

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

- (A) Applicants are expected to conduct themselves professionally at all times at an examination test center.
- (B) Conduct that violates the security, integrity, or administration of an examination will be recorded on a Notice of Violation of Examination Rules or Policies form (hereafter referred to as a Chapter 6 Notice), reported to the State Bar, and delivered to the applicant during or following the examination. In addition to receiving a Chapter 6 Notice, applicants who engage in disruptive and/ or abusive behavior will be dismissed from the test center by State Bar staff. What constitutes disruptive and/or abusive behavior resulting in dismissal is determined in the sole discretion of a State Bar representative.
- (C) Conduct that violates the security, integrity, or administration of the exam includes, but is not limited to, the following:
 - (1) Possession of unauthorized electronic or battery-operated devices, other non-electronic unauthorized items, or use of items in an unauthorized manner. This includes, but is not limited to, cell phones, digital clocks, digital timers, fitness trackers, or digital watches, other than the applicant's authorized laptop or implantable or approved external medical devices; use of pencils on the written portion of the exam and possession or use of any other items the State Bar has identified as unauthorized in exam bulletins or on its website.
 - (2) Engaging in behavior that is disruptive or physically or verbally abusive to State Bar staff, proctors, other applicants, or facility staff, at any time during the days on which the exam is being administered.
 - (3) Cheating or attempting to cheat by, for example, use of unallowable notes, looking at another applicant's answer, having an individual pose as the applicant, writing, typing, or altering answer files after time is called.
 - (4) Attempting to bypass or avoid the remote proctoring protocols, including by as seeking to receive assistance on the exam, leaving the view of the camera(s), or disrupting video or audio during remote examinations.
- (D) The State Bar shall post on its website examples of items possession of which are deemed conduct that violates the security, integrity, or administration of an examination. The State Bar

shall also post on its website's examples of external medical devices that are permitted in the exam.

Rule 4.71 Sanctions

- (A) Issuance of a Chapter 6 Notice may result in the imposition of a sanction or sanctions. Sanctions may include, but are not limited to, warnings, reduction of the score for a question, session, or entire examination, or assigning a score of zero for a question, session, or entire examination.
- (B) The Committee shall identify which conduct violations are disputable and which are indisputable.
 - (1) Indisputable violations are those that the Committee has deemed subject to an automatic zero or score reduction, regardless of the applicant's intent. The violations are easily verifiable with the State Bar possessing clear and convincing evidence of the violation. For indisputable violations, there is no right to contest the determination of the violation or the sanction.
 - (2) Disputable violations are all other violations that are not identified as indisputable. The State Bar has the burden of establishing by clear and convincing evidence that a violation occurred. Repeated offenses in the same category of violations will result in more serious sanctions. For disputable violations, an applicant may contest the staff finding that a violation occurred or the amount of the sanction.
- (C) Conduct resulting in any sanction may be reported to the State Bar's Moral Character Unit as a matter of course.
- (D) Receipt of a sanction which reduces an applicant's score, results in a zero being assigned, shall not be cause for a refund of examination fees.
- (E) The State Bar shall post on its website a list of both indisputable and disputable conduct violations and their corresponding sanctions.

Rule 4.72 Reports of conduct violations

- (A) Applicants who receive a Chapter 6 Notice shall have ten (10) days from the date of receipt of the Chapter 6 Notice to respond. Responses shall be submitted via email through the Applicant Portal of the Admissions Information Management System (AIMS).
- (B) Following the conclusion of the 10 days or upon receipt of an applicant's response, the State Bar will either affirm or disaffirm the Chapter 6 Notice in writing. The Notice affirming or disaffirming the Chapter 6 Notice shall be transmitted to the applicant electronically via email by no later than thirty-five (35) days from the last day of the examination during which the Chapter 6 Notice was issued, if the Chapter 6 Notice was issued during an examination. If the Chapter 6 Notice was issued subsequent to the exam, the Notice affirming or disaffirming

shall be sent no later than thirty-five (35) days after the State Bar becomes aware of the conduct violation.

- (C) The State Bar's written decision to affirm a Chapter 6 Notice will include findings and recommendations and will indicate whether the conduct violation is disputable or indisputable. The State Bar has the burden of establishing by clear and convincing evidence that a violation occurred.
 - (1) If the conduct violation is disputable, applicants will have ten (10) days from receipt of the written decision affirming the Chapter 6 Notice to request an administrative hearing by the Committee and to provide any documentation in support thereof.
 - (2) Following review of the materials submitted pursuant to (C)(1), the Director or their Designee may rescind the State Bar's written decision to affirm the Chapter 6 Notice at any time prior to the administrative hearing.
 - (3) The administrative hearing will take place at the next regularly scheduled Committee meeting that is at least 30 days after the date of the receipt of the applicant's request for an administrative hearing and all documentation in support thereof.
- (D) If the applicant does not request an administrative hearing of the State Bar's sanction within ten days of receipt of the Notice, the State Bar's determination become the decision of the Committee.
- (E) Exam results for applicants who are sanctioned as the result of conduct violation(s) will be released at the same time as the results are released for all other applicants. If the applicant receives a disputable conduct violation, and the administrative hearing and/or appeal process is still pending after the release of results, the applicant's score or result will be revised to reflect the final decision of the Director, Committee, or California Supreme Court.

Rule 4.73 Administrative Hearing by the Committee

- (A) During an administrative hearing conducted under this Chapter, the Committee will consider the State Bar's findings and recommendations contained in the Notice affirming the conduct violation. The Committee will also consider any documentation submitted in support of an applicant's request for an administrative hearing. The Committee may request additional information from the State Bar or the applicant. 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) Following the administrative hearing, the Committee may adopt the State Bar's written decision to affirm the Chapter 6 Notice, including some or all of the findings and recommendations, modify the State Bar's written decision to affirm the Chapter 6 Notice, or take any other action it deems appropriate. The Committee will issue a written decision no later than ten (10) days following the administrative hearing.

- (C) The applicant may contest the decision of the Committee by requesting a review by the Supreme Court of California in accordance with its procedures and as described in Rule of Court 9.13(d).