



DISTRICT OF COLUMBIA FEBRUARY 2024 BAR EXAM CODE OF CONDUCT AND ACKNOWLEDGEMENT

Bar Examination Conduct.

The bar exam is a closed book exam. Applicants must not use any study materials, books, bar prep course materials, assistance from others, electronic devices, or rely on any resources or cheating methods to respond to questions. Applicants are required to behave professionally in their interactions with fellow applicants and the Committee on Admissions staff. Applicants are responsible for reading all communications from the Committee on Admissions. Applicants must refrain from behavior that is disruptive to the exam, or that in any way interferes with the integrity and administration of the exam. Applicants are required to comply with all of the provisions contained in this Code of Conduct. Applicants who violate the Code of Conduct can be removed from the exam by security. There are 4 pages to this Memo. Please read all four pages carefully. You are also responsible for the information contained in the Exam Day Instructions and the Security Memo which are also linked to your exam ticket.

Entrance to the Exam.

Applicants must not attempt to enter the exam testing room on any day before the exam, or before 8:00am on the day of the exam.

You may use a digital copy of your exam ticket to enter the exam. Please memorize your SECTION and SEAT number. Security check in will begin at 8:00 AM. Exam instructions begin at 9:00 AM. Once exam instructions begin, NO ONE will be permitted to enter the exam. There are NO EXCEPTIONS. To gain access to the exam room, all applicants are required to present a photo government ID and a paper **or** digital copy of their exam ticket. Applicants with accommodations should also bring a copy of your accommodations grant letter. NOTE: In some cases, *applicants with accommodations* may have a different check-in time, which will be indicated on your exam ticket.

Cellphone Security

Before going to your seat, your cellphone must be stored in a secure pouch that will be provided at the testing site. **Therefore you must memorize your SECTION and SEAT NUMBER printed on your ticket.** Your phone will remain secured for the entire day.

COVID 19 Protocol

There are no COVID 19 protocols in place for this exam. Masks are OPTIONAL. Applicants who wish to wear masks are welcome to do so, however masks will not be provided at the testing sites.

Bar Examination Security Policy.

Applicants are expected to sit for all sessions of the bar examination and make a good faith effort to answer each portion of the examination. Applicants who do not appear on the first day of the exam will

not be admitted to the exam site on the second day of the exam. **Applicants who do not appear for a any section of the exam will not be admitted to the exam site for any subsequent sessions of the exam.** Answers for any portion of the exam are submitted for grading and scaling.

Laptop Usage

- Applicants including repeaters must register and install the ILG exam software for the February exam *before the exam* on a laptop with a compatible operating system.
- Applicants granted accommodations are responsible for confirming that the title of the exam software downloaded matches their accommodation grant.
- Applicants must take the written portion of the exam on a functioning computer that has been registered with ILG, unless they have been granted an exception to handwrite the exam.
- **It is the applicant's responsibility to upload their essays on time. Applicants who do not upload their essay exams by the deadline will receive a score of zero for all essays. All applicants who appear for the exam will receive a score even if they do not upload essays.**
- In the event of a technology failure, applicant will be required to handwrite their responses to the essay portions of the exam. All applicants should bring ballpoint pens and pencils to the exam. **Applicants are cautioned to not use ballpoint pens for the MBE.**

Prohibited behavior.

Applicants must observe exam protocols and respectfully cooperate with staff administering the exam. Engaging in any of the prohibited behaviors is a character and fitness violation and may result in a nullification of your scores. The following conduct is expressly prohibited.

1. Applicants must not wear a headset, headphones of any kind, earmuffs, hats, hoodies or anything that covers the head or ears, except for those who wear a head covering for religious reasons.
2. Applicants should avoid speaking during the exam except where assistance is needed from a proctor or a software support technician.
3. Applicants must not seek, obtain, copy or use answers or information from another applicant or any other person or source during the bar examination.
4. **Do not bring study materials to the exam. Applicants must not study in the exam room or in the building during breaks. Study materials will be confiscated. Confiscated materials will not be returned.**
5. **Applicants must not use their laptop for any non-exam purpose**, such as studying, reading e-mails, and/or accessing any internet site for the entire day of testing.
6. **Applicants must not remove their laptop from the testing room during the lunch break.**
7. Applicants must not open or attempt to exam materials before being instructed to do so, and must not continue working after time is called.
8. Applicants must not remove exam materials from the testing room or attempt to record or reproduce any exam materials.
9. Applicants must not leave personal items, ear plugs, tissues, pencils, food, or any other debris at their desk at the end of the testing day.
10. Applicants must not engage in any behavior that is disruptive to fellow exam takers.
11. Applicants must not leave their desks at the end of a testing period until dismissed by the exam administrator or proctor.

Suspected Cheating.

Where cheating is suspected, the incident will be thoroughly investigated by the Committee on Admissions and the applicant may be required to appear before the Committee for an informal hearing on character and fitness. Some examples of where cheating *may* be suspected include where an applicant:

- possesses study materials at the exam
- does not have a locked cellphone OR a “no cellphone” card at their desk
- has an unlocked cellphone after the exam begins
- removes their laptop from the exam room during the testing day (including during lunch break)
- continues writing after time is called
- opens exam materials before the exam begins
- removes exam materials from the testing room

The procedures set forth in D.C. App. Rule 46(i), (j) provide:

(i) Hearing by the Committee

- (1) In determining the moral character and general fitness of an applicant for admission to the Bar, the Committee may act without requiring the applicant to appear before it to be sworn and interrogated or may require the applicant to appear for an informal hearing. If the Committee is unwilling to certify an applicant after an informal hearing, it shall notify the applicant of (A) the adverse matters on which the Committee relied in denying certification, and (B) the choice of withdrawing the application or requesting a formal hearing. Notice shall be given by certified mail at the address appearing on the application. Within 30 days from receipt of the notice, the applicant may file with the Committee a written request for a formal hearing. If the applicant fails to file a timely request for a formal hearing, the applicant's application shall be deemed withdrawn. If the applicant requests a formal hearing within the 30-day period, the request shall be granted and the formal hearing shall be conducted by the Committee under the following rules of procedure:
 - (2) The Director shall give the applicant no less than 10 days' notice of:
 - (A) The date, time, and place of the formal hearing;
 - (B) The adverse matters upon which the Committee relied in denying admission;
 - (C) The applicant's right to review in the office of the Director those matters in the Committee file pertaining to the applicant's character and fitness upon which the Committee may rely at the hearing; and
 - (D) The applicant's right to be represented by counsel at the hearing, to examine and cross-examine witnesses, to adduce evidence bearing on moral character and general fitness to practice law and, for such purpose, to make reasonable use of the court's subpoena power.
 - (3) The hearing before the Committee shall be private unless the applicant requests that it be public. The hearing shall be conducted in a formal manner; however, the Committee shall not be bound by the formal rules of evidence. It may, in its discretion, take evidence in other than testimonial form and determine whether evidence to be taken in testimonial form shall be taken in person at

the hearing or by deposition. The proceedings shall be recorded and the applicant may order a transcript at the applicant's expense.

- (4) If after the hearing the Committee is of the opinion that an adverse report should be made, it shall serve on the applicant a copy of the report of its findings and conclusions and permit the applicant to withdraw an application within 15 days after the date of the notice. The Committee may, in its discretion, extend this time. If the applicant elects not to withdraw, the Committee shall deliver a report of its findings and conclusions to the court with service on the applicant.

(j) Review by the Court.

- (1) The Committee shall deliver a report of its findings and conclusions to the court for its approval in the case of any applicant for admission after a formal hearing.
- (2) After receipt of a Committee report, if the court proposes to deny admission, the court shall issue an order to the applicant to show cause why the application should not be denied. Proceedings under this Rule shall be heard by the court on the record made by the Committee on Admissions.
- (3) Except for the review by the court provided in this paragraph (j), no other review by the court of actions by or proceedings before the Committee shall be had except upon a showing
 - (A) of extraordinary circumstances for instituting such review and
 - (B) that an application for relief has previously been made in the first instance to the Committee and been denied by the Committee, or that an application to the Committee for the relief is not practicable.

Testing Environment

There will be several hundred testers the standard administration of the exam. Although the Committee on Admissions will make every effort to create the best possible testing conditions, some environmental conditions including noise, the room temperature, etc., may be out of the control of the staff. If you are experiencing some form of disturbance please feel free to tell your proctor. Testers are permitted to bring a sweater or jacket and their own earplugs to the exam. Permitted earplugs may be made of foam, or silicone. Earplugs must not have cords attached. Earplugs will not be provided at the testing venue.

Complaints.

The deadline for making complaints related to the exam is March 6, 2024, 5:00 PM Eastern Time. **There will be no exceptions to this deadline.** Complaints are to be emailed to the following email address only: sshanks@dcappeals.gov. Applicant complaints received timely will be thoroughly investigated.

Complaints related to exam conditions received *after results are released* will not be investigated. Results of the investigation of timely submitted complaints are generally provided 4 to 6 weeks after the exam.

Acknowledgement.

When you appear for the exam, you acknowledge and consent to the following statements:

I understand that I am required to use a computer to take this exam. I acknowledge that in the event of a mechanical failure or malfunction of my computer, software, or loss of power during the administration of the examination, I will be provided bluebooks to complete my exams. I acknowledge that none of these aforementioned conditions create grounds for reconsideration or modification of my score and will not provide a basis for litigation against the District of Columbia Committee on Admissions, the District of Columbia Court of Appeals and its agents, employees, officers, directors or affiliates. I understand that I will receive no additional time to complete the examination due to any unforeseen complications, for example, power failure, lost data, and/or other technical problems. I understand that I have a duty to ensure my computer is in proper working condition before the exam and that I followed all installation instructions.

I have read the above Code of Conduct and agree that by taking the District of Columbia February 2024 Bar Exam that I am consenting to all of the provisions contained within the entirety of the document.