

3.5 Action on the Chapter 6 Conduct Violation Decisional Matrix



The State Bar of California

OPEN SESSION AGENDA ITEM 3.5 JUNE 2025 COMMITTEE OF BAR EXAMINERS

DATE: June 20, 2025

TO: Members, Committee of Bar Examiners

FROM: Becky L. Romero, Program Manager, Office of Admissions

SUBJECT: Action on Chapter 6 Conduct Violation Decisional Matrix

EXECUTIVE SUMMARY

This agenda item requests the Committee of Bar Examiners' (CBE) approval of time-sensitive amendments to the Chapter 6 Conduct Violation Decisional Matrix (Chapter 6 Matrix) and associated Guidelines to align with updated exam administration procedures. These proposed changes reflect the transition back to in-person exam delivery, for the July 2025 bar exam, at designated test center sites operated by the State Bar of California. Timely approval is critical to ensure consistency, clarity, and operational readiness in implementing the revised procedures for upcoming in-person exam administrations.

RECOMMENDED ACTION

Staff seek the committee's approval of the proposed time-sensitive changes to the guidelines and the Chapter 6 Matrix as reflected in attachments A and B.

DISCUSSION

This item seeks approval from the Committee of Bar Examiners for proposed revisions to the Guidelines Governing the Interpretation and Application of Chapter 6 of the Admissions Rules and the accompanying Chapter 6 Conduct Violation Decisional Matrix. These materials govern applicant conduct during exams administered by the State Bar of California. The revisions are necessary to reflect the operational transition from remote and vendor-based exam

administration to in-person testing conducted by the State Bar of California for the July 2025 California Bar Exam.

Chapter 6 of the Rules of the State Bar, under Rule 4.71, grants the CBE authority to establish procedures and sanctions for applicant conduct violations. In 2020, the CBE adopted a set of guidelines and a decisional matrix to standardize implementation following each exam administration. In December 2024, the CBE approved updates to account for exam delivery by third-party, vendor run, test sites and for the switch to a different exam delivery platform.

Staff have developed additional revisions to the Chapter 6 Guidelines and Matrix to align with the Bar's return to in-person exam administration. These revisions are essential to ensure that enforcement of conduct rules accurately reflects current procedures and that applicants are held accountable under standards that are appropriate and applicable to the in-person exam administration. The revisions reinstate conduct violation guidelines related to exam answer uploads, a critical aspect of in-person exam administration when the exam delivery vendor, ExamSoft, is used.

The proposed revisions remove references to procedures no longer in use, such as the requirement for remote applicants to perform 360-degree scans of their testing space and check-in processes involving cell phones. In their place, the revisions restore enforcement changes that apply to in-person test centers, such as prohibiting the possession of electronic devices such as cell phones in secure exam areas. Consistent with previous practice, violations of this nature will continue to result in a score of zero for the affected session and will remain indisputable.

Under the updated guidelines, if an applicant uploads their answers after the final deadline but within two weeks, a ten-point deduction will be applied to their total written scaled score, unless the applicant demonstrates good cause, as determined by the Director of Admissions or their designee. If the upload occurs more than two weeks after the final deadline, a score of zero will be assigned for each affected session. This sanction will be final and not subject to a hearing. These updates are critical to ensuring the consistent and fair handling of conduct violations, particularly as staff prepare for the July 2025 exam administration.

The Chapter 6 Matrix applies to all exams administered by the State Bar, including both the California Bar Exam and the First-Year Law Students' Exam. The First-Year Law Students' Exam continues to be administered both in person and remotely for eligible applicants.

These proposed changes do not require approval by the Board of Trustees and are within the authority of the CBE. Due to the immediate operational need to finalize conduct enforcement guidelines for the upcoming in-person exam, staff recommend that the CBE approve the proposed revisions to the Chapter 6 Guidelines and Matrix for immediate implementation.

PREVIOUS ACTION

December 6, 2024, Committee of Bar Examiners meeting Item [4.1](#), describing the proposed amendments to the Rules and Guidelines pertaining to exam conduct violations.

FISCAL/PERSONNEL IMPACT

None

AMENDMENTS TO RULES

None

RESOLUTIONS

Should the Committee of Bar Examiners concur, it is:

RESOLVED, that the Committee of Bar Examiners approve the proposed changes to the Chapter 6 Conduct Violation Decisional Matrix and Guidelines as reflected in Attachments A and B.

ATTACHMENTS LIST

- A. Proposed Changes to the Chapter 6 Conduct Violation Decisional Matrix and Guidelines (Redline)
- B. Proposed Changes to the Chapter 6 Conduct Violation Decisional Matrix and Guidelines (Clean)



**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 ~~December 6, 2024~~ June 20, 2025. 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 any examination administered by the Office of Admissions 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 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~~ 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. The hearing will be held a teleconference meeting. Notice of the date and time 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 CONDUCT VIOLATION DECISIONAL MATRIX

Violation	Sanction	Eligible for Hearing?
Except for presentation during the security check in process by the exam administrator, Possession of cell phones or other electronic devices, including a tablet or additional computers in the examination room or accessing an electronic device in <u>from</u> personal belonging in <u>within</u> the secure exam area (i.e., cell phones, tablets, digital clocks, digital watches, activity trackers/Fitbits, etc.)	Receive score of zero for the session for which the Chapter 6 Notice was issued. The incident will also be referred to moral character.	No, indisputable
Possession of notes, or study aids	Receive score of zero for the session for which the Chapter 6 Notice was issued. The incident will also be referred to moral character.	No, indisputable
Altering answer files after time has been called	Receive score of zero for the session for which the Chapter 6 Notice was issued. The incident will also be referred to moral character.	No, indisputable

Violation	Sanction	Eligible for Hearing?
<p>Accessing any items (other than electronic devices or notes) in personal belongings in secure exam area</p>	<p>First-Time Offense: Receive a warning for the session for which the Chapter 6 Notice was issued and alert 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 a 10-point deduction from the "written scaled score" or the "Multiple Choice Questions (MCQ) scaled score" for which the Chapter 6 Notice was issued.</p>	<p>Yes</p>
<p>Typing or writing before the start of the exam or immediately after time is called</p>	<p>First-Time Offense: Receive a warning for the session for which the Chapter 6 Notice was issued and alert 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>If applicant was repeatedly instructed to stop typing or writing, applicant will receive a score of zero for that session.</p> <p>Repeat Offense: Receive a score of zero for that session for which the Chapter 6 Notice was issued and alert them to follow rules for any future exams and if repeated, a more serious sanction will be imposed.</p>	<p>Yes</p>

Violation	Sanction	Eligible for Hearing?
Bringing an unauthorized item into the exam room (except for electronic device, notes, or study aides)	<p>First-Time Offense: Receive a warning for the session for which the Chapter 6 Notice was issued and alert them 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 "written scaled score" if the violation was during the written portion of the exam or the "Multiple Choice Questions (MCQ) scaled score".</p>	Yes
<u>Uploading exam answer files after the upload deadline</u>	<p><u>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.</u></p> <p><u>If more than 2 weeks past the deadline, a score of zero for each session for which answers are not uploaded.</u></p>	No, indisputable
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.	<p>First-Time Offense: Receive a warning for the session for which the Chapter 6 Notice was issued and alert them 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 "written scaled score" if the violation was during the written portion of the exam or the "Multiple Choice Questions (MCQ) scaled score".</p>	Yes
No good faith effort on exam	<p>First-Time Offense: Receive a warning for the session for which the Chapter 6 Notice was issued and alerting them to follow rules for any future exams and if repeated, a more serious sanction will be imposed.</p> <p>Repeat Offense: Receive a sanction of a zero for each session during which there was no good faith effort demonstrated.</p>	Yes

Violation	Sanction	Eligible for Hearing?
Engaging in disruptive behavior at test center that continues following admonitions to cease such behavior	Receive a score of zero for the session for which the Chapter 6 Notice was issued and dismissal from the test center.	Yes
Engaging in suspected cheating - observed at test center	Receive a score of zero for the session for which the Chapter 6 Notice was issued and <u>possible</u> dismissal from the test center. Notice <u>may</u> be issued post-exam to avoid intervention while the exam is in session.	Yes
Engaging in suspected cheating - discovered post-exam	Applicant will be issued a Chapter 6 Notice and receive a score of zero for the session for which the Chapter 6 notice was issued.	Yes
[For remote exam only] 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
[For remote exam only] Attempting 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
[For remote exam only] 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
[For remote exam only] 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?
[For remote and in-person exams] Having food or beverages (other than water in a clear bottle with no label or writing), including but not limited to coffee in the exam room	<p>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.</p> <p>Repeat Offense: Receive score of zero for the session during which the Chapter 6 Notice was issued if they had food and beverage.</p>	Yes
[For remote exam only] 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
[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. The incident will also be referred to moral character.	No, indisputable

*Conduct resulting in any sanction may be reported to the State Bar's Moral Character Unit as a matter of course.



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

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Chapter 6. Conduct at Examinations

Guideline 4.70 Conduct required at examinations

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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.
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 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.
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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. The hearing will be held a teleconference meeting. Notice of the date and time 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 CONDUCT VIOLATION DECISIONAL MATRIX

Violation	Sanction	Eligible for Hearing?
Possession of cell phones or other electronic devices, in the examination room or 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.)	Receive score of zero for the session for which the Chapter 6 Notice was issued. The incident will also be referred to moral character.	No, indisputable
Possession of notes, or study aids	Receive score of zero for the session for which the Chapter 6 Notice was issued. The incident will also be referred to moral character.	No, indisputable
Altering answer files after time has been called	Receive score of zero for the session for which the Chapter 6 Notice was issued. The incident will also be referred to moral character.	No, indisputable

Violation	Sanction	Eligible for Hearing?
<p>Accessing any items (other than electronic devices or notes) in personal belongings in secure exam area</p>	<p>First-Time Offense: Receive a warning for the session for which the Chapter 6 Notice was issued and alert 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 a 10-point deduction from the "written scaled score" or the "Multiple Choice Questions (MCQ) scaled score" for which the Chapter 6 Notice was issued.</p>	<p>Yes</p>
<p>Typing or writing before the start of the exam or immediately after time is called</p>	<p>First-Time Offense: Receive a warning for the session for which the Chapter 6 Notice was issued and alert 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>If applicant was repeatedly instructed to stop typing or writing, applicant will receive a score of zero for that session.</p> <p>Repeat Offense: Receive a score of zero for that session for which the Chapter 6 Notice was issued and alert them to follow rules for any future exams and if repeated, a more serious sanction will be imposed.</p>	<p>Yes</p>

Violation	Sanction	Eligible for Hearing?
Bringing an unauthorized item into the exam room (except for electronic device, notes, or study aides)	<p>First-Time Offense: Receive a warning for the session for which the Chapter 6 Notice was issued and alert them 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 "written scaled score" if the violation was during the written portion of the exam or the "Multiple Choice Questions (MCQ) scaled score".</p>	Yes
Uploading exam answer files after the upload deadline	<p>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.</p> <p>If more than 2 weeks past the deadline, a score of zero for each session for which answers are not uploaded.</p>	No, indisputable
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.	<p>First-Time Offense: Receive a warning for the session for which the Chapter 6 Notice was issued and alert them 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 "written scaled score" if the violation was during the written portion of the exam or the "Multiple Choice Questions (MCQ) scaled score".</p>	Yes
No good faith effort on exam	<p>First-Time Offense: Receive a warning for the session for which the Chapter 6 Notice was issued and alerting them to follow rules for any future exams and if repeated, a more serious sanction will be imposed.</p> <p>Repeat Offense: Receive a sanction of a zero for each session during which there was no good faith effort demonstrated.</p>	Yes

Violation	Sanction	Eligible for Hearing?
Engaging in disruptive behavior at test center that continues following admonitions to cease such behavior	Receive a score of zero for the session for which the Chapter 6 Notice was issued and dismissal from the test center.	Yes
Engaging in suspected cheating - observed at test center	Receive a score of zero for the session for which the Chapter 6 Notice was issued and possible dismissal from the test center. Notice may be issued post-exam to avoid intervention while the exam is in session.	Yes
Engaging in suspected cheating - discovered post-exam	Applicant will be issued a Chapter 6 Notice and receive a score of zero for the session for which the Chapter 6 notice was issued.	Yes
[For remote exam only] 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
[For remote exam only] Attempting 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
[For remote exam only] 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
[For remote exam only] 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?
[For remote and in-person exams] Having food or beverages (other than water in a clear bottle with no label or writing), including but not limited to coffee in the exam room	<p>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.</p> <p>Repeat Offense: Receive score of zero for the session during which the Chapter 6 Notice was issued if they had food and beverage.</p>	Yes
[For remote exam only] 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
[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. The incident will also be referred to moral character.	No, indisputable

*Conduct resulting in any sanction may be reported to the State Bar's Moral Character Unit as a matter of course.