studying may result in not being able to take the exam in July due to a positive or false-positive COVID test result through no fault of your own and result in financial hardship and loss of an otherwise obtained job (especially in the uncertain legal market onset by this pandemic). It is apparent that the vast majority of first time test takers in Nebraska pass the bar exam and the concern of "minimum competence" (arguably students graduating from an accredited law school indeed have already demonstrated this) is overshadowed by the reality of this situation. Cancelling the exam for September does not address the financial impact nor the potential prolonged COVID health concerns. I ask for consideration of granting diploma privilege; or in the alternative a lowered required UBE score to pass (although this does not address the risk of testing positive and not being able to take the July bar).”

*Impact Statement 26*

“I am excited to take and pass the bar exam. My law school experience and my current preparation suggest, statistically, that I will perform well. However, I do not want take this exam now. I am ready. I have busted my tail preparing. I want to get this over with and jump into the practice of learning to serve my fellow Nebraskans. But I should not. Nor should I be forced to right now. And if not now, then not ever. Postponement would not only prejudice me later, but also any clients I would have to abandon at that point to reacclimate to an exam that tests law largely irrelevant to the bulk of my anticipated Nebraska state law practice. The Commission must not feel as though their duty to the public of safeguarding the community from malpractice will in any way be breached by making appropriate circumstantial accommodations. First, there are already safeguards for our community in place, gates well kept by the courts, the laws, and not the least of which, ABA accredited degrees. Second, the most relevant aspect of tending to admission is not whether we know the rule against perpetuities, but rather whether we possess the character and fitness this field demands. Lawyers do not injure the community or damage the field's reputation by forgetting antiquated federal common law (which can and should always be easily researched anyhow). They endanger this profession when they choose to act out of accord with proper character and fitness. Regardless, it is unfortunately ironic that the most important gatekeeping function of admission to the practice (character and fitness) is currently imposing the exact detriment on the community that the gate is designed to prevent. For example, just today several articles ran locally about the shortage of adequate Covid-19 testing supplies and the backlogs on test results. It is unfortunate that requiring the Lincoln community to part with a hundred some test kits on July 24 will deprive other residents (who seek testing because they

actually have symptoms) of those tests, and further burden the backlog on their test results? How unfortunate it would be if in the rush to push an extra hundred or so tests through the already-taxed Lincoln infrastructure were to result in a legitimately symptomatic resident being denied timely results that could save their life. It seems as though that would certainly taint the legal profession in the community's image more grievously than were I to forget the rule against perpetuities some day. I appreciate that the Commission is dutifully working to ensure that a select group of examinees can safely participate in the exam. However, I am afraid that such measures miss the bigger picture. Frankly, if last-minute liability waivers strike the commission as necessary, perhaps it is a good indication that what the commission is doing poses a high risk. Indeed, it does. But mitigating liability is unnecessary. Diploma privileges and careful scrutiny of the character and fitness of our applicants would negate the need for such extreme measures. Further, suffice it to say that I concur and sympathize with the other testimonials which have but only scratched the surface of the personal struggles we are all facing in these unique times. In this most-stressful time of bar-prep, I should be embracing my family, girlfriend, and friends. Instead, I have abandoned them. In fact, I am so paranoid about getting sick at this point, and consequently losing my job offer, that when my father showed up unannounced at my house recently to deliver a care package, I nearly yelled at him to get out of the house and get a mask. That is the antithesis of normal behavior for me, and it was a wake-up call that the risks associated with this exam will—and indeed already have—impacted by ability to prepare for this exam in a healthy way. In the event that the Commission continues to find necessity in delivering the exam, at the very least it is fair to offer a reduced passing score, or modification of the curve somehow to account for the fact that this year's exam will undoubtedly reflect the realities of



many personal struggles that underscore otherwise dutiful bar-prep. Honestly I do not say that for my own benefit, but for those classmates of mine whose concerns and personal challenges at this point weigh more heavily on them than my own do on me. However, I want to log that option here, as I suspect most students will disregard the point since it seems inherently and particularly self-serving. Regardless, I want to lastly address one issue of concern related to the suspended character and fitness reviews. Certainly the Commission is aware of the chilling effect it has had on many applicants. While undoubtedly well-intentioned to ensure the safest possible testing environment for all applicants, the suspension has in fact caused many applicants to be fearful of raising legitimate questions about the exam and its circumstances for fear of “raising flags” as to their character. For example, we have not been told how many applicants there will be; how the recently-announced mandatory test will be conducted; how false positives may be challenged (some tests are known to have a 15% FP rate); what the fate of legitimate positive-tested applicants will be; what testing conditions will be like; what safety measures the proctors are taking, etc. These are just a few of the many legitimate questions test-takers have, but which applicants are currently discouraged from seeking answers to. The best solution to this concern is to grant permanent diploma privileges, subject to adequate character and fitness screening, which would preclude the necessity for addressing many of these issues. I write this testimonial not because am I not legitimately excited to take and pass the exam, but because I feel that it is selfish and irresponsible for me to do so. However, when forced to choose between my physical and emotional health (and the health of those around me) on one hand, and my entire contingent career on the other, of course I am forced to choose my career. Personally, I do not feel that the choice is necessary. I do not believe that it adequately serves the purposes of

ensuring a high regard for the legal profession, or of protecting Nebraska residents. To me, the forced decision seems to work to the contrary. Thank you for your consideration during this unprecedented time.”

*Impact Statement 27*

“Much like many of the Class of 2020, I have been extremely affected by Covid-19.

“I haven't been able to see or interact with my family at all since lockdown occurred, as my two youngest brothers as well as my father are all at high risk of COVID-19 complications. As they live out of state, I have not been able to see them in person or engage with them in any meaningful way since I last saw them in December. Having a good support system is invaluable to studying for the Bar and not being able to even see my family in person has been extremely disheartening and difficult to cope with. By forcing examinees to take the exam in the current conditions, it will delay seeing them even longer, as I will be forced to self-isolate for at least two weeks following the administration of the exam. Taking the exam at a later date does not alleviate these concerns and will force me to travel across state lines and potentially have to stay in a hot zone state.

“I have also had a close relative die yesterday, and two of my cousins are still sick right now. I am grieving for their loss and suffering and can't help but wonder: Am I next? Will I be the next person in my family who dies alone, gasping for air because I had to choose between my life and my career? It makes me sick with terror, and deferring to the later date will not alleviate these fears, as the growing number of COVID-19 cases across the country demonstrates that the virus is here to stay.

“Simply taking the exam at a later date or allowing for attorney supervision is not only unfair, it will greatly prejudice many members of the 2020 class whose employment either rests on passing this exam (and thus exposing themselves to potential death or long term complications) or those who are looking to serve in our armed forces as Judge Advocates. This is the situation I am in. I have to be bar licensed to even have my application reviewed, but if I contract COVID-19 as a result of this exam, it is entirely possible that I will suffer from complications that will bar me from my desired military service. While I recognize that this is likely a small portion of the examinees, it is still a catch-22 that causes undue stress and anxiety in already tumultuous times. I and other examinees who wish to serve our country should not have to worry about not being able to do so due to an exam being conducted that will place that ability in jeopardy.

“It is becoming increasingly more likely that Covid-19 is airborne and spreads extremely effectively in enclosed places or large gatherings. Indeed, as the Nebraska Bar Commission has reminded us time and time again via email, we are expected to follow the DHMs established by the state, and they themselves have not been in their offices in Lincoln due to increased risk of COVID contraction.

“So why is it acceptable that we are expected to waive any liability and expose our health to take an exam that will likely be a superspreader event? The Bar examiners argue that they are making this as safe as possible, and yet, we know that false negatives are common for rapid result exams. We know that negatives can occur due to lack of virus samples in the upper respiratory system, and we know that even asymptomatic victims can spread the virus.

“What we don't know is if our proctors, staff, or anyone besides the examinees are subject to the same restrictions we are. We don't know if the tests we are required to get will actually protect anyone, let alone stop a sick examinee from being in the testing center. We have no idea if everyone who has a negative test will properly or even have the ability to properly quarantine themselves following the COVID test. This entire summer's preparation can best be summed up with: 'I don't know.' And that is terrifying.

“Finally, I'm sure questions will be raised as to why have 2020 test takers not spoken up sooner? Why have they not said anything sooner? How could we have known they had these concerns? The answer is simple: we are scared to. For every person who submits an impact statement, I can almost guarantee that another has not out of fear of being hit with a Character and Fitness violation. As we have been reminded time and again, Character and Fitness is not done until after the exam.

“We're scared that by asking questions or speaking out that we are putting a target on our back. It's entirely possible that that belief is unfounded, but the language used in many of the emails we have received make it hard to see it any other way.

“Knowing we can be found to be in violation of Character and Fitness should we contract COVID has caused me so much stress every time I so much as cough or even have to venture out of my apartment to get groceries. It makes studying difficult, knowing that simply one slip-up, something I may not even know happened, could cost me my career.

“No group of examinees has ever faced the level of uncertainty and risk that the 2020 class is currently facing, and if the exam is administered as planned, it will not be a fair

indication of our competency as attorneys. As such, I implore the Nebraska Supreme Court and the Nebraska bar Commission to grant the Class of 2020 Diploma Privilege.”

*Impact Statement 28*

“It’s upsetting that I have to take time to write this. I could be spending time to prepare for an exam that will determine whether I have the competency to practice law. But this examination is unlikely to be a fair and accurate judgment of any applicant’s competency. We’re in the middle of a global pandemic. Every bar applicant is handling the stress differently. Our living situations, our finances, our families, and our health are diverse. Yet we share the common goal of becoming licensed attorneys. Unfortunately, we’re being asked to risk the health and safety of ourselves and those that we love in order to obtain that license. No practicing attorney today can say the same thing.

“I like to think I’m quite capable in my ability to control my stress levels, handle anxiety, and face adversity. The spread of COVID-19, the closing down of law schools, and the self-isolation required in a global pandemic broke down that confidence. Since March, I have felt stress and anxiety that I’ve never felt. At times, these feelings manifest physically leading to hives and uncontrollable itching. At any given time, the dread, helplessness, and vulnerability brought on by this pandemic will hit me like a wave and it is difficult to focus.

“It’s difficult to focus when I realize that the office of the Attorney Services Division is closed due to the health and safety concerns posed by the novel coronavirus. When bar applicants are told that examination procedures deviate from the direct health measures, and we have to sign a waiver of liability, it makes me angry. The consistent reminder that Character and

Fitness decisions are reserved for after the exam suggests that we should remain silent regarding our health and safety concerns. We can be heard, but we should expect consequences. We are going into the most important exam of our lives, and the very people we seek approval from have acknowledged that it's reckless and dangerous. The scheduled administration of the July 2020 bar examination is disrespectful to those who hope to practice as attorneys in Nebraska.

“We know the bar examination is stressful. It comes with the territory, and we spent our law school careers dreading this very period. We accepted the challenge when we applied for admission to the bar. Normally, I wouldn't have to take time to write this. These are not normal times. Treat this moment with the seriousness it demands.”

### *Impact Statement 29*

“Studying for the bar exam under ‘normal’ or non-pandemic conditions can probably be described as stressful. Studying for the bar exam under pandemic conditions can be described as terrible, ridiculously stressful, and anxiety-inducing.

“I am a single mom to a 9-year-old girl. I relied upon camps in Omaha this summer so that my daughter would be out of our apartment having fun but mostly so that I could study in peace and quiet. It has been a nightmare trying to navigate which summer camps had been cancelled completely, which ones moved online for half-days, and which ones I could get my daughter in last-minute that were still open and accepting registrations. At the same time of

wanting (needing) to send my daughter to camp, I also had to grapple with that decision, which made me wonder if I was compromising her health and safety.

“Unfortunately, my stress with my personal studying and attempts to retain the requisite information, as well as ensuring my health and safety and my daughter's health and safety, has made me feel very on-edge. I know that my daughter can feel my tension, even when I try my best to relax and enjoy my time with her in the evenings.

“I understand that nothing about COVID-19 has been easy. But it’s my opinion that Nebraska bar takers have not really been given any sort of reasonable alternatives. Ultimately, the pandemic has been about adapting. I do not like the phrase ‘new normal’ but that really speaks to how people have been adapting: to a new normal. It is my hope that the Nebraska Bar Commission can also adapt to this ‘new normal’ and empathize with what recent law school graduates are grappling with. I’m not entirely sure what that looks like, but one reasonable alternative could be granting 2020 law students emergency diploma privilege.”

### *Impact Statement 30*

“I was supposed to stop work to study for bar prep this summer and start back up at my job post bar. However, my husband works in the restaurant industry and was put on furlough for 10 weeks. While he works for a national chain and was able to get some pay, it was not enough to support us throughout the summer. I had to take out another loan (my school loan debt is now more than \$100,000) and continue working throughout the summer to be able to pay our bills. This has had a significant impact on my study time and mental bandwidth. My husband is also a high risk COVID patient, so the stress of everyday life and trying to keep him as isolated as possible has been extremely stressful.

“I am seriously concerned about my ability to perform on the exam, not because I haven't put in the time or effort, but because of outside forces which are constantly coming at me. The handling of communication about requirements for sitting for the exam in Nebraska has been disappointing. There seems to be limited regard about the realities the examinees are facing at this time; it is, at the very least, poorly communicated if any such regard exists. To drop a testing and isolation requirement on us three weeks before the exam that is to take place over the four days leading up to the actual exam was inconsiderate and the delivery cold and unconcerned. I respect the need to be careful and keep people safe, but the Bar Commission had the choice to make other plans and accommodations to adjust if the need arose. The choice not to do so has created a situation where a lack of planning on the Commission's part has apparently constituted an emergency on our part. It is frustrating and disappointing behavior for the organization that we are supposed to rely on as professionals.”

### *Impact Statement 31*

“As with the majority of my peers, COVID-19 has detrimentally impacted my preparation for the bar exam. Its primary impact has been the lack of access to an environment conducive to effective studying.

“Prior to COVID-19, my plan was to spend the majority of the summer at my law school's library to prepare with my fellow bar takers. Unfortunately, this was never an option as my law library has been closed to students since mid-March. Initially, the law library was supposed to open back up to students on June 1. However, this was pushed back to June 15 as it became clear COVID-19 would not “go away with the heat” as predicted by some members of



our country's leadership. On June 15, our law school informed us the library would remain closed for the duration of the summer despite earlier statements that it would be open.

“While I use this example to demonstrate the lack of access to a proper study environment, it also demonstrates the high level of uncertainty associated with bar preparation during a pandemic. While preparing for the bar exam under “normal” conditions is a stressful endeavor in its own right, the Nebraska Board of Law Examiners’ lack of transparency and seeming indifference to the plight of future attorneys compound the stress of an already stressful time.

“The “solution” provided by the Nebraska Board of Law Examiners is to provide additional administrations of the exam. At first blush, this solution may seem like a step in the right direction. However, my health insurance is provided by my law school and expires at the end of July. Furthermore, I cannot afford to forgo working for an additional two months while continuing to prepare for an exam that may be just as impacted by additional waves of COVID-19. This “choice” forces me to make a decision between sacrificing my health or sacrificing my economic well-being. Believe me when I say no reasonable bar applicant is taking advantage of the global pandemic as a way to skirt the bar exam - we are genuinely concerned about the health and safety of ourselves, our families, and our communities. I only ask that you acknowledge the unprecedented situation we are living in and to make accommodations that will realistically benefit bar examiners. Thank you for your consideration.”