

## EXCERPT

### TITLE 4. ADMISSIONS AND EDUCATIONAL STANDARDS

Adopted July 2007

#### DIVISION 1. ADMISSION TO PRACTICE LAW IN CALIFORNIA

##### Chapter 6. Conduct At Examinations

###### Rule 4.70 Conduct required at examinations

Applicants are expected to conduct themselves professionally at all times at an examination test center. Conduct that violates the security or administration of an examination ~~may~~ will be reported to the State Bar as a Chapter 6 Notice ~~or and~~, in extreme cases, ~~may require~~ will result in dismissal from the examination test center.

Unacceptable conduct ~~may~~ includes, but is not limited to, possession of any type of electronic device or battery powered device (i.e.- cell phone, digital clocks, and digital timers, fitness trackers, digital watch) other than the applicant's authorized laptop or approved medical device. Unacceptable conduct also includes having any other unauthorized items, writing or typing after time has been called, looking at another applicant's answers, or talking when silence is required, ~~or abusive behavior.~~

Applicants who engage in unacceptable conduct, including abusive behavior (verbal or physical) towards State Bar staff, proctors, other applicants, or facility staff, will be subject to dismissal from the examination test center.

A copy of the Chapter 6 Notice is provided to the applicant during or following an examination.

*Rule 4.70 adopted effective September 1, 2008; previously amended effective July 22, 2011; amended effective September 1, 2019.*

###### Rule 4.71 Reports of conduct violations

- (A) The State Bar considers reports of the Chapter 6 Notices that have been issued to applicants during or following an administration of an examination as soon as practicable and prior to the release of results for that ~~no later than the first Committee meeting following the~~ examination.
- (B) If the State Bar affirms the Chapter 6 Notice, the applicant must be notified of its proposed sanction within ~~thirty~~ fifteen days of the State Bar's decision. Sanctions may include reduction of a score for a question, session, or entire examination, assigning a score of zero for a question, a session, or an entire examination or a referral to moral character. ~~An examination score may be held in abeyance pending resolution of the matter.~~
- (C) The Committee may establish guidelines for the processing of conduct violations. The Committee may establish specific sanctions for certain ~~undisputed~~ indisputable conduct violations, such as bringing an unauthorized electronic device or other unauthorized item into the examination room. An applicant sanctioned for an ~~undisputed~~ indisputable conduct violation is not entitled to an administrative hearing.

*Rule 4.71 adopted effective September 1, 2008; previously amended effective July 22, 2011; amended effective September 1, 2019.*

#### Rule 4.72 Request for an administrative hearing on conduct violation

- (A) An applicant notified of a sanction for a conduct violation for which a specific sanction has not been established by examination rules or Chapter 6 guidelines may file a request for an administrative hearing. The request must be filed within twenty days of receipt of the notice, or the proposed sanction will take effect. The State Bar may extend the filing deadline for ~~For~~ good cause shown by clear and convincing evidence ~~the State Bar may extend the filing deadline.~~
- (B) Once an applicant has filed a request for an administrative hearing on a conduct violation sanction, the State Bar must schedule an administrative hearing within ninety days, or at a later time for good cause, and notify the applicant of the time and place of the hearing.

*Rule 4.72 adopted effective September 1, 2008; previously amended effective July 22, 2011; amended effective September 1, 2019.*

#### Rule 4.73 Procedure for an administrative hearing on conduct violation

- (A) The Committee may establish procedures for conducting administrative hearings on conduct violations. Absent a showing of a compelling reason, all hearings will be conducted remotely. A record of a hearing can be established by audio tape recording, video recording, or any other means. The applicant may attend the administrative hearing with counsel; make a written or oral statement; and present documentary evidence. Applicant's counsel is limited to observation and may not participate.
- (B) The State Bar has the burden of establishing by clear and convincing evidence that a violation occurred.
- (C) The State Bar must render Findings and Recommendations no later than thirty days after the administrative hearing, which must be served on the applicant and counsel present at the hearing. The State Bar may recommend the sanction originally proposed or any other action it deems appropriate.

*Rule 4.73 adopted effective September 1, 2008; previously amended effective July 22, 2011; amended effective September 1, 2019.*

#### Rule 4.74 Review of State Bar's Findings and Recommendations by Committee

- (A) An applicant may request review by the Committee of the Findings and Recommendations within ten days of service. The Committee must consider the applicant's request, any record of the hearing, the Findings and Recommendations, and any supplemental material the applicant provides in accordance with Committee requirements during the Committee's next regularly scheduled meeting. The Committee may request additional information from the applicant or from the State Bar.

- (B) The Committee may adopt the State Bar's Findings and Recommendations or take any other action it deems appropriate.
- (C) The Committee will notify the applicant within ten days of its determination.
- (D) If the applicant does not request review of the State Bar's Findings and Recommendations within ten days of service, the State Bar's Findings and Recommendations become the decision of the Committee.

*Rule 4.74 adopted effective September 1, 2008; previously amended effective July 22, 2011; amended effective September 1, 2019.*