



NATIONAL LAWYERS GUILD

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The National Lawyers Guild, NYC Chapter issues the following statement on diploma privilege in lieu of the bar examination:

The NLG NYC is committed to anti-racism and disability justice, and for this reason we unambiguously support the granting of diploma privilege for all graduates of accredited law schools.

The bar exam has long served a singular purpose: restricting Black people and other marginalized groups from entering the legal profession. The bar exam, and the American Bar Association, are deeply tied to racist and white supremacist systems. The fact that the bar has a disparate impact on communities of color, especially Black communities, has been well documented since the LSAC explored the issue a full twenty-two years ago. Abolishing the bar exam is a racial justice issue that is even more essential in the context of a global pandemic. Black and Brown communities are far more likely to be at risk of contracting COVID-19, but Black and Brown law graduates are still expected to study and work as if there is no health crisis impacting their communities. Furthermore, the Black Lives Matter protests are still taking place. The mental and physical toll on graduates who want to support their communities, but must instead study for an exam designed to exclude them, is too high of a cost for admission into the legal profession.

In addition to the racist intent and impact of the bar exam, it also relies on an ableist framework. The exam's major emphasis is on memorization and fast typing skills rather than legal understanding. Moreover, the exam takes a toll on every graduate's health. Graduates who are unable to receive testing accommodations may be unable to appeal. In the midst of this annual course of ableism, holding the bar exam during a pandemic puts immunocompromised graduates at risk of injury or death. Even if graduates do not become symptomatic themselves, their exposure during the exam puts their families and the public at risk for another outbreak.

We believe that even a single case of COVID-19 due to the administration of the bar exam is unacceptable. The risk of death or life long health issues should not be required to practice law in the State of New York. It is a disgrace that the New York Board of Law Examiners and Court of Appeals do not agree.

To be clear, our concerns over the racist and ableist impacts of the bar exam are not separate from each other. Black graduates and other graduates of color are less likely to have their disabilities recognized and accommodated due to the many levels of systemic racism in our society. The inequalities that exist in the status quo are exacerbated by the COVID-19 pandemic, and we must act to rectify them.

At this time, we urge the Court of Appeals to take appropriate action by granting admission to the New York State Bar based on receipt of a juris doctorate or master of laws from an accredited law school. We explicitly ask the Court to grant this privilege to graduates from all states with accredited law schools, and to students who were seeking to retake the exam this summer. In the absence of the Court of Appeals taking necessary action, the New York City Chapter of National Lawyers Guild supports Senator Hoylman and Assemblymember Simon's bills to grant diploma privilege.