



**POLICY REGARDING EXAM CONDUCT AND SANCTIONS FOR THE LEGAL
SPECIALIST EXAMINATION**

1.0 Conduct required at examinations

(A) Applicants are expected to conduct themselves professionally at all times, whether taking the examination remotely online or at an examination test center. Conduct that violates the security or administration of an examination may be reported to the State Bar as a Notice of Violation or, in extreme cases, may require dismissal from the examination. Unacceptable conduct may include, but is not limited to, having unauthorized items, writing or typing after time has been called, looking at another applicant's answers, talking when silence is required, or abusive behavior. A copy of the Notice of Violation is provided to the applicant during or following an examination.

- (1) Notices may be issued to applicants during the administration of the Legal Specialist Examination for reasons including, but not limited to, the following:
 - (a) 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;
 - (b) Examination answers are submitted in violation of examination rules, policies, procedures, and/or instructions;
 - (c) Applicant is observed writing, typing, erasing, marking, or otherwise making changes to their examination papers after the announcement to stop;
 - (d) Applicant's conduct resulted in violation of security of and/or disrupted the administration of the examination; and
 - (e) Authorization is given by Office of Admissions' management to issue Notice regarding a specific incident.
- (2) Notices may be issued to applicants following administration of the Legal Specialist Examination for any of the following reasons:
 - (a) Examination answers appear to have been altered after the examination session has ended;
 - (b) 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;

- (c) 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
 - (d) Notice could not be issued during the examination because the applicant had already left the testing facility.
- (B) 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.
- (C) All Notices issued during administration of examinations will be reviewed by the Director of Admissions, or their designee, 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.
- (D) 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.
- (E) Notices issued relating to allegations of serious misconduct may lead to the conduct being reported to CBLS.

1.1 Reports of Conduct Violations

- (A) The State Bar considers reports of the Notices of Violation that have been issued to applicants during or following an administration of an examination as soon as practicable and no later than the first California Board of Legal Specialization (CBLS) meeting following the general release of examination results.
- (B) Following the administration of the examination, the Office of Admissions staff will review all Notices of Violations that were issued to applicants and determine whether to affirm or not affirm each Notice of Violation.
- (C) If the State Bar affirms the Notice of Violation, the applicant must be notified of that decision within 30 days. The State Bar communication notifying the applicant that the Notice of Violation has been affirmed must include the proposed sanction. Sanctions may include assigning a score of zero for a question, a session, or an entire examination. An examination score may be held in abeyance pending resolution of the matter.
- (D) Pursuant to this policy, CBLS has establish specific sanctions for certain conduct violations that may not be disputed, such as bringing an unauthorized item into the examination room. An applicant sanctioned for aconduct violation that may not be disputed is not entitled to appeal the sanction. Such violations are identified in the Legal

Specialist Examination Violation Sanction Matrix.

1.2 CBLS Review of Conduct Violation

- (A) An applicant notified of a conduct violation for which a specific sanction has been established may request a review by CBLS if the conduct violation is one for which review is available. The request may include an applicant's initial response to the Notice and any supporting documentation.
- (B) The request for review must be submitted within 20 days of receipt of the State Bar communication affirming the violation. If a request for review is not received by that date, the proposed sanction will take effect. For good cause shown by clear and convincing evidence the State Bar may extend the deadline.
- (C) After reviewing the request and supporting documentation, the Director of Admissions may withdraw the Notice and sanction.
- (D) If the Director of Admissions does not withdraw the Notice and sanction, CBLS must review the Notice and sanction at its next regularly scheduled meeting, or at a meeting specially convened for this purpose. The review shall be conducted in closed session.

1.3 Procedure for Review of Conduct Violation

- (A) Information and evidence associated with the issuance and affirmation of the Notice must be provided to the applicant at least 30 days prior to the scheduled meeting where CBLS will review the Notice and sanction.
- (B) The applicant may attend the scheduled CBLS meeting with counsel; make a written or oral statement; and present documentary evidence. Applicant's counsel is limited to observation and may not participate. However, an applicant is permitted to confer with their counsel at any time, off the record.
- (C) The proceedings are confidential and attendance will be limited to the applicant and their counsel, if represented, State Bar staff, the Director of Admissions or their designee, representative(s) from the State Bar's Office of General Counsel, witnesses, and necessary staff as designated by the Director for Admissions. Members of the public are not permitted to attend.
- (D) The State Bar has the burden of establishing by clear and convincing evidence that a violation occurred.
- (E) CBLS review must be based on the original Notice and any supporting evidence and documentation provided by the State Bar, the applicant's request for review, evidence and documentation provided by the applicant, and any supplemental material the applicant or staff provides. CBLS may request additional information from the applicant or from the State Bar.
- (F) CBLS may affirm or withdraw the Notice and sanction or take any other action it deems

appropriate.

(G) Staff will notify the applicant of the decision within ten days of CBL's determination.



The State Bar of California

LEGAL SPECIALIST EXAMINATION VIOLATION SANCTION MATRIX

Violation	Sanction	Eligible for Hearing?
Possession of cell phones or other electronic devices in the examination room; accessing an electronic device from personal belongings within the secure exam area (i.e., cell phones, tablets, digital clocks, digital watches, activity trackers/Fitbits, etc.) during in-person or remote testing.	Receive score of zero for the session for which the Notice of Violation was issued.	No, indisputable
Possession of notes or study aids during in-person or remote testing except those permitted on the list of code books and reference materials.	Receive score of zero for the session during which the Notice of Exam Violation was issued.	No, indisputable
Bringing an unauthorized item into the exam room (other than electronic device, notes, or study aides) during in-person or remote testing.	<p>First-Time Offense: Receive a warning alerting the applicant to follow rules for any future exams and if repeated, a more serious sanction will be imposed.</p> <p>Repeat Offense: Receive a 10-point deduction from the "total written scaled score" if the violation was during the written portion of the exam; receive a 10-point deduction from the "total MCQ scaled score" if the violation was during the multiple-choice question session.</p>	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 Notice of Exam Violation was issued.	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 Notice of Exam Violation 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 Notice of Exam Violation 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 (except those permitted on the list of code books and reference materials).	Receive score of zero for the session during which the Notice of Exam Violation was issued.	Yes
Having prohibited food or beverages in the exam room during an in-person or remote-proctored exam.	First-Time Offense: Receive a warning alerting them to follow rules for any future exams and if repeated, a more serious sanction will be imposed. Repeat Offense: Receive score of zero for the session during which the Notice of Exam Violation was issued if they had food and beverage.	Yes
Having any radios, stereos, or other devices/equipment that can make audible sounds in the exam room during an in-person or remote-proctored exam.	Receive score of zero for the session during which the Notice of Exam Violation was issued.	Yes
Altering answer files after time has been called.	Receive score of zero for the session for which the Notice of Exam Violation was issued.	No, indisputable
Disrupted video or audio during the examination due to not meeting the Minimum System Requirements for a remote-proctored exam.	Receive score of zero for the session during which the Notice of Exam Violation was issued.	No, indisputable
Engaging in disruptive or abusive behavior at test center that continues following admonitions to cease such behavior.	Receive a score of zero for the session for which the Notice of Exam Violation was issued and dismissal from the test center.	Yes
Engaging in suspected cheating - during the exam.	Receive score of zero for the session for which the Notice of Exam Violation was issued and possible dismissal from the exam. Notice may be issued post-exam to avoid intervention while the exam is in session.	Yes

Engaging in suspected cheating - discovered post-exam.	Receive score of zero for the session for which the Notice of Exam Violation was issued.	Yes
Accessing any items (other than electronic devices or notes except those permitted on the list of code books and reference materials) in personal belongings within the secure exam area during an in-person or remote-proctored exam.	<p>First-Time Offense: Receive a warning for the session for which the Notice of Exam Violation was issued and alert applicant to follow rules for any future examinations. If repeated, a more serious sanction will be imposed.</p> <p>Repeat Offense: Receive a 10-point deduction from the "total written scaled score" if the violation was during the written portion of the exam; receive a 10-point deduction from the "total MCQ scaled score" if the violation was during the multiple-choice question session.</p>	Yes
Typing or writing before the start of the exam or immediately after time is called during an in-person exam.	<p>First-Time Offense: Receive a warning for the session for which the Notice of Exam Violation was issued and alert them to follow rules for any future examinations. If repeated more than one to stop typing or writing, applicant will be issued a Notice of Violation and will be sanctioned with a zero for the session.</p> <p>Repeat Offense: Receive score of zero for the session during which the Notice of Exam Violation was issued and alert applicant to follow rules for any future examinations. If repeated, a more serious sanction will be imposed.</p>	Yes
Submitting exam answers in violation of rules, 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. during an in-person exam.	<p>First-Time Offense: Receive a warning for the session for which the Notice of Exam Violation was issued and alert them to follow rules for any future examinations. If repeated, a more serious sanction will be imposed.</p> <p>Repeat Offense: Receive a 10-point deduction from the "total written scaled score" if the violation was during the written portion of the exam; receive a 10-point deduction from the "total MCQ scaled score" if the violation was during the multiple-choice question session.</p>	Yes
Failing to make a good faith effort on exam during an in-person or remote-proctored exam.	<p>First-Time Offense: Receive a warning for the session for which the Notice of Exam Violation was issued and alert applicant to follow rules for any future examinations. If repeated, a more serious sanction will be imposed.</p> <p>Repeat Offense: Receive a score of zero for the session during which the Notice of Exam Violation was issued and no good faith effort was demonstrated.</p>	Yes