



Lee Burgess: Welcome to the Bar Exam Toolbox podcast. Today, we're doing another COVID-19 bar exam update. Your Bar Exam Toolbox hosts are Alison Monahan and Lee Burgess, that's me. We're here to demystify the bar exam experience so you can study effectively, stay sane, and hopefully pass and move on with your life. We're the co-creators of the [Law School Toolbox](#), the [Bar Exam Toolbox](#), and the career related website [CareerDicta](#). Alison also runs [The Girl's Guide to Law School](#). If you enjoy the show, please leave a review on your favorite listening app, and check out our sister podcast, the [Law School Toolbox podcast](#). If you have any questions, don't hesitate to reach out to us. You can reach us via the [contact form](#) on BarExamToolbox.com, and we'd love to hear from you. And with that, let's get started.

Alison Monahan: Welcome back. Well, when we last recorded a podcast about the bar exam and COVID-19, it was May 18th, which seems kind of like an eternity ago, but also like yesterday, because time basically is really not meaningful at this point, I think. But a lot has happened in the bar world since May, so we wanted to share some updates and thoughts with you to try to make this situation work as best we all can. So, just so everyone knows, we're recording this episode on Monday, June 15th and information is current as of that date, and may well be out of date by the time this is actually coming to you.

Lee Burgess: I know. I still can't believe we do that. We have to do this now, but that's how the world is.

Alison Monahan: It really is. Also, as a reminder, we have an [information page in our website](#) that has the most up-to-date information on all of this. We'll link to it in the show notes. But you definitely want to be paying attention to this. Particularly in certain states, I feel like things are still changing almost day by day. It's pretty crazy.

Lee Burgess: Yeah, I know.

Alison Monahan: And then, speaking of crazy, of course we have everything else that's going on in the world – all the protests and things like that are happening. And I think this is also causing issues for people, and it's a big weight on a lot of people. And unfortunately, it is not evenly distributed, the weight of this. And I think that's just also something that people are going to have to really deal with during the study period, which just makes it extra challenging, and frankly, even less fair. But that's probably a separate podcast.



- Lee Burgess: Yeah. I think my heart goes out to everyone who's hurting right now in all the various degrees of hurt that is happening right now. And you're right, this is just an additional level of distraction and weight on studiers. It's so hard to remain focused when a lot is going on in the world, and it just seems to be compounding.
- Alison Monahan: Yeah, and I don't see that slowing down anytime soon. So, I think this is definitely one of those situations where you've just got to be gentle with yourself and do the best you can, and really hope for the best, and hopefully things work out. And if they don't, there's time to regroup.
- Lee Burgess: Yep, I agree. Alright, well, let's focus on the bar exam craziness and dive in, because there's plenty to talk about there.
- Alison Monahan: There is no lack of things to talk about here.
- Lee Burgess: No, seriously. So, let's start with updates from the [National Conference of Bar Examiners](#). I think the biggest news that we've gotten recently from the NCBE is that they're going to be providing a limited set of questions which includes the MBE, the MEE, and the MPT for jurisdictions to administer an emergency remote testing option.
- Alison Monahan: This is pretty funny, because I don't think when they put this out, they were expecting what's actually happened.
- Lee Burgess: Yeah, I think that's true. They should have talked to some jurisdictions before they put this out.
- Alison Monahan: Well, or they maybe should have clarified we're only going to do this if you actually schedule a different bar exam. I think what they were intending was that this was truly an emergency option. So, a jurisdiction has scheduled the exam for September, something happens, they can't give it. Then they have this other option. However, that's not the way that jurisdictions are opting to use this. So, tell us a little bit more about this, Lee.
- Lee Burgess: Yeah. So, this remote emergency testing option was for a new date, which is October 5th and 6th. So, this is even further out than the two other full UBE administration dates that they're doing at the end of September / beginning of October. Each jurisdiction is going to have flexibility in deciding how they're going to use these emergency materials. I feel like it's a children's game, like a matching game – just pull out the pieces.



- Alison Monahan: Choose your own adventure.
- Lee Burgess: Choose your own adventure. I'm just going to pull the pieces together and call it a bar exam.
- Alison Monahan: And they're shorter. But they haven't said how short.
- Lee Burgess: Right. So, is this going to be a one-day test, a two-day test?
- Alison Monahan: Is it 10 MBE questions? Is it 100? Is it 200? No one knows.
- Lee Burgess: Yeah. And then it's going to get quirkier. So, even though the questions will still pull from the same subject matter material, the jurisdictions themselves are going to have to score it. There's not going to be any national scaling. And the jurisdictions are going to have to really just make it work. They're basically going to let them choose their own adventure, and then they're supposed to make it work. I think the biggest thing that is going to cause a lot of discomfort for test takers is, one of the things that's so great about the UBE is this idea of score portability. And that is going to evaporate if you take this remote administration of the test.
- Alison Monahan: Right. They've been pretty clear about that, that at this point, you're not going to be able to transfer the score. And you're not going to get a portable MBE score or any of these things that you would normally be expecting. So, it's kind of a mishmash.
- Lee Burgess: Yeah. I think it's creating a lot of difficult decisions for folks, because if your jurisdiction does opt for this and you were counting on score portability, you have some tough decisions to make right now.
- Alison Monahan: Right. And so, I think when this initially came out, everyone thought, "Okay, that's good for people to have in their back pocket." But then the real twist came when D.C. just suddenly said, "Oh, cool. Okay, we're just going to use that exam."
- Lee Burgess: Yeah. And everyone's like, "What?"
- Alison Monahan: It was like, "Wait a second. You're going to do what? I signed up for a UBE exam in September. And now you're going to give me this other thing that's kind of this Franken exam?" Some people were upset. I think now you can get a refund, but it doesn't really answer the question of what you're going to do if you've



signed up for D.C. and thought that that was going to be a portable score, and now it's not.

- Lee Burgess: Yeah. I think especially for repeat takers, who have been trying to take this exam multiple times. And then, we also know that D.C. limits the number of times you can even sit. Isn't that true?
- Alison Monahan: I believe they limit it to four. I would assume that the Franken exam would be included, but maybe not. They haven't really said anything about that, as far as I know.
- Lee Burgess: Yeah. So, difficult decisions.
- Alison Monahan: Yeah. Do you waste your time on this one? Do you waste your test date? I don't know.
- Lee Burgess: I don't know. And then, of course, people have jobs that are counting on these test dates. There's a lot that goes into this, and I think everybody is being left to scramble. And I think in this case, the NCBE is maybe being left to scramble, because now they must be worried. I don't know, I haven't talked to anybody at the NCBE. But they must be worried that more jurisdictions are going to opt to take this test, and I don't think that's what they want.
- Alison Monahan: No, I feel quite sure that is not what they want and not really what they were expecting. But the other big twist in this news, which we'll get to later, is that California is thinking maybe they might want to jump on this train too. So yeah, that's fun for everybody.
- Lee Burgess: Yeah. So, that's going to get crazier. Well, before we move into the complete mess that is the California bar exam... There are lots of expletives...
- Alison Monahan: The unmitigated disaster that is the current California bar exam.
- Lee Burgess: I just don't even know. Before we totally lose it trying to talk about that, I think it's good to just run through where the current state of affairs is with jurisdictions. So, here's the current rundown as of June 15th. So, there are still states who are planning to administer the exam in-person in July, which is just about six weeks or so away. This is Alabama, Arizona, Arkansas, Colorado, Florida, Idaho, Iowa, Mississippi, Missouri, Montana, Nevada, that's actually going to do an open book exam.



Alison Monahan: And that's online, right?

Lee Burgess: An online, yeah. North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Virginia, West Virginia, Wisconsin, Wyoming, the Northern Mariana Islands, Palau, and Puerto Rico. Now, Indiana and Michigan are going to do one-day exams on July 28th as part of the remote exams. So, in July, you have Indiana, Michigan, and Nevada that are offering remote exams. So, that will not include any information from the NCBE, because they're not giving them remote tests. So, it should be interesting.

Alison Monahan: Yeah. Fun times for everybody.

Lee Burgess: Fun times for everybody. So, I think when I was pulling together this list this morning, besides it being very anxiety-inducing for me to go through all of this uncertainty with all these different jurisdictions, I'll be honest – in my gut, I was surprised at how many places are doing in-person exams in July.

Alison Monahan: Yeah. And if you look at that list, a lot of those places right now do not have numbers on the COVID situation that are moving in a great direction.

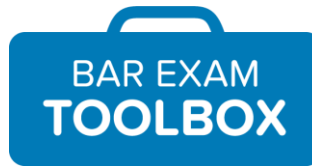
Lee Burgess: Right. There's a lot of southern states here where there are huge numbers of outbreaks; as well as Arizona, I believe, has been having a really tough time.

Alison Monahan: Yep.

Lee Burgess: Yeah. So, I think this is tough. I don't know what's going to happen with this, and I don't think all these jurisdictions have even communicated how they're going to do this with social distancing.

Alison Monahan: No. I know someone out of curiosity recently looked up Virginia's plan to see if they were still making people wear business dress. Not only are they still doing that, they're also still just planning on having it in their normal location that they always do – just one spot, everybody there. Seems questionable.

Lee Burgess: Yeah, I know. I was listening to a talk. Because we're in the Bay Area, UCSF, which is our big research hospital in San Francisco, has been doing these monthly talks where they bring together experts to talk about COVID. And one of the things he was talking about was how different the risks are with a small group of people versus a big group of people, and why we need to see those things as different. I don't know, maybe they could give it outside. Maybe? I don't know.



- Alison Monahan: That's possible.
- Lee Burgess: Bar exam outside with power strips running down, in a park? I don't know. It seems less weird than some of the other options that are coming up.
- Alison Monahan: Well, it seems less weird than just doing nothing and basically pretending that everything's normal, which I know a lot of people would like to do. But I'm not sure that is the best public health choice.
- Lee Burgess: Yeah. Okay, so that is who's considering doing this in July. Now, let's move on to early September, which is the 9th and 10th, which is UBE's date that they put out as an option. This is going to be Alaska, California – not really though; we'll talk about that in a minute. Delaware, which is doing a three-day exam from September 9th to 11th. Georgia, Guam, Hawaii, Illinois, Maryland, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, and Vermont. And there are a couple of jurisdictions that have said they will move to September, if needed. And these are Iowa, Missouri, North Carolina, North Dakota, and South Carolina. So, that comes from that earlier list that they're saying, "Well, if things get weird, we're going to push it till September." Although, I wish they would make that decision for a lot of people soon because July is not very far away.
- Alison Monahan: It's really not. We're in mid-June right now.
- Lee Burgess: Right, we're in mid-June. So, if we were doing a typical bar season, this is where we would start the big push.
- Alison Monahan: Exactly, this is your sprint time almost.
- Lee Burgess: Right. You're getting to that critical last month piece.
- Alison Monahan: You should be peaking pretty soon.
- Lee Burgess: Right, yeah. Students need to know this information. Okay, next up. We do note that there is another offering in late September – so, the September 30th to October 1st exam. The states that have signed up for that are Connecticut, Maine, Massachusetts, Rhode Island, Utah, and the Virgin Islands. Administering that only if needed will be Colorado, if they believe they cannot offer it earlier. No notes about whether or not those are going to be remote exams. Right now, they seem to be saying that those are going to be in-person exams. And then we've got D.C. offering this new emergency exam October 5th and 6th.



- Alison Monahan: Like a pre-emergency.
- Lee Burgess: It's like pre-emergency. We've got an exam postponed without a date, which is New Mexico. That's exciting!
- Alison Monahan: Oh my gosh. Seriously? Wow.
- Lee Burgess: That's what it said on the NCBE site. I was like, "Are you kidding me?" And then we've got a couple of states that are offering multiple exams. So, they're going to offer July and September, which is Kansas, Minnesota, Nebraska, Texas, and Washington. Although, I do believe that Washington just came out with some new diploma privilege options.
- Alison Monahan: Right. So, I think if you were registered already, even as repeat takers, which is pretty generous, you can now just be a lawyer in Washington. Congratulations!
- Lee Burgess: Yeah. Yep, so there you go.
- Alison Monahan: So, you can still sit if you want to get a score. But you don't have to, which is great.
- Lee Burgess: Great. We also have a couple of states offering July and the late September – so, the September 30th date. That's Kentucky and Tennessee. And then we have Louisiana, who's just doing a one-day exam on July 27th and on October 10th. So, they're kind of doing their own thing.
- Alison Monahan: Well, they've always been doing their own thing because they test their law. They don't use the MBEs. Louisiana has always been out there, so just talk to them about what they're doing.
- Lee Burgess: Yeah. So, wow. I think that if you're listening to this podcast and your head is swimming from all of this information, I think that's how everybody in this world feels. Jurisdiction by jurisdiction is really different. And so, whatever state you are committed to sitting in, you need to make sure that you are getting that information, updates, that you understand exactly what's happening in your state, because stuff is changing quickly. We have people on our team who are monitoring all of these different situations. And sometimes, like when the Washington information came across our desk – I think that was last Thursday or Friday.
- Alison Monahan: Friday or something, yeah.



Lee Burgess: Friday, yeah. But I was just like, "What?"

Alison Monahan: "I'm sorry, what?" I got on my phone, I'm like, "What? Okay."

Lee Burgess: Yeah. I mean, it's a lot. It's a lot. So, you need to do whatever you need to do to track this information for yourself and make sure that you understand what is on the horizon.

Alison Monahan: Right, and what the implications of all of this are for your career and life choices, and all these sorts of things. I mean, what do you think? I'm just thinking out loud here. I would have to guess that if you sit for the Washington exam and you don't pass it, they probably wouldn't give you the diploma privilege at that point. What do you think?

Lee Burgess: That's a question I would definitely want answered, especially if I was planning to live long-term in Washington.

Alison Monahan: Yeah, especially if I had already failed.

Lee Burgess: Yeah.

Alison Monahan: I think I would probably want that question answered as soon as possible. And if the answer is you will not be granted this privilege if you fail, I would not take that exam this time.

Lee Burgess: Nope. Yeah, I would not take the exam. I would take the diploma privilege. You could always sit for the UBE later if you want to have a portable score.

Alison Monahan: Exactly. Do not look that gift horse in the mouth if that is your situation.

Lee Burgess: Yeah, I 100% agree. Okay, let's all take a deep breath and start talking about the great state of California.

Alison Monahan: Oh my God. I feel like this is just one long, horrible game of telephone tag, basically, between the [California Supreme Court](#), the [California Board of Bar Examiners](#), and the [NCBE](#). And they're all just passing along these things, and nothing's actually really happening.

Lee Burgess: Now, I feel like there should be a Zoom call with all of the players, and decisions need to be made. But I think one of the most frustrating things about what's happening in California is, the delay between decisions is shocking.



Alison Monahan: It's really just like a horrible management theory. I never realized that there was a split between the California Supreme Court who apparently decide what the bar should look like, and the Board of Bar Examiners who are charged with implementing that. So, they're just blaming each other and going back and forth. And the California Supreme Court just seems to keep asking for things that the NCBE is saying literally will not do. And nothing is happening.

Lee Burgess: I know.

Alison Monahan: And there are all these rumors. There are just rumors circulating.

Lee Burgess: Yeah. This means nobody knows. We have people who are reporting out from what's happening in the meetings, but they don't even know.

Alison Monahan: Nobody knows.

Lee Burgess: Nobody knows.

Alison Monahan: We've got a lot of back channels, and nobody knows what's actually going to happen.

Lee Burgess: It's horrifying, I know. Alright, so let's step back for people who really just maybe are watching this from far away and are thanking their lucky stars they don't want to sit for the California bar.

Alison Monahan: At least not this year.

Lee Burgess: Right. The Supreme Court many months ago – it feels like months ago, I think it was months ago, at least a month ago – basically told the bar examiners, "You should do a remote test in September."

Alison Monahan: "Won't that be fun? Good luck."

Lee Burgess: "Won't that be fun? Go forth and make that happen." And they gave them a few weeks to come back with a plan. I believe they were supposed to have their plan by May 11th.

Alison Monahan: Yeah. It was a while ago.

Lee Burgess: Right. May 11th, Mother's Day, all of that came and went without any update from the Bar. And then, I think it was a week or so ago, then it came out again



that said, "Oh well, now we're going to try to do the baby bar remotely", which is a unique test that's given in California for schools that are not accredited, or some schools require it if you're on academic probation for readmission. So, it's like a mini bar. They call it the "baby bar", the [First-Year Law Students' Exam](#). "So, we're going to give it a go and try and do that remote, and see how that goes." But that is being offered next week. And so then, they're going to offer that, and then they're going to tell people what's going to happen. Because the last communication that went out to people studying for the bar was that they are still committed to possibly doing this remote exam, but they may have to use the remote questions from the NCBE. So, they might push the exam out by basically another month.

Alison Monahan: Right. And this didn't even go out to people taking the bar. This went out to the deans of various California law schools, who then of course immediately leaked it to all their students and everyone else. But this was basically a text message. I mean, it was just insane.

Lee Burgess: No, you're right. Yes, I've gotten copies of it being circulated. It's hard to know exactly.

Alison Monahan: I think they just sent it out to the deans, and then the deans were like, "Oh my gosh, what is happening?" And apparently, still asking for public comment on what they should do. The real problem here is that the NCBE is not going to give them a full remote MBE. And they're definitely not giving them any questions for that remotely in September.

Lee Burgess: Right. And the problem then is, there's no curving. I mean, there's such a huge pool of people who are trying to sit for this, desperately trying to sit for this test. And so then, if they're going to do this remote test and they're going to use these partial questions from the NCBE, and the NCBE is not going to curve it, that means California needs to come up with a way to curve all of its own stuff. They're not used to doing that. It's going to be a mess.

Alison Monahan: You have all these psychometrics on these tests. This is not something you just throw together in a month. These have all been tested, they've been vetted. It's not something that you just make up, which is basically what California would really be doing.

Lee Burgess: Yeah. They cannot throw together a multiple choice portion of the test. That would be a disaster.



- Alison Monahan: Well, they can't even scale it. Even scaling it is not something that you just do. You're like, "Oh, 87 looks like passing to me." I mean, that's just not the way this works.
- Lee Burgess: I know. There's so much statistics that go in the back end of this stuff. We can criticize the NCBE for a lot of things, but they do have their machine in place to do these things.
- Alison Monahan: Right. I don't criticize them for saying, "Look, we're not just going to produce a remote version of this that you can then do whatever you want with, in a few weeks." That's not realistic.
- Lee Burgess: Right. Yeah, so basically, this is still a mess. I would like to think that we're going to get some solid answers from the California bar right after the baby bar. But to be honest, I have no idea.
- Alison Monahan: Right. It's not like they're going to turn around the next day and know how that went. And what does it even mean? How did it go? What are the metrics we're using to figure out why is that successful?
- Lee Burgess: Right. Did people turn in some materials? I don't know. And there are all these open questions I think about all the remote exams. What about Wi-Fi stability? What about power outages?
- Alison Monahan: Or the security.
- Lee Burgess: I mean, does anyone not have Wi-Fi? Yeah, that periodically disconnects things? Yeah, security, cheating...
- Alison Monahan: Well, and then, they're talking about people not being able to have anything paper. So, that means you can't have paper questions, you can't mark up the question, you're not going to have scratch paper. You're not going to be able to do scratch paper outlining by hand, which is what we always, for very obvious reasons, recommend that people do. So, even if we get a firm date and a firm commitment to how this is going to work, it's going to be even more of a challenge for people. It's going to have to be different systems that you develop for yourself and try out and make sure they're working. And a lot of them are going to be pretty unnatural.
- Lee Burgess: Yeah. I also think that for students who get some accommodations...



- Alison Monahan: Don't even start on that.
- Lee Burgess: ...this is going to be tricky. Really, my heart kind of hurts when I start to think about people who fought so hard for these accommodations and how they're going to implement them at home and remotely. I don't know. And I can't believe we don't have answers. We talk to people all over the country constantly who failed, asking for advice and thoughts. I have never felt so inept to give advice. It's really hard, because there are still so many unknowns.
- Alison Monahan: No, and it's so frustrating. It's insanely frustrating for people who are trying to study and trying to figure out what they should be doing, and trying to plan their lives. And it is incredibly frustrating. It's deeply, deeply unfair. It really makes you question whether California should be doing its own exam anyway. There's just basic competency question here that is not being answered favorably.
- Lee Burgess: Yeah. I mean, it's really insane. I feel like when people ask me lately, "How's work?", I'm like, "You just don't want me to..."
- Alison Monahan: "Don't even start." It's sort of funny because if I'm talking to a lawyer, I'm like, "Well, yeah. You probably haven't really been following this, but the California bar is just thinking maybe they're going to do it online at some unspecified future date." And they're like, "Oh my God. There's no way they can handle this." It's like, "Yep. Yeah."
- Lee Burgess: I know.
- Alison Monahan: No, we feel your pain. And also, for students and for us trying to help students, we're trying to plan out a study schedule. How do you make a study schedule when you literally don't know what month the test is in?
- Lee Burgess: Or even what the different parts of the test are going to be.
- Alison Monahan: Yeah, what the test is and when it's happening. I mean, this is, in my opinion, completely unacceptable at this point.
- Lee Burgess: Yeah. And we have talked and brainstormed, and shared ideas about how we thought that the bar could do this in a somewhat fair way, even as a remote option. Maybe they need to drop the MBE portion. Maybe they just need to do a one-day written exam. Maybe they just need to do performance tests, whatever, an option. They need to commit and they need to figure out how to



do it, because all of our students are flipping out for a good reason, for a very good reason, that they do not know what their test is going to look like.

Alison Monahan: Right. People gave New York a hard time when they said, "Look, this is what we're going to do, but we're not going to be able to seat everyone." That sucks. But at least you know what's happening.

Lee Burgess: Right. And people were able to pivot, go to other jurisdictions.

Alison Monahan: Unfortunately to D.C., which now just pulled that rug out from under them.

Lee Burgess: Yeah. It's like a game of whack-a-mole if you're trying to come up with a bar license.

Alison Monahan: Yeah. Who knew?

Lee Burgess: "Maybe I'll take it in New York. No, maybe I'll take it in..."

Alison Monahan: Maybe Oregon. Oregon is still letting people sit. Maybe Alaska. It's crazy.

Lee Burgess: I know, yeah. So basically, I think where this comes down to in California is, we hear you, we see you.

Alison Monahan: It sucks.

Lee Burgess: We're confused and frustrated. It sucks. As much as can be done, you have to stay the course. It's going to be the September date until we hear otherwise. And then, I think it's going to be a moment of reckoning if they do move the date. But for now, I think you've just got to stay the course, which is such a hard thing to do with uncertainty. But I don't know what else to do.

Alison Monahan: No. I think you can assume, assuming a bar exam happens at some point, minimum you're going to cover the seven topics on the MBE. And probably, almost certainly, you're going to cover California essays, because they already have those written. So, you still have to study this material. I guess they could pull a Washington state, but that seems highly unlikely in California.

Lee Burgess: I think there are just too many people in California. I don't think they can do it.

Alison Monahan: Yeah. So basically, you're going to have to learn this material, so you may as well just continue learning it.



Lee Burgess: Yeah. Okay, well, now that we've ranted about California for a while, I also wanted to go back a minute to something we had talked about a little earlier in the podcast, about whether or not you should take an exam in a UBE state if it means that you don't have a transferable score. And this is what's coming up for a lot of people in Washington, D.C. And it's probably not going to be the last jurisdiction that puts people in this pickle. I guess Indiana did the same thing with their exam. Nevada doesn't have a transferable score. But basically, what do you do? I think that this is a new problem for people because scores didn't used to be transferable. So, I think that this idea of having a UBE score that you can move around with is still somewhat of a new idea. So, this really is a person-to-person decision. So, if the new format may be a benefit to you, especially for those jurisdictions where they're not including multiple choice, multiple choice can really bring some people down. We see a lot of people who are able to pass the writing portion but not the multiple choice portion. You can decide whether this format might help you get that license in the jurisdiction you're planning to live and practice. And if that's the case, then maybe you go ahead and go for it. I think that you need to sit with the idea of, do you need that transferable score, and do you need it now? You could go back and take the bar exam later if you wanted to have that UBE score at a later date.

Alison Monahan: At this point, I think it's probably too late to register anywhere else. My read on this is more like we're basically going back in time, like you said, to okay, you've been admitted. Can you get admitted one place, and then that at least allows you to waive in other places and things like that for particular cases? I think it depends. If somebody knows their entire practice is going to be in state court in a specific state, then yeah, you need that score to be licensed in that state. But for most people, I feel like given the situation, you've already paid, you've signed up, you don't have other options. You didn't necessarily go and just sign up for it right now. I think you probably just want to take the test and get licensed. And then, if you need to take it again, do it again, which is not fun, but it's probably better than not being licensed anywhere.

Lee Burgess: Yeah. And as we said, I think in our last COVID update, there's still a lot of uncertainty around what will happen in February. We'd like to think that February will be, quote, unquote "normal". But really, there's no way. There's still going to be a hangover in February. Also, realizing that some of these jurisdictions won't even know exactly what the exams are going to look like, how the scoring works, all of that. I mean, if they give an exam in October...

Alison Monahan: With no scaling.



- Lee Burgess: Right. They usually give an exam in July, we often get results in October/November. When are we going to get those results? And what is February going to look like?
- Alison Monahan: It's going to be a week before the February bar, basically.
- Lee Burgess: Yeah. I also think that people just can't assume that February is going to be an easy option too. So, yay 2020! Now we're going to say 2021 is going to be just as chaotic as 2020.
- Alison Monahan: Yeah.
- Lee Burgess: Yeah. Anyway, I think you've just got to really sit with it, take some time, talk to the people you trust in your life, and make the best decision you can with the information that you have. And then, go forth. I think that one of the things that can really be a challenge right now is just going down the rabbit hole of debate and decision. And I am totally guilty of this, so I totally get it.
- Alison Monahan: I remember when I was trying to decide which bar to take. So, I'd gone to law school in New York, I'd lived in California. I was debating which of those two, which are two of the hardest ones in the country. And I just couldn't decide. And I was clerking for a judge in Boston, and I was talking to him, I said, "Maybe I just won't take the bar. I can't decide." He looked at me, he's like, "You have to take the bar someplace. You need to be admitted someplace." He's like, "Why don't you just take Massachusetts?" And I said, "Well, I don't think I want to stay here." He's like, "Yeah, but it has a 90% pass rate. Just take it, get admitted, and then you can decide later what you actually want to do." And in the end, that was pretty good advice.
- Lee Burgess: Yeah. And I think that one of the things that's so hard about this rapidly changing environment we're in is we're trying to plan ahead for reality we don't understand, or we don't even know and cannot estimate. And I can tell you the conversation that's happening in my house almost, I would like to say weekly, but let's be honest, it's like every few days: "Do you think we'll be able to send our son to school?" My husband: "We will decide when we get there." Lee: "But I read another article online today that talked about XYZ." My husband: "We will decide when we get there." This is the same conversation happening over and over again in our house, because I am the planner, and I desperately want to know what's going to happen in a few months. And my husband is like, We don't know what's going to happen in a few months. We'll talk about it in a few months."



- Alison Monahan: "We'll play that game when it comes."
- Lee Burgess: I know, I know. So, it's like on repeat. It's like we just hit a button.
- Alison Monahan: I think this whole UBE transferability thing is, again, totally unfair and not great. But I would definitely lean heavily on the side of you're better off being admitted someplace. So, just get admitted and then deal with the rest of it later.
- Lee Burgess: Yeah, I agree. Say you're a lawyer. You get to say you're a lawyer.
- Alison Monahan: Right. And also, it's a practical matter. If you're practicing particularly in federal court, it doesn't matter. I had a license in Massachusetts, I was admitted to the district court of Massachusetts when I moved to California, and then I had a case in Delaware. And they're like, "Oh, great. You're admitted to a federal court. We'll waive you in for this case." That's all you do. You just hire local counsel. It's really no big deal. It matters in state court. It doesn't matter in federal court at all.
- Lee Burgess: It's true. But a lot of people's jobs don't need local licensure. It's just true. So, just being able to check that box, I think is important.
- Alison Monahan: There are a lot of in-house privileges in different states and things. There are lots and lots. In a lot of states, you can waive in after a certain amount of time, so that's still going to be there probably as well.
- Lee Burgess: Yeah, I agree. I think, get the license, and then see what happens.
- Alison Monahan: Get the clock ticking on that. If you need five years, get the license and be in good standing. And then, deal with it a few years from now.
- Lee Burgess: Yeah, I agree. Okay, well, we've talked about it a little bit, about how challenging it is to study amidst all of this uncertainty and how important it is to try and stay the course and take one day at a time. I think for some folks that are studying, they've taken leaves from their job or they've scheduled leaves.
- Alison Monahan: Oh my gosh.
- Lee Burgess: Yeah, I know. I think these folks are, in my opinion, in some of the trickiest situations. And nobody likes talking to their job about the bar. But I think you at least need to warn your job or start opening up this conversation – I think especially if you're in California – that there may be movement on the bar date.



I think in California, it's like a whole another month. Most people aren't going to be able to take another month of leave. And so, if you're on leave now, you have to decide what you're going to do about that. I don't know. This is going to be really person-to-person, but I think opening these discussions or at least warning your boss early that this is going on, probably would make the most sense, even though it's going to be a hard conversation to have.

Alison Monahan: Right. If nothing else, you absolutely have to block any of the dates they could decide to give this exam on.

Lee Burgess: Yeah, which is nuts.

Alison Monahan: It's so crazy. It really is. What a mess.

Lee Burgess: What a mess. So, I think the other thing that we all are trying to work on right now, and I think everybody who's studying, is just continuing with self-care and anything that you can do to help yourself become more resilient. I think that we are in a rapidly changing world right now, and resilience is something I feel like we haven't been talking about as much in the world. I think everybody's talking about self-care, but I think we do need to make ourselves as resilient as possible. That involves self-care, but that also is how you deal with uncertainty, how you're going to implement changes. Really, not going down the rabbit holes of "what ifs". I tell myself that almost every day. Really, just trying to make it so you can ride these waves, because the information is coming fast and furious. And then, things still may change and you just have to be willing to pivot.

Alison Monahan: Yeah. It's like one of our tutors said: "I've been freaking out about all this stuff." She's like, "Now I'm just trying to reframe the California bar situation as well. Aren't we living in very interesting times?"

Lee Burgess: Yep, I think that's true.

Alison Monahan: Which is probably a better way of looking at it, because this is totally out of our individual control, which is also very frustrating.

Lee Burgess: Yeah. And someday we will talk about this time in a different way. Someday this time will be behind us. I have to remind myself of this too. But we have to just try and take it as it comes, because we can't control it.

Alison Monahan: Well, and I feel like one way or another, some people will be admitted to the California bar this year. I don't still know how that will happen, but some people



will manage to jump through these hurdles and they will become lawyers. I'm fairly certain of that, one way or another. So, just do what you can and put yourself in that group.

Lee Burgess: Yeah.

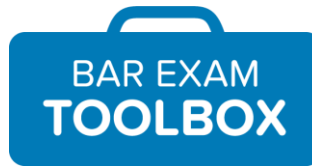
Alison Monahan: If they wanted you to dress up like a clown and ride a unicycle and juggle down the street, then start figuring that one out. Whatever they asked for, just figure it out.

Lee Burgess: Just do it. So, the last thing I wanted to mention before we finish up for today is this idea of what if you're now taking a remote exam? And just so you know, we are going to start working on content around this, because this is going to be different.

Alison Monahan: Once we know what's even allowed.

Lee Burgess: Yeah, as we know it's allowed. So, we have more information coming down the pipeline on this as we get more information ourselves. But if you've been listening to our podcasts for a long time, you know how passionate we are about using scratch paper, about marking up questions, and about that methodology, which for a lot of people works really well. For most people, we would argue. And that's all going to be thrown out the window. So, this is going to cause you to change your habits, which is frustrating. But I do want people to start thinking about it as making new habits and trying to start seeing what works for them, based on the requirements of their state. So, if your state has given you information about what you're going to be allowed to have or do, or how you're going to be able to interact with the material, start studying that way now and trying different things to see. So, a few things off the top of my head. If you're allowed to have scratch paper and you're reading a question, you could still make a list of important facts on your scratch paper, just so you have them or could still mark them off or move them around if that's important to you. But you've got to see if you have time and ability to do that. Or you could still do scratch paper outline, or you could try and type an outline as you go. We still don't know a lot of things, right? So, you're going to need to start testing your comfort level with these different things once you get information from your jurisdiction about what the test looks like.

Alison Monahan: Yeah. This would be particularly annoying to me, since I only hand drew in a very specific way with very specific colors, all of my pre-writing outlines. So, I



would literally have to completely change the way that I did this. But I would want to start practicing that sooner rather than later.

Lee Burgess: Yeah. So, we are going to try and share tips. We're going to do the same thing you're going to do. We're going to sit down...

Alison Monahan: With the question.

Lee Burgess: We're going to try and take these questions on the computer and start brainstorming different ways to approach it, and we are going to share some of that information with you.

Alison Monahan: Just think about the PT. Can you imagine you're supposed to... I can't even think about that, it's just giving me headache.

Lee Burgess: It hurts so bad, it makes me nauseous. I know. So, we have work to do too. We're going to try and help you through this.

Alison Monahan: Yeah, we're going to have to sit and read a PT and figure out how to do it without scratch paper. Like, "What?"

Lee Burgess: I know. And are you going to be able to type? We've got to get more information, guys. We've got to get more information. So, we're going to help, we're in this with you, but there's more coming down the pipeline. But if your jurisdiction has told you what they're going to do, then start practicing in that way. And then we will continue to do work on our end to try and come up with other different solutions for you as well. This sucks, guys. I wish there was a better... I don't even know what else to say; it just sucks. I'm so sorry. I'm so sorry this is the moment that you need to take this test.

Alison Monahan: Right. But some people will pass, and let's make that person be you.

Lee Burgess: Yes. One last thing. I think, Alison, you and I were chatting about this before we got on to the podcast. If you do have specific questions for your jurisdiction about what's allowed, especially if they're going to be administering a remote exam, you should start asking them now, because it's also possible they haven't even considered the questions.

Alison Monahan: I mean, even basic stuff. It would be way easier for example if you were allowed to have an external monitor, which of course normally they wouldn't allow because you're in a test center. But if you're at your house, there's a strong



argument that maybe that should be allowed. You want to start pressing on those, because then it makes it a lot easier if you can do side-by-side and things like this. But by default, they probably have just turned all these options off. But maybe they don't have to.

- Lee Burgess: Right. So, you have to start asking questions.
- Alison Monahan: Or you can just have an external keyboard, it can be more ergonomic. I mean, ask for all of these things.
- Lee Burgess: Yeah. Alright, guys, hang in there. Oh my gosh. Any final thoughts, Alison?
- Alison Monahan: No, I feel like I need to go have a strong shot of something, and a lot of caffeine after this one.
- Lee Burgess: I know.
- Alison Monahan: I just feel so terrible for everyone who's having to suffer through this, and for us for having to suffer through it with you.
- Lee Burgess: We are. We're trying our best. How do you even... Yeah, I don't even know how we do this, but we're going to get through it together. And someday we will talk about the lessons we learned from this time.
- Alison Monahan: I'll look back and laugh about how crazy it was. Maybe not laugh, I might cry. But at least we'll have gotten through it.
- Lee Burgess: We will have gotten through it. Alright.
- Alison Monahan: Maybe it'll build character.
- Lee Burgess: Yeah. Hang in there and stay tuned for more content, especially around taking remote exams. So, I want to take a moment to remind you to check out our [blog](#) at BarExamToolbox.com, which is full of helpful tips to help you prepare and stay sane as you study for the bar exam. You can also find information about our courses, tools, and one-on-one tutoring programs to support you as you study for the UBE or California bar exam. If you enjoyed this episode of the Bar Exam Toolbox podcast, please take a second to leave a review and rating on your favorite listening app. We'd really appreciate it. And be sure to subscribe so you don't miss anything. If you're still in law school, you might also like to check out our popular [Law School Toolbox podcast](#) as well. If you have any questions or



comments, please don't hesitate to reach out to Alison or myself at lee@barexamtoolbox.com or alison@barexamtoolbox.com. Or you can always contact us via our website [contact form](#) at BarExamToolbox.com. Thanks for listening. Hang in there, stay safe, be well, and we'll talk to you soon!

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