



**GUIDELINES GOVERNING THE INTERPRETATION AND APPLICATION OF
CHAPTER 6 OF THE ADMISSIONS RULES**

These guidelines govern the interpretation and application of Chapter 6 of the Admissions Rules pursuant to the provisions of Rule 4.71(C) of the Admissions Rules, as amended effective September 1, 2019. The number of each guideline corresponds with the same numbered Rule.

Chapter 6. Conduct at Examinations

Guideline 4.70 Conduct required at examinations

- (A) Applicants are expected at all times to maintain a professional attitude towards other applicants, staff, proctors, and other examination personnel. Chapter 6 Notices will be issued to any applicant who is believed to have violated examination rules and policies. State Bar staff and proctors at the individual test centers are authorized to issue Notices in conformance with the procedures that are established, which in some cases may require consultation with State Bar management prior to issuance of a Notice, for violations by applicants of examination rules and policies.
- (B) These guidelines govern the procedures to be used regarding Chapter 6 conduct violations, which occur during and subsequent to administration of examinations administered by the Office of Admissions on behalf of the Committee of Bar Examiners. The procedures will be documented in the proctor training materials and, where appropriate, included in the examination instructions communicated in advance of and during administration of the examination.
- (C) Notices may be issued to applicants during the administration of the First-Year Law Students' Examination or the California Bar Examination for reasons including, but not limited to, the following:
 - 1. Prohibited item is brought into the examination room, whether or not confiscated; if an item is confiscated, a description of the item shall be included in the Notice;
 - 2. Examination answers are submitted in violation of examination rules, policies, procedures, and/or instructions;
 - 3. Applicant is observed writing, typing, erasing, marking, or otherwise making changes to their examination papers after the announcement to stop;

4. Applicant's conduct resulted in violation of security of and/or disrupted administration of the examination; and
 5. Authorization is given by Office of Admissions' management to issue Notice regarding a specific incident.
- (D) It is preferable for the Notice to be issued by Office of Admissions staff. However, if circumstances do not permit first notifying staff, the Notice may be issued by a proctor. Office of Admissions staff must be advised as soon as possible following the incident by the issuing proctor when a Notice is issued.
- (E) Notices may be issued to applicants following administration of the First-Year Law Students' Examination or the California Bar Examination for any of the following reasons:
1. Examination answers appear to have been altered after the corresponding examination session has ended;
 2. Examination answers are not uploaded in accordance with examination instructions;
 3. Examination answers demonstrate that the applicant did not make a good faith effort or attempt to complete each session of the examination for which they were present;
 4. Evidence of suspected cheating on the examination, whether observed occurring during the examination or discovered after administration of the examination through reliable sources, is obtained by the Office of Admissions; or
 5. Notice could not be issued during the examination because the applicant had already left the testing facility.
- (F) All Notices issued during administration of examinations will be reviewed by the Program Manager for Operations and Management to verify the Notices were issued in accordance with established policies and procedures. Notices not issued in accordance with established policies and procedures may result in the matter not being pursued.
- (G) The Office of Admissions' management staff is authorized to resolve Notices that were issued that relate to administrative matters where it does not appear that serious misconduct occurred.
- (H) Notices issued relating to allegations of serious misconduct may lead to the conduct being reported to the Committee and/or to the Office of Admissions Moral Character Determinations Unit.

- (I) All Notices issued are to be processed in the first instance by Office of Admissions staff in accordance with the Committee’s “Policies and Procedures Regarding Staff Review, Determination, and Administrative Review of Chapter 6 Conduct Violations.” If, in the judgment of the Program Manager, Operations and Management, in consultation with the Director, Admissions, an incident of conduct violation warrants the Committee’s attention, it will be included in the examination administration report to the Committee following the administration of the examination.

Guideline 4.71 Reports of conduct violations

- (A) Immediately following administration of an examination, a report of all *Notices* issued will be provided to the Director, Admissions, or their designee. In accordance with established policies and procedures, the Director, Admissions, or their designee will report any significant Notices that were issued during the examination, which the Director, Admissions, in their judgment warrant notice to the Committee, at the Committee’s next regularly scheduled meeting following administration of an examination.
- (B) In accordance with established policies and procedures, each Notice shall either be affirmed or declined to be affirmed by State Bar of California’s Office of Admissions staff. If the staff determines that a violation occurred, they will affirm the Notice and determine whether a sanction should be imposed, and if so, what the sanction will be. The affected applicant must be notified of the staff determination within 30 days following the date of the staff determination.
- (C) The Committee has established the following specific sanctions for certain undisputed conduct violations:
 - 1. A score of zero for any session during which an applicant is found to have brought an unauthorized electronic device, such as a cell phone, into the examination.
 - 2. A score of zero for any session during which an applicant is found to have brought unauthorized notes or other items containing any information that could be used to cheat or otherwise gain an advantage on the examination.
 - 3. A deduction of 10 scaled points from the total written scaled score, if an applicant who used a laptop computer to prepare their answers fails to upload their examination answers by the published deadline, unless good cause is established, as determined by the Director, Admissions, or their designee, that supports the late uploading of an applicant’s examination files, such as a malfunction of the equipment or serious health condition.
 - 4. A score of zero for each session of the examination, or for the grades for each of the answers not uploaded for each session, if an applicant who used a laptop

computer to prepare their answers fails to upload their examination answers within two weeks of the published final deadline.

An administrative hearing is not available to an applicant who has violated examination rules or policies and for which a specific sanction, which are detailed above, has been determined.

Guideline 4.72 Request for administrative hearing on conduct violation

Upon receipt of an Applicant's written request for an administrative hearing, the Director, Admissions, or their designee will determine the State Bar Office of Admissions staff members who will participate on the hearing panel and the date, time, and location of the hearing, to take place within 90 days of receipt of the request for a hearing. If possible, the hearing will be held in the State Bar offices located nearest to the applicant's address of record. Notice of the date, time, and location of the hearing will be communicated to the applicant no later than 60 days after receipt of the request.

Guideline 4.73 Procedure for an administrative hearing on conduct violation

- (A) All Chapter 6 hearings will be conducted in accordance with the procedures set forth in the "Committee of Bar Examiners Procedures for Chapter 6 Administrative Hearings" governing Rule 4.73 (Procedure for an administrative hearing on conduct violation).
- (B) The hearing panel's Findings and Recommendations must be drafted, finalized, signed and served on the applicant and their attorney, if represented, within 30 days of the administrative hearing.
- (C) By written notice, the applicant may request review by the Committee of the hearing panel's Findings and Recommendations within 10 days of service.

Guideline 4.74 Review of Findings and Recommendations

- (A) If an applicant requests review of the panel's Findings and Recommendations within 10 days of service, the matter will be considered by the Committee in closed session meeting in accordance with the procedures set forth in the Committee's "Procedures Regarding Requests for Review by the Committee of Bar Examiners of State Bar's Chapter 6 Findings and Recommendations."
- (B) In writing communicated no later than 10 days following the date of the Committee's review, the applicant shall be notified of the Committee's final determination in the matter.



**COMMITTEE OF BAR EXAMINERS
PROCEDURES FOR CHAPTER 6 ADMINISTRATIVE HEARINGS**

Rule 4.73: Procedure for an administrative hearing on conduct violation

(A) All Chapter 6 hearings will be conducted in accordance with the following regulations and procedures:

1. Following notice of the scheduled date, time, and location of the hearing, the State Bar of California's Director for Admissions or a designee will assume responsibility for communicating with the applicant or, if represented by counsel, with their attorney regarding the hearing process and any evidence that may be available.
2. The proceedings are considered confidential and attendance will be limited to the applicant and their counsel, if represented, State Bar staff hearing panel members, the Director for Admissions or their designee, representative(s) from the State Bar's Office of General Counsel, witnesses, and necessary other staff as designated by the Director for Admissions. Members of the public are not permitted to attend.
3. An applicant may attend the hearing with counsel. Counsel will not participate in the hearing. However, an applicant is permitted to confer with their counsel at any time, off the record. Only the applicant will provide oral or written statements and may present documentary evidence. No person other than applicant's counsel may be present with the applicant at a Chapter 6 administrative hearing.
4. The issues that will be discussed during the hearing will be set forth in the affirmation of Chapter 6 Notice, which will be sent shortly after State Bar staff takes action affirming the Notice. The discussion may extend to issues that arise during the hearing.
5. Information and evidence associated with the issuance of the Notice will be presented by the Office of Admissions' Program Manager for Operations and Management or their designee. The Director for Admissions or their designee will assist the State Bar staff hearing panel as needed during the course of the hearing process.
6. Any relevant evidence is admissible, regardless of the rules of evidence.

7. With the permission of the Hearing Panel Lead, witnesses may be called by either the applicant or the Office of Admissions staff member presenting the matter.
8. The Hearing Panel Lead may allow nonparty witnesses to participate through electronic means, if the parties to the hearing have an opportunity to participate in and hear while the participation of the nonparty witness is taking place. If the applicant intends to call a nonparty witness who will not be physically present at the hearing, the applicant must notify the Office of Admissions in writing at least 10 days before the hearing date of the witness's name and the electronic means by which they will be participating in the hearing. The Office of Admissions will determine whether the proposed electronic means is feasible and, if not, will inform the applicant of the alternate means that will be offered.
9. The administrative hearing will be recorded, and if the applicant makes a written request within 90 days of the administrative hearing, they will be provided with a duplicate recording of the hearing no later than 30 days after the request was received.
10. The State Bar has the burden of establishing by clear and convincing evidence that a Chapter 6 violation occurred and that the intended sanction is warranted.
11. For good cause shown, the Hearing Panel Lead may permit a continuance of the proceedings for an appropriate period of time. Requests for continuances of a Chapter 6 hearing must be received at least five days before the scheduled hearing. If a request for postponement is received less than five days before the scheduled conference, the State Bar may make its determination on the Chapter 6 Notice from the information before it, unless the applicant demonstrates good cause for not having requested the postponement sooner.
12. Except as noted below, members of the Hearing Panel are prohibited from engaging in ex parte communications regarding the substance of the allegations with the parties, Committee of Bar Examiners members, or any other interested persons, while a matter is pending before the panel.
13. Members of the Hearing Panel may communicate with each other, Counsel for the Committee, and other Office of Admissions staff regarding a pending matter.
14. No applicant is entitled to recover attorney's fees or costs incurred in connection with a Chapter 6 administrative hearing proceeding.



The State Bar of California

COMMITTEE OF BAR EXAMINERS CHAPTER 6 DECISIONAL MATRIX

Violation	Sanction	Eligible for Hearing?
Possession of an electronic device (i.e., cell phones, digital clocks, digital watches, activity trackers/Fitbits, etc.).	Receive score of zero for the session during which the Chapter 6 Notice was issued.	No, indisputable
Possession of notes, or study aids.	Receive score of zero for the session during which the Chapter 6 Notice was issued.	No, indisputable
Accessing any items (other than electronic devices or notes) in personal belongings in secure exam area.	<p>First-Time Offense: Issue a Chapter 6 Notice of Violation and applicant will receive a warning alerting them to follow rules for any future exams and if repeated, a more serious sanction will be imposed.</p> <p>Repeat Offense: (same administration or future administrations): Receive score of zero for the session during which the Chapter 6 Notice was issued if they accessed an electronic device or notes. For repeat offender, accessing other items: Receive a 10-point deduction from the "total written scaled score" if the violation was during the written portion of the exam. If during an MBE session, it will result in a 10-point deduction from the "total MBE scaled score."</p>	<p>If accessing electronic device or notes: Not eligible for hearing</p> <p>If accessing any other item: Eligible for Hearing</p>
Typing or writing before the start of the exam or after time is called.	<p>First-Time Offense: Issue a Chapter 6 Notice of Violation and applicant will receive a warning alerting them to follow rules for any future exams and if repeated, a more serious sanction will be imposed. If applicant was instructed more than once to stop typing or writing, applicant will be issued a Chapter 6 Notice of Violation and will be sanctioned with a zero for the session.</p> <p>Repeat Offense: (applicant repeats the violation during a future administration): Applicant will be sanctioned with a score of zero for that session.</p>	Yes

Violation	Sanction	Eligible for Hearing?
<p>Bringing an unauthorized item into the exam room (except for electronic device, notes, or study aides).</p> <p>Petitioning for religious headwear at the test center, after the deadline.</p>	<p>First-Time Offense: Issue a Chapter 6 Notice of Violation and applicant will receive a warning alerting them to follow rules for any future exams and if repeated, a more serious sanction will be imposed.</p> <p>Repeat Offense: Future violations will result in a 10-point deduction from the "total written scaled score" if the violation was during the written portion of the exam. If the violation occurred during an MBE session, this violation will result in a 10-point deduction from the "total MBE scaled score."</p>	Yes
Exam Answer Submittal Violation including writing exams in pencil, highlighting answers, writing in ink other than blue or black, submitting answers on paper other than designated answer booklets/lined sheets, etc.	<p>First-Time Offense: Issue a Chapter 6 Notice of Violation and applicant will receive a warning alerting them to follow rules for any future exams and if repeated, a more serious sanction will be imposed.</p> <p>Repeat Offense: Applicant will receive a 10-point deduction from the "total written scaled score" if the violation occurred during the written portion of the exam. If violation occurred during an MBE session, applicant will receive a 10-point deduction from the "total MBE scaled score."</p>	Yes
Upload exam answer files after the upload deadline.	If answers are uploaded between the deadline and 2 weeks after the deadline, a sanction of a 10-point deduction from the "total written scaled score" will be imposed, unless good cause is established, as determined by the Director for Admissions or their designee. If more than 2 weeks past the deadline, a score of zero for each session for which answers are not uploaded.	No, indisputable
No good faith effort on exam.	<p>First-Time Offense: Issue a Chapter 6 Notice of Violation and applicant will receive a warning alerting them to follow rules for any future exams and if repeated, a more serious sanction will be imposed.</p> <p>Repeat Offense: A sanction of a zero will be imposed for each session during which there was no good faith effort demonstrated.</p>	Yes

Violation	Sanction	Eligible for Hearing?
Disruptive behavior at test center.	Staff will advise the applicant to calm down and to stop being disruptive. If the behavior continues, the applicant will be informed that a Chapter 6 Notice will be issued if they do not immediately change their behavior. If applicant continues to be disruptive, sanctions may be imposed, including a zero for the session during which the behavior occurs and ejection from the test center.	Yes
Suspected cheating - observed at test center.	Current policy is not to intervene while the exam is in session; a Chapter 6 Notice will be issued post-exam, along with a score of zero sanction. The incident will also be referred to moral character.	Yes
Suspected cheating - discovered post-exam.	Once the suspected cheating has been identified or discovered, applicant will be issued a Chapter 6 Notice by mail and a score of zero sanction. The incident will also be referred to moral character.	Yes
Leaving the view of the webcam outside of scheduled breaks during a remote-proctored exam.	Receive score of zero for the session during which the Chapter 6 Notice was issued. The incident will also be referred to moral character.	No, indisputable
Any attempt to bypass or avoid the remote-proctoring mechanisms and protocols, or to obtain or receive assistance on a remote-proctored exam.	Receive score of zero for the session during which the Chapter 6 Notice was issued.	Yes
Individuals (other than the applicant) coming into the exam room during a remote-proctored exam.	Receive score of zero for the session during which the Chapter 6 Notice was issued.	Yes
Having papers or books within view or reach of the applicant's desk in the exam room, including scratch paper, during a remote-proctored exam.	Receive score of zero for the session during which the Chapter 6 Notice was issued. The incident will also be referred to moral character.	No, indisputable

Violation	Sanction	Eligible for Hearing?
Having food or beverages, including but not limited to coffee and water, in the exam room during a remote-proctored exam.	<p>First-Time Offense: Issue and affirm a Chapter 6 Notice of Violation and applicant will receive a warning alerting them to follow rules for any future exams and if repeated, a more serious sanction will be imposed.</p> <p>Repeat Offense: (future administrations): Receive score of zero for the session during which the Chapter 6 Notice was issued if they had food and beverage.</p>	Yes
Having any radios, stereos or other devices/equipment that will make audible sounds in the exam room during a remote-proctored exam.	Receive score of zero for the session during which the Chapter 6 Notice was issued.	Yes
Uploading exam monitor video files after the upload deadline following a remote-proctored exam.	<p>If exam videos are uploaded between the deadline and 2 weeks after the deadline, a sanction of a 10-point deduction from the "total written scaled score" will be imposed, unless good cause is established, as determined by the Director for Admissions or their designee.</p> <p>If more than 2 weeks past the deadline, a score of zero for each session for which exam videos are not uploaded.</p> <p>The incident will also be referred to moral character.</p>	No, indisputable
For remote proctored exams only: Disrupted video or audio during the exam due to not meeting the Minimum System Requirements.	Receive a score of zero for the session during which the Chapter 6 Notice was issued.	No, indisputable