

# THE SUPREME COURT OF WASHINGTON

ORDER ADOPTING THE WASHINGTON )  
STATE BAR ASSOCIATION’S HEALTH )  
SAFETY PLAN FOR LICENSING )  
EXAMINATIONS AND AMENDING APR 4 )  
TO REDUCE PASSING SCORE FOR )  
UNIFORM BAR EXAMINATION IN )  
FEBRUARY 2022 )

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## **ORDER**

NO. 25700-B-673

WHEREAS, the Court recognizes the extraordinary barriers applicants for the Winter 2022 legal licensing examinations are facing due to the continued COVID-19 pandemic; and

WHEREAS, the Court recognizes the challenges of administering an in-person examination to a large group of examinees while complying with health and safety protocols to alleviate risks to the examinees, Washington State Bar Association (WSBA) staff and proctors associated during a pandemic; and

WHEREAS, the Court recognizes that APR 4(a) authorizes examinations for admission to the practice of law to be conducted under the direction of the WSBA;

NOW, THEREFORE, pursuant to the Court’s inherent power over admission to practice law, it is hereby

### **ORDERED:**

1. The WSBA is authorized to implement the requirements of the attached Exam Health Safety Plan for COVID-19 at all exam sites during the Winter 2022 licensing examinations.

2. APR 4(d)(1) is temporarily modified for the lawyer bar examination to be administered in Washington State in February 2022, to allow for a UBE minimum passing score of 266; the UBE minimum passing score of 266 also applies to applicants transferring a February 2022 UBE score from another jurisdiction.

DATED at Olympia, Washington this 4<sup>th</sup> day of November, 2021.

  
CHIEF JUSTICE

## Exam Health Safety Plan for COVID-19

Winter 2022; All Locations

### Introduction

The Washington State Bar Association (WSBA), as part of its essential regulatory functions delegated to it by the Washington Supreme Court, must hold licensing exams for persons seeking to be licensed as a lawyer, limited license legal technician (LLLT), or limited practice officer (LPO).

In order to protect everyone at the exam sites against COVID-19 infection, the WSBA is implementing this Exam Health Safety Plan for COVID-19, which includes a requirement that all examinees, WSBA staff, and proctors at the exam sites be vaccinated against COVID-19 or provide a negative COVID-19 test result.

### Current Proclamations, Orders, Policies, Rules, Etc. Regarding COVID-19

At the time this plan was developed (October 27, 2021), several directives were in place requiring the vaccination of various groups of people and other health safety precautions. They are as follows:

- Governor Inslee’s [Proclamation 20-25.17 “Washington Ready”](#), which requires compliance with the Secretary of Health’s face covering order and provides additional requirements regarding compliance with COVID-19 rules and regulations of other state agencies.
- Secretary of Health [Order 20-03.6 Face Coverings – Statewide](#), which requires face coverings when in any indoor venue in Washington state.
- Governor Inslee’s [Proclamation 21-14.1 COVID-19 Vaccination Requirement](#), which requires all state employees to be vaccinated against COVID-19.
- Governor Inslee’s [Proclamation 20-12.5 Higher Education](#), which requires faculty and students at institutions of higher education to be fully vaccinated against COVID-19 in order to have in-person instruction.
- Washington Supreme Court [Order No. 25700-B-669](#), which requires all employees and volunteers of the Washington Supreme Court to be vaccinated against COVID-19.
- WSBA Policy for [WSBA Volunteer COVID-19 Vaccination Mandate for WSBA In-Person Meetings and Events](#), which requires all WSBA volunteers to be vaccinated against COVID-19 to attend in-person meetings and events.
- WSBA Executive Director’s August 27, 2021 directive that all WSBA employees must be vaccinated against COVID-19.
- Policies by all three law schools in Washington state which require all faculty and students to be vaccinated against COVID-19:
  - [Gonzaga University Vaccine Requirement for Students](#)
  - [Seattle University COVID-19 Vaccination Requirement and Policy](#)
  - [University of Washington COVID-19 Vaccination Requirement](#)



- King County's [Revised Local Health Officer Verification of Vaccination Order](#) dated October 15, 2021, which requires all people to show proof of vaccination or a negative COVID-19 test result to enter certain establishments and venues in King County.

## Health Safety Plan

The WSBA's Exam Health Safety Plan is outlined below.

### Vaccination Against COVID-19 Required

In light of all the vaccination requirements identified above and in the interest of protecting the community from COVID-19 infection, the WSBA will require all examinees, staff, and proctors to be vaccinated against COVID-19 or to provide a negative COVID-19 test result in order to remain on the premises of the exam sites.

- All staff and proctors will be vaccinated against COVID-19 with proof shown prior to arrival at the exam site.
- All examinees will be required to show proof of [full vaccination](#) against COVID-19, as defined by the CDC, during registration at the exam site. Verification of vaccination may be established by any of the following methods of documentation:
  - CDC COVID-19 Vaccination Record Card, or photo of CDC COVID-19 Vaccination Record Card
  - QR Code, digital or printed certificate from MyIRMobile -- <https://myirmobile.com> -- a WA Department of Health partner website for immunization records
  - Vaccine administration record from a vaccine provider, including an individual's doctor, pharmacy, or other official immunization record from within or outside the U.S., including a photo or photocopy
  - Any other digital vaccine card specified by Public Health as sufficient to demonstrate proof of vaccination status.
- Any examinee, staff member, or proctor who is not fully vaccinated will be required to provide digital or printed documentation from a testing agent, including a laboratory, health care provider, or pharmacy, of a negative FDA-authorized or approved molecular (e.g., PCR) test, or an FDA-authorized or approved antigen (e.g., rapid) test administered within the previous 72 hours. Self-administered antigen tests are not accepted. Medical and religious vaccine exemptions are also not accepted in place of vaccine verification or documentation of a negative COVID-19 test.
- The WSBA will not retain any COVID-19 vaccination status, COVID-19 test results, or other medical information disclosed at registration. Please do NOT deliver COVID-19 vaccination or test records to the WSBA.

### Health Safety Screenings at Registration

- All examinees, staff, and proctors are required to check their temperature prior to arriving at the exam site.
- All examinees, staff, and proctors will be screened, by oral questioning, upon arrival at the exam site for symptoms of COVID-19 that are not caused by another condition including fever, chills, cough,



shortness of breath, fatigue, muscle or body aches, headache, recent loss of taste or smell, sore throat, congestion, nausea or vomiting, and diarrhea.

- All examinees, staff, and proctors will be asked about close contact with anyone with COVID-19 in the past 14 days. Close contact is being within 6 feet for 15 minutes or more over a 24-hour period with a person; or having direct contact with fluids from a person with COVID-19 with or without wearing a mask (i.e., being coughed or sneezed on). Anyone with an affirmative response will not be allowed on premises.
- All examinees, staff, and proctors must be able to answer “no” to the following questions in order to remain at the exam site:
  - Have you been in close contact with anyone with COVID-19 in the past 14 days?
  - Have you had a positive COVID-19 test for active virus in the past 10 days, or are you awaiting results of a COVID-19 test?
  - Within the past 14 days, has a public health or medical professional told you to self-monitor, self-isolate, or self-quarantine because of concerns about COVID-19 infection?
  - Do you have any of the following symptoms of COVID-19 that are not caused by another condition?
    - fever, chills, cough, shortness of breath, fatigue, muscle or body aches, headache, recent loss of taste or smell, sore throat, congestion, nausea or vomiting, and diarrhea

### Face Coverings Required

- All examinees will be required to wear a face covering at all times while on the premises except for brief periods necessary to confirm the examinees’ identities, to eat or drink, or in the case of a health emergency.
- Examinees are to bring their own face coverings, but the WSBA will provide a face mask if an examinee does not have one.
- The face covering must cover the nose and mouth and be made of cloth or other material that is against the skin. Face shields are not a sufficient face covering, although they can be used in conjunction with a face covering.
- If a valid health reason exists for an individual examinee to not wear a face covering during the exam, the examinee must notify and provide a medical note to the WSBA at least 18 days prior to the exam to arrange for an individual room. Examinees exempted from wearing a face covering will be seated in individual rooms with individual proctors (who will be wearing face coverings), with at least six feet of separation between the examinee and the proctor during the exam administration. Examinees with a face covering exemption are asked to wear a mask in common areas if possible.
- All staff and proctors also will be required to wear a face covering at all times while on the premises, except for brief periods necessary for exam security purposes, to eat or drink, or in the case of a health emergency.



### Physical Distancing

In the interest of everyone's health safety and as a best practice, the following policies regarding physical distancing will apply:

- Only one examinee will be seated at each table in the exam room.
- Exam room tables will be situated so that when the examinee is seated at the center of the desk, the examinee will be at least six feet from any other examinee.
- There will be additional individual rooms available, if needed, for applicants with conditions that prevent wearing a mask.
- All examinees, staff and proctors are asked to maintain at least six feet of distance from any other person when possible.
- Examinees will be provided specific registration times to reduce congestion and overcrowding at the registration area.

### Hygiene

- There are ample restroom facilities available at the exam sites.
- Examinees, staff, and proctors are asked to regularly wash their hands thoroughly, and an onsite supervisor will establish a schedule for staff and proctor handwashing breaks.
- The WSBA will provide hand sanitizer at check-in locations, all entrances and exits to exam rooms, and at the designated entry points to the exam sites in general.
- WSBA staff and proctors will have gloves available for brief use in appropriate situations, such as cleaning and handling paper documents, which will be disposed of after such use.
- The WSBA will provide tissues and locate them throughout exam rooms and common areas.
- The WSBA will have additional gloves and face coverings on site and available for use by examinees, staff and proctors if necessary and appropriate.

### Cleaning and Disinfecting

- Exam rooms, assigned seats, high-touch surface areas, and bathrooms all will be cleaned and disinfected daily.
- Exam room surfaces will be cleaned between sessions.
- High-touch surface areas will be cleaned at regular intervals throughout the exam day.
- The WSBA will have gloves and masks available for all staff and proctors for cleaning duties.
- The WSBA will provide gloves to examinees upon request, but with instruction that wearing gloves does not replace hand washing or sanitizing.
- Exam room doors will be propped open and steps will be taken to ensure good air flow and increased air circulation where possible.

### Sick Examinee, Bar Staff or Proctor

- Examinees and proctors are to immediately report any illness or onset of COVID-19 symptoms to Bar staff. Bar staff are to immediately report any illness or onset of COVID-19 symptoms to the exam



## WSBA Exam Health Safety Plan

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site supervisor, whether the illness or symptom is experienced by Bar staff, or by an examinee, or a proctor.

- The WSBA will cooperate with the state and local health department regarding any further actions including contact tracing if necessary.

### Subject to Change

National, state, or local health mandates in place at the time of the exams may require that additional protocols and procedures be enforced for the health safety of all. Examinees, WSBA staff, and proctors will be notified of any additional protocols and procedures as soon as practicable.

