

Last updated: 8/20/20

## **COVID-19 Preparedness Plan –September 2020 Bar Examinations**

Minnesota administered the Uniform Bar Examination (UBE) on July 28 and 29, 2020, and presently plans to administer the UBE on September 9 and 10, 2020. The Minnesota Board of Law Examiners (Board), after giving careful consideration to the proposed alternatives, determined that administration of the in-person Uniform Bar Examination (UBE) was in the best interest of the applicants and the members of the public the Board has been appointed to protect.

On May 20, 2020, applicants were advised of the Board's decision and advised that applicants sitting for the examination would need to affirm their agreement to adhere to the established protocols and acknowledge that they understood the inherent risks that may be associated with sitting for the examination during this time period. Applicants were also advised that they could request to carry-over their examination to February 2021 or July 2021 and the Board would waive the carry-over fee and move all of the application materials forward without submission of a new application. Applicants were provided the opportunity to select the July or September examination date, and advised the Board would prioritize seating for the July exam based on the date of application and the date the applicants advised the Board of their choice. The Board also provided applicants with the option to request an increased refund amount through June 3, 2020, and extended the deadline for requesting testing accommodations so that applicants who had medical concerns related to COVID-19 would have additional opportunity to request accommodations.

On April 20, 2020, the Board filed a Petition with the Court for expanded Supervised Practice Rules to provide a provisional licensure option for recent graduates. On June 5, 2020, the Minnesota Supreme Court issued an Order expanding the Supervised Practice Rules. These rules provide recent graduates the opportunity to practice under the supervision of a Minnesota licensed attorney for up to 18 months from the date of graduation without sitting for the bar at this time. Additional information may be found on the Board's [website](#).

On June 22, 2020, a Petition was filed with the Minnesota Supreme Court to grant a temporary waiver of the bar examination requirement and to provide an emergency diploma privilege. On July 14, 2020, the Minnesota Supreme Court issued an Order Denying Petition for Proposed Temporary Waiver of Bar Examination Requirement and Provision of Emergency Diploma Privilege.

The Board recognizes that the situation this summer continues to evolve and that decisions applicants made in May might not be the same decisions applicants would make now. Applicants may submit their request to transfer to February 2021 or July 2021 through their Applicant Portal on or before August 21, 2020. The Board will waive the carry-over fee to transfer and applicants will not need to resubmit their application. Applicants unable to sit for the examination due to a COVID diagnosis or exposure after August 21, 2020 will similarly be moved to February 2021 without fee and will not need to resubmit their application.

There is an inherent risk of exposure to COVID-19 in any place where people are present. Examinees who do choose to sit for the September 2020 examination should be prepared to strictly comply with all applicable public health recommendations and exam protocols. Board staff and proctors will likewise comply. Any applicant who does not wish to take the examination under these circumstances may transfer their application to the February 2021 or July 2021 Uniform Bar Examination (UBE) without reapplication or submission of additional fee. Requests

to transfer may be made through the Applicant Portal.

The Minnesota Board of Law Examiners (Board) is committed to providing as safe and healthy of test sites for all examinees, proctors, and staff as possible. To ensure we have a safe and healthy test site, the Board has developed the following COVID-19 Preparedness Plan in response to the COVID-19 pandemic. The Board has reviewed guidance from the Center for Disease Control (CDC) and the Minnesota Department of Health (MDH), as well as other health experts and additional information available online, and has requested and received technical guidance from MDH. This document will be updated as new information becomes available.

Site supervisors and proctors are all responsible for implementing this plan. Our goal is to mitigate the potential for transmission of COVID-19 at our testing sites and we appreciate the cooperation of examinees, employees, and proctors to achieve this. **Only through this cooperative effort can we establish and maintain the safety and health of all persons at our testing sites.**

COVID-19 is a novel virus and information related to COVID-19 is fluid, requiring the Board and examinees to readjust as new information is provided and circumstances change.

The COVID-19 Preparedness Plan will be administered at RiverCentre by Emily Corson, Bar Admission Administrator. Kirsten Hedin will administer the plan at the testing accommodations site at the U.S. Bank Center in St. Paul. The Board will have overall authority and responsibility for the implementation of the plan and the Board's Director, Emily Eschweiler, will be present at RiverCentre and available to answer questions arising at either of the examination sites.

This plan can only be successful with the full support and cooperation of all examinees, Board staff, and proctors. The Board of Law Examiners' staff and proctors have the Board's full support in enforcing the provisions of the plan.

As of June 10, 2020, the State of Minnesota is in Phase III. The Minnesota Board of Law Examiners is operating under the following presumptions based on a review of the documentation and technical guidance provided:

1. The Board is following the Phase III guidance for "indoor events and entertainment" requiring 6 feet of social distancing, max 25%, maximum 250 people per area. <https://mn.gov/covid19/for-minnesotans/stay-safe-mn/stay-safe-plan.jsp>
2. The Board is requiring masks of all applicants, proctors, and employees in compliance with the Governor's Emergency Executive Order 20-81. **Please review the state guidelines for acceptable masks and note that the masks designed to facilitate easy exhaling and masks that incorporate holes, vents, or visible gaps in the design are not sufficient.** <https://www.health.state.mn.us/diseases/coronavirus/facecover.html> If an applicant has a medical reason why a mask cannot be worn, the applicant must contact the Board office as soon as possible.
3. The Board is also following the guidance in the "Seating Entertainment and Meeting Venues" guide: [http://dli.mn.gov/sites/default/files/pdf/COVID\\_19\\_preparedness\\_plan\\_requirements\\_guidelines\\_seated\\_entertainment.pdf](http://dli.mn.gov/sites/default/files/pdf/COVID_19_preparedness_plan_requirements_guidelines_seated_entertainment.pdf); although not precisely on point, it references seated testing.

The following conditions will be followed:

1. As of July 10, 2020, the Board is operating under the Phase III assumptions and will limit occupancy to no more than 25% not to exceed 250 persons per area for the September examination.
2. The September Uniform Bar Examination will be administered at RiverCentre in St. Paul. The Board will be using the spaces A-H in the Grand Ballroom and in the meeting rooms. Each individual test space will have between 8 and 20 examinees.  
[http://rivercentre.production.carbonhouse.com/assets/doc/RiverCentre\\_LevelMap\\_Upper\\_Distanced-4e29f83a1c.pdf](http://rivercentre.production.carbonhouse.com/assets/doc/RiverCentre_LevelMap_Upper_Distanced-4e29f83a1c.pdf)
3. Applicants who applied for and received testing accommodations will be tested at the U.S. Bank Center. For the testing accommodation site, the total number in all rooms will be less than 35, including both accommodated applicants and proctors/staff. Seating at the testing accommodation site includes private rooms and semi-private rooms. Start times will be staggered. Examinees will check in at the registration table and will be instructed to go directly to their room maintaining appropriate social distancing.
4. All examinees will be seated a minimum of 6 feet apart from other examinees. Examinees will be at least six feet apart in all directions when testing. Examinees must remain six feet apart when in line to enter or exit an exam site and during the administration of the examination. There will be visual cues that will mark 6 feet. Examinees should not congregate around the entry to the building or any common area, such as bathrooms or lobbies. Examinees should arrive at the test site during their designated time to enter.
5. Examinees, proctors, and staff are discouraged from any unnecessary talking. Talking, like sneezing and coughing, facilitates the transmission of COVID-19.
6. All examinees will be assigned a specific seat in a room at one of the testing sites. If the conditions or variables change, it is possible that the Board may need to reissue seating assignments. All information will be communicated to applicants through their applicant portal. Proctors will also be assigned to specific areas.
7. For the safety of all applicants, the Board will continue to monitor the information provided by the CDC on transmission rates in other states. The Board will follow any guidance developed by MDH or the Governor related to travel quarantines.  
<https://mn.gov/covid19/for-minnesotans/get-help/travel.jsp> The Board will try to seat applicants with an out of state address separate from applicants with an in-state address.
8. Examinees, proctors, and staff will be required to wear masks. Masks must comply with the state guidelines. The Board recommends that examinees bring more than one mask. We understand that wearing a mask all day may be uncomfortable. Changing out the mask during the day may alleviate some of the discomfort. All masks must meet the requirements noted above. Changing out the style of the mask can alleviate pressure in the same area around the ears, head, and face.
9. Examinees will be assigned a time to enter the building. Rooms will be excused by row and examinees will be requested to maintain a six foot distance from the individual in front of them. Examinees are asked to not enter the building until the time assigned and to exit promptly at lunch and the end of the day.
10. Consistent with the CDC and MDH guidelines, employees, proctors, and examinees will all be required to self-affirm the following:
  - a. I have not tested positive for COVID-19, or if I have previously tested positive for COVID-19, I have received medical clearance that I no longer need to be in isolation.
  - b. To my knowledge, I have not been in close contact to someone currently diagnosed with COVID-19 within the last 14 days.
  - c. I have not had any COVID-19 symptoms in the last 14 days: chills, new cough, muscle pain, sore throat, shortness of breath or difficulty breathing, fever of 100.4

- degrees or higher, or new loss of taste or smell.
- d. No member of my household has tested positive for COVID-19 or has had any COVID-19 symptoms in the last 14 days: chills, new cough, muscle pain, sore throat, shortness of breath or difficulty breathing, fever of 100.4 degrees or higher, or new loss of taste or smell.
  - e. I have not traveled to or from any area outside of the United States with active spread of COVID-19 within the past 14 days.
  - f. I have complied with any quarantine related travel restrictions imposed by the State of Minnesota.
  - g. I agree to arrive at the bar exam wearing my own mask and will continue to wear my mask at all times during the examination, with the following exceptions: if I am asked to briefly remove the mask to verify identity, taking a sip of water, or removing for a brief period of time to adjust the mask provided I am at least 6 feet from another individual.
  - h. If at any time during the examination I experience symptoms, I will excuse myself from the test site and will not return.
  - i. I understand that an inherent risk of exposure to COVID-19 exists in any place where people are present. I will comply with the health and safety instructions provided by the Board of Law Examiners to assist in reducing the risk of exposure and transmission. If I am not comfortable with sitting for the examination despite the enhanced safety measures, I may elect to transfer my application to a later examination.
11. Examinee seating will be pre-assigned and will be consistent throughout the two days.
12. The Board will follow MDH and CDC guidance related to contact tracing.  
<https://www.health.state.mn.us/diseases/coronavirus/tracing.html>

## **Ensure sick persons stay home and prompt identification and isolation of sick persons**

As outlined above, all examinees, proctors, and employees will be required to self-monitor for signs and symptoms of COVID-19 and self-verify the information listed above. Examinees that are not able to self-verify will not be permitted to sit for the examination at that time, but will be provided the option to carry-over to a future examination without resubmitting their application and without any additional fees. Proctors and employees unable to self-verify will be required to notify the Plan Administrator for their site, who will adjust staffing to cover the vacancy. In no circumstance should anyone come to the test site who cannot self-verify the screening criteria. If someone experiences symptoms during the examination, that person will be segregated as quickly as possible and will be required to leave the testing site. If the individual is too sick to leave the testing site, additional medical assistance will be provided.

Applicants were able to submit requests for testing accommodations. Testing accommodations applications for all examinations are due at the same time as the application. COVID-19 has presented additional challenges as conditions evolve and as more becomes known. On May 20, 2020, when the Board notified applicants that it would be moving forward with the examination, applicants were advised that the Board had extended the deadline for requesting testing accommodations through June 1, 2020. If an applicant would like for the Board to consider a new request, the applicant may still submit that request and the Board will work with applicants for the September examination, if possible. In all circumstances, the applicant may carry-over their application to a future examination to provide adequate time to consider the accommodation request.

## **Social distancing – Persons must be at least six-feet apart and masks required**

All examinees will be seated at least six feet from any other examinee. To minimize bottlenecks, the Board will assign each individual to a zone and will stagger entrance times. Examinees are asked to maintain a distance of at least six feet when waiting in any line to enter, to leave the test site during lunch, and to avoid congregating with others. Proctors will maintain a distance of six feet as much as possible. At any time that examinees, proctors, or staff are within six feet of another, it should be brief while wearing a mask. Examples include, but are not limited to, passing through security, providing the screening form to the proctor during registration, and proctors and staff communicating with each other during the examination in a manner that doesn't cause a distraction to examinees. Additional signage and markings will be provided to assist with distancing. Examinees will check in to the exam at their assigned rooms and the process has been designed to minimize contact between proctors and examinees.

Tables will be available for individuals to leave possessions, but examinees are encouraged to bring as little into the exam as possible. Examinees should not congregate at the tables, but should drop off and pick up their items as quickly as possible and avoiding interaction with others. Masks must be worn during this process.

Bathrooms will be available. Please maintain social distancing while waiting to use the bathroom. The number of applicants allowed to be in the restroom at one time will be limited based on the number of stalls/urinals/sinks in the bathroom.

Elevator occupancy will be limited. Please plan accordingly. Stairs and the escalator will also be available.

Ear plugs, pens, and pencils will be placed at each examinees location prior to the start of the exam by a proctor who will be wearing masks and gloves. These items will not be shared. Sanitizing wipes will be available if examinees prefer to disinfect these items prior to using. Hand sanitizer will also be available. Examinees are also welcome to bring personal sized hand sanitizer and wipes to the exam site. Examinees will be asked to place these items on their chairs before leaving for lunch so that the tables may be disinfected over the lunch hour. Exam materials will be distributed and collected by proctors wearing masks and gloves. Gloves will be replaced prior to and following distribution and collection.

Consistent with MDH and CDC recommendations and Executive Order 20-81, all examinees, proctors, and staff will be required to wear masks. Additional information on masks is available at the MDH website:

<https://www.health.state.mn.us/diseases/coronavirus/prevention.html#masks>

Examinees who cannot wear masks due to health conditions must apply for and be approved for testing accommodations. The deadline for testing accommodations has passed, but the Board will attempt to find a reasonable solution, and will grant requests to carry-over to a future examination.

Examinees, proctors, and staff will be encouraged to use hand sanitizer on a frequent basis. Everyone should make sure to cover their mouth and nose when they cough or sneeze and to cough or sneeze into their elbow. Tissues will be provided in each room. Examinees should throw their tissues in the trash bin when exiting the room and should not leave their tissues for

proctors. <https://www.health.state.mn.us/diseases/coronavirus/prevention.html#slow>

## Hygiene and source controls

Basic infection prevention measures are being implemented at our test sites at all times. Upon arrival, everyone is encouraged to use hand sanitizer or wash their hands for at least 20 seconds with soap and water. Hand sanitizers will be available at all entrances and in each room and can be used in place of washing hands, provided hands are not visibly soiled.

Examinees, proctors, and staff will be required to wear masks. Masks should be worn upon arrival. The Board will have sufficient disposable masks to provide a new mask each day to everyone anticipated to be on site. The disposable masks are not as comfortable as other masks and so it is highly recommended that you bring your own. Examinees are encouraged to bring a spare mask.

Hand sanitizer, disinfecting wipes, and tissues will be available at each site. Applicants are also permitted to bring their own personal sized hand sanitizer and personal sized disinfecting wipes.

Examinees, proctors, and employees are instructed to cover their mouth and nose with their sleeve or a tissue when coughing or sneezing, and to avoid touching their face, particularly their mouth, nose and eyes, with their hands. Proctors and employees are expected to dispose of tissues in provided trash receptacles and wash or sanitize their hands immediately afterward. Examinees are expected to disinfect their hands immediately afterwards and to dispose of the tissue at the end of the session. After disposing of the tissue, examinees are asked to sanitize their hands again.

## Building and ventilation protocol

RiverCentre: [http://www.rivercentre.org/assets/doc/RC\\_Covid19\\_HVAC-4e2df6e66a.pdf](http://www.rivercentre.org/assets/doc/RC_Covid19_HVAC-4e2df6e66a.pdf)

Testing Accommodations Site: The building is bringing in fresh air two hours before and two hours after regular business hours. The building uses the maximum amount of fresh air during the day that conditions will allow. All air filters have been changed out over the past month to achieve maximum efficiency. Air recirculation is being limited, and ventilation systems are being properly used and maintained to industry guidelines.

In addition to the ventilation systems, the Board has taken significant actions to avoid overcrowding in each location by limiting capacity at each site, ensuring adequate spacing between each individual and requiring masks at all times to further minimize the likelihood of aerosols.

**Due to the increased air circulation from the outside, the indoor temperature may fluctuate. We recommend that examinees wear clothing that permits you to adjust to changing temperatures.**

## **Workplace cleaning and disinfection protocol**

Cleaning staff for the facility will clean the facility on the normal schedule.

In addition, the Board will supplement cleaning as follows:

- Before the exam, at the lunch break, and at the end of the day, the proctor will use disinfecting wipes on the desk surface and door knobs for the room.
- Proctors wearing gloves and masks will distribute and collect materials.
- Cleaning supplies have been purchased and will be at each exam site.

## **Communications and training practices and protocol**

This COVID-19 Preparedness Plan will be provided on the Board's website and provided to all proctors and employees. Proctors and employees will be trained on additional protocols the day before the examination.

Site supervisors are expected to monitor how effective the program has been implemented. All examinees, proctors, and staff are to take an active role and collaborate in carrying out the various aspects of this plan. It will be updated as necessary.