

*New York State Board of Law Examiners*

**Instructions & Expectations as to Conduct for Bar Exam Applicants**

Prior to the bar examination, you should carefully read and review the Board's Security Policy. The Security Policy contains important exam day references, such as a list of items which are permitted at the exam (all other items are prohibited) and behaviors which are prohibited at the exam. The Security Policy is frequently updated, and the Policy which applies during the bar examination will be sent to you with your Seating Ticket. Violations of the Security Policy will be prosecuted by the Board and may result in the imposition of penalties such as nullification of scores, disqualification from sitting for future exams, and notice to the Character and Fitness Committee (see Board Rule 6000.9).

**THE BOARD HAS A ZERO TOLERANCE POLICY FOR CELL PHONES AND ALL OTHER PROHIBITED ITEMS. IF YOU ARE FOUND WITH A PROHIBITED ITEM PAST THE SECURITY CHECKPOINT, IT WILL BE CONFISCATED, AND A MISCONDUCT INVESTIGATION WILL BE COMMENCED UNDER BOARD RULE 6000.9. AS A PENALTY YOUR EXAM SCORE MAY BE NULLIFIED AND, IF AT ANY TIME YOU PASS THE EXAM, A REPORT WILL BE MADE TO THE CHARACTER & FITNESS COMMITTEE. OTHER PENALTIES PERMITTED BY RULE MAY ALSO BE IMPOSED. IT IS NOT A DEFENSE THAT YOU WERE NOT AWARE YOU HAD A CELL PHONE OR PROHIBITED ITEM OR THAT IT WAS TURNED OFF, RENDERED INOPERABLE OR STORED IN YOUR POCKET.**

**CIVILITY POLICY**

The Board of Law Examiners has also adopted a Civility Policy which governs applicants' interactions with the Board of Law Examiners. Based on the New York State Standards of Civility for the legal profession which apply to attorneys who practice in New York State (see [http://www.nycourts.gov/press/old\\_keep/stnds.shtml](http://www.nycourts.gov/press/old_keep/stnds.shtml)), it sets forth principles of behavior which govern those who aspire to practice law in New York. Violations of the Civility Policy can be reported to the Committee on Character & Fitness having jurisdiction over the applicant, and more serious violations can form the basis of a charge under Board Rule 6000.9 which prohibits Fraud, Dishonesty and Other Misconduct.

## **HONOR CODE**

On the day of the bar examination, all applicants will be required to sign a statement affirming that they have read and will comply with the Honor Code and the Board's Security Policy. Applicants will be required to affirm that they do not have a cell phone, Blackberry or any other electronic device or prohibited item in the exam room. The Security Policy is located above. The Honor Code is as follows:

I have no prior knowledge of these test booklets or questions. I understand that the following acts constitute misconduct under Board Rule 6000.9: bringing a prohibited item (cell phone, electronic device, notes, etc.) through the security checkpoint; using a prohibited item; copying answers or giving assistance to any candidate; writing or typing anything after time is called; removing exam materials from the exam room; violating the U.S. copyright protections of the exam including disclosing the content of the exam to anyone at any time; failing to cooperate with the Board in a misconduct investigation; and any other act which might compromise the integrity of this exam. I am aware that such acts will lead to misconduct charges and may result in penalties including nullification of my exam results, disclosure of my misconduct file to the Committee on Character and Fitness as well as to other jurisdictions where I am admitted or may seek admission, and any other penalty permitted by Rule 6000.9. I will not engage in any such conduct and will honor my ethical obligation to promptly report any misconduct by any candidate to a proctor or other Board official.

## NEW YORK STATE BOARD OF LAW EXAMINERS BAR EXAMINATION SECURITY POLICY

**REQUIRED IDENTIFICATION:** You must have your **Seating Ticket** and **Government Issued Photo ID** in hand and ready to present to security at the security checkpoint. Non-U.S. citizens without U.S. issued driver's licenses must present a valid passport.

**PERMITTED ITEMS:** The following items are permitted in the examination room and may be carried in **one, clear** gallon-sized, re-sealable, plastic food storage bag (no grocery store bags):

- Blue or black ink pens - **NY day only**
- No. 2 Pencils and Erasers
- Medications
- Foam Earplugs
- Keys
- Feminine Hygiene Products
- Non-programmable wristwatch
- Tissues
- Quiet Snack
- Wallet
- One, 1 liter beverage in a re-sealable clear **plastic** container stored under the table - no glass, cans or cups - **labels must be remove.**

### **\*\*ALL OTHER ITMES ARE PROHIBITED – PROHIBITED ITMES WILL BE CONFISCATED\*\***

- **NO** electronic devices of any kind including but not limited to cell phones, Blackberries, iPhones, PDAs, wireless e-mail devices, blue tooth devices (including wireless mice and keyboards), iPods, MP3 players, pagers, calculators, clocks, cameras, scanners, radios, recording devices, hand-held computers, programmable or “smart” watches, etc.
- **NO** headphones, headsets, ear phones, or ear buds (ordinary foam ear plugs are acceptable).
- **NO** notes, papers, books, bar review or other study materials in any format or media (including CDs and USB keys).
- **NO** CDs, USB keys, DVDs or other electronic media.
- **NO** newspapers, magazines, dictionaries, prayer books or any other written material.
- **NO** luggage, handbags, purses, backpacks, briefcases, laptop bags, tote bags, or bags of any kind.
- **NO** highlighters, correction tape or correction fluid.
- **NO** pens on MBE day.
- **NO** weapons of any kind.
- **NO** hats, baseball caps or visors (religious apparel that does not contain a brim or obscure the applicant's facial features is permitted).
- **NO** flip flops or other shoes or garments which are noisy and can disrupt other candidates.

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**NO RE-ENTRY:** Once you enter the exam room, you may not leave it at any point except to use the restroom with permission of a proctor. If you violate this rule you could be disqualified from completing the exam. Your proctor will provide you with your EXIT PASS after you have turned in all your examination materials. You must have an EXIT PASS when you complete each session, and you must give your EXIT PASS to security to leave the exam room after each session. After you leave the exam room, you may not re-enter until the next testing session.

**NO STUDYING PAST THE SECURITY CHECKPOINT:** No notes may be brought past the security checkpoint, and no studying is allowed past the security checkpoint.

**LAPTOP USERS:** For the New York day of the exam, you may bring your laptop and power cord into the exam room. You may also bring an external mouse and/or keyboard and a mouse pad (WIRELESS mice and keyboards are prohibited). NO bags of any kind are allowed through the security checkpoint except for one clear, gallon sized plastic food storage bag. If you bring any other bag, it must be left, at your own risk, in the Personal Belongings Room. After you pass through the security checkpoint you may NOT access the internet or any notes, study guides, etc. on your laptop, and you must immediately launch Examssoft. LAPTOPS **MUST** BE LEFT IN THE EXAMINATION ROOM DURING THE LUNCH BREAK.

**PERSONAL BELONGINGS ROOM:** All coats, jackets, bags, and other prohibited items must be left, at your own risk, in the Personal Belongings Room. You are discouraged from relying on the Personal Belongings Room for storage of prohibited items. The exam will NOT be delayed due to long lines in the Personal Belongings Room.

**OTHER PROHIBITIONS:** • NO writing is allowed on either side of the Seating Ticket. • Do NOT remove examination materials from the exam room. • NO SMOKING is allowed during the exam.

**SECURITY POLICY VIOLATIONS:** ***If you are found in violation of this Security Policy, a misconduct investigation under Board Rule 6000.9 will be commenced. Penalties may include nullification of your exam score, disqualification from future exams, notice to the Character and Fitness Committee and any other penalty permitted by Board Rule 6000.9.***

## **RULES OF THE NEW YORK STATE BOARD OF LAW EXAMINERS**

### **6000.9 Fraud, Dishonesty and Other Misconduct. *(Revised January 2003)***

(a) If it shall appear to the Board that there is credible evidence which would establish that an applicant has:

(1) either by omission or commission falsified the application or proofs required for admission to the bar examination or misrepresented the applicant's eligibility to sit for the bar examination;

(2) either by omission or commission falsified the proofs required for admission to practice with or without examination;

(3) either by omission or commission falsified documentation submitted in support of a request for test accommodations under Rule 6000.4 or secured such documentation under false pretenses;

(4) brought unauthorized items or materials into the examination room or otherwise violated the Board's examination security policy;

(5) broken the seal on the question book, opened the question booklet, or reviewed the questions in the question book prior to the announcement that the examination has begun, or otherwise violated any of the oral or written instructions given in connection with the administration of the bar examination;

(6) possessed in any manner, reviewed and/or utilized any unauthorized notes, books, recordings, electronically retrievable data or other unauthorized materials during the bar examination, or secreted such materials for such use;

(7) written or designated any answers to questions on the bar examination prior to the announcement of the beginning of the examination session or written or designated any answers or other information on an answer sheet or booklet after the announcement of the conclusion of the session;

(8) sought, obtained or used answers or information from or given answers or information to another applicant or any other person during the bar examination;

(9) removed any examination materials or notes made during the examination from the examination room;

(10) memorized questions for the purpose of reporting and/or reported the substance of questions to any person or entity engaged in, or affiliated with any person or entity engaged in, the preparation of applicants to take the bar examination or otherwise violated the copyright protection afforded to bar examination materials;

(11) engaged in fraud, dishonesty or other misconduct in connection with an application to or the administration of the Multistate Professional Responsibility Examination (MPRE) or to a bar examination of any other jurisdiction;

(12) sat for the bar examination without having a *bona fide* intention to seek admission to practice law in the State of New York; or

(13) compromised or disrupted the process for admission to or administration of the bar examination,

the Board shall serve written charges on such applicant by mail at the last address provided to the Board by the applicant, stating with particularity the facts upon which such charges are based. The applicant's examination results shall be withheld pending the determination of the charges by the Board.

(b) The applicant, no later than 30 days after the service of charges shall cause to be delivered to the office of the Board a verified answer to such charges. Such answer shall identify with specificity the charges disputed by the applicant, who shall set forth any evidence which can be adduced by the applicant in contradiction of such charges. The applicant may include in such written answer a request that the Board hold a hearing.

(c) In the event such applicant does not submit a written and verified answer as provided in Subsection (b) the Board shall deem the facts set forth in the written charges to be true.

(d) In the event such applicant does not request a hearing, and the Board does not on its own motion determine to conduct a hearing, the Board shall make a determination based on the evidence submitted.

(e) If the applicant shall request a hearing, or if the Board, on its own motion, determines to conduct a hearing, the Board shall set a date for a hearing by the Board or by one or more members of the Board who shall make a report and recommendation to the full Board which shall render a written decision. Reasonable notice of the hearing shall be provided to the applicant.

(f) If the applicant shall be found guilty by reason of:

(1) applicant's admission that such charges are true, in whole or in part; or

(2) applicant's default in answering the written charges, in whole or in part; or

(3) determination of the Board, after a hearing, or where no hearing was conducted, after the Board's review of the evidence submitted,

such determination shall be set forth in the Board's written decision and one or more of the following penalties, and any other penalty which the Board may deem appropriate, may be imposed:

- (i) forfeiture of all fees paid by such applicant;
  - (ii) nullification of the examination taken or the application made by such applicant;
  - (iii) disqualification of the applicant from taking the New York State Bar Examination or applying for admission on motion for a period not to exceed six years from the date of such admission or determination;
  - (iv) invalidation or striking of one or more answers of the examination taken by such applicant, or the reduction of applicant's final score by one or more points;
  - (v) transmission of a written report of the matter to the Committee on Character and Fitness in New York State having jurisdiction of the applicant;
  - (vi) transmission of a written report of the matter to the bar admission authority and/or disciplinary authority in every jurisdiction of the United States and, where applicable, to any foreign jurisdiction deemed appropriate by the Board.
- (g) The Board shall notify the applicant of its decision in writing as soon as practicable.
- (h) The applicant shall be entitled to be represented and advised by counsel, at his or her own expense, at every stage of the proceeding. Any person who voluntarily appears or who is compelled to attend, and submit proof or testimony, at any hearing held pursuant to Subsection (e) of this Part shall be entitled to be represented and advised by counsel, at his or her own expense.