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**TESTIMONY BEFORE THE NEW YORK STATE SENATE AND ASSEMBLY**  
**COMMITTEES ON HIGHER EDUCATION, TUESDAY JULY 28, 2020**

**HEARING: The Impact of COVID-19 on Higher Education**

To the members of the Committees on Higher Education:

Thank you for allowing me to submit written testimony on the issue of the impact of the novel coronavirus on higher education. My name is Kayla Smith, and I am writing on behalf of a coalition of recent law school graduates and barred attorneys called United for Diploma Privilege New York.

I graduated from Brooklyn Law School in May and will start my career as a Public Defender in New York City sometime this year. Graduating from law school was supposed to be a momentous occasion, but has been at best anti-climactic and at worst, devastating. One week before spring break we were informed that classes would be going remote. The remainder of my law school career shifted online as we watched celebratory events get canceled one by one. Award ceremonies, alumni gatherings, moot court tournaments, and even convocation were all canceled. The shift to online classes was rife with issues. My classmates would lose their internet connection during a lesson, or their microphones would stop working during a cold call. Our professors also had issues with adapting to the technology and shifting their teaching methods to account for being online instead of in the classroom. When one of my professors fell ill with COVID-19, class was canceled for a week and we ultimately had to have another professor step in.

While all of these events were unfortunate, we knew that they were necessary to slow and stop the spread of COVID-19. We knew that the most important thing was flattening the curve so that we hopefully wouldn't still be quarantining and isolating by summer. However, as it became increasingly clear that COVID-19 was not going anywhere, we prepared for a summer of studying for the bar examination indoors.

For the class of 2020, the summer has been nothing but uncertainty. Typically, studying for that exam is 10 weeks of on average 8 hours a day of studying. On March 27th, our in-person bar examination was postponed from late July to early September. As most graduates reached the halfway point of studying, on July 24th, the New York Court of Appeals assigned a Working Group of four people to make recommendations about how to move forward with the

bar examination. Without any opportunity for input from impacted graduates, this Working Group announced that the exam would be postponed once again for an online administration in early October.

This Working Group has not explained the reasoning behind this decision. Although there is allegedly a report created by the Working Group on this issue, this is not available to the public and there is still little to no available information about how the exam will be facilitated in New York. After 3 years of intense dedication leading up to the most important test of our lives, the goal post won't stop moving. We all planned for 10 weeks of study, and for many students that planning included taking out extra loans to cover the period of studying for the exam and preparing to move out of campus housing immediately after the exam is administered. Postponing the exam has placed prospective attorneys in a precarious and uncertain position, leaving some graduates seeking employment outside of the legal field to hold them over until the bar examination. Some graduates have had their employment offers rescinded or pushed as far back as January 2021.

Due to COVID-19, our futures have been put on pause while the world around us continues. We still have to pay our bills, our student loans will start collecting interest again, and in the middle of a pandemic access to health care is being jeopardized by delayed employment. A remote examination raises new concerns, including disparate technology access, security and safety of test-takers, and accessibility for examinees in need of accommodations. At this point, the only equitable solution would be to implement Diploma Privilege as has been suggested by Senator Brad Hoylman in Senate Bill S8827A and by Assemblymember Simon in Assembly Bill A10846. Diploma Privilege would allow those of us waiting indefinitely to take the bar examination to instead begin our careers supporting legal work and providing legal services to our fellow New Yorkers.

Thank you for your time.