

New York State Board of Law Examiners

MISCONDUCT

Candidates for the New York State bar examination must comply with the Board's Civility Policy, Security Policy and with Board Rule 6000.13 which prohibits acts of fraud, dishonesty and other misconduct in connection with the application to and the taking of the bar examination. The Board strictly enforces its Rule and Security Policy and prosecutes their violation. Both the Rule and the Security Policy are available on the Board's website at <http://www.nybarexam.org>.

The Following Penalties Have Been Imposed for Misconduct Violations

- Nullification of examination results.
- Disqualification from taking future exams.
- Report to Committee on Character & Fitness having jurisdiction of the candidate.
- Report to other United States and foreign jurisdictions where the candidate is admitted or seeks admission.

Penalties are imposed after an individualized review of the facts and circumstances of each case. The minimum penalty for a finding of misconduct is a report to the Committee on Character & Fitness. The maximum penalty includes all four penalties listed above, with disqualification for a period of up to six years (12 exams). Candor in responding to charges of misconduct is essential. The Board's finding that a candidate's answer to a charge or testimony at a hearing was untruthful is a factor in assessing penalty.

The Following Conduct is Prohibited

- Bringing a prohibited item (cell phone, notes, bag, etc.) through the security checkpoint even if the item is not brought into the exam room and/or is not being used. Such conduct cannot be excused by the fact that the item was in a clear plastic bag and/or was not discovered by the security officer at the security checkpoint. ***This prohibition extends beyond the four walls of the examination room.***
- Using a prohibited item (cell phone, notes, computer file, etc.) after passing through the security checkpoint or while in the exam room, whether or not the exam has begun.
- Failing to stop writing or typing immediately when time is called, including completing a word or sentence, filling in a bubble on an answer sheet, crossing out or erasing information or answers, or adding identifying information (i.e. seat number). ***Such conduct cannot be excused by asserting that you were wearing earplugs and/or that you did not hear the instruction to stop writing.***
- Copying or attempting to copy multiple choice or essay answers from another candidate, or giving such information to another candidate.
- Removing or attempting to remove any examination material (question booklet, answer booklet, notes, instructions, etc.) from the exam room.
- Providing false or intentionally misleading information on any bar examination application including an application for test accommodations.

