

## **NOTICE**

At its meeting on October 9, 2009, the Connecticut Bar Examining Committee adopted the following new Article to its Regulations. This new provision is effective 90 days after publication and was published in the Law Journal on November 24, 2009.

### **ARTICLE VI. GUIDELINES FOR ASSESSMENT OF CHARACTER AND FITNESS**

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#### **Art. VI-14. CHEATING AND OTHER DISHONEST CONDUCT.**

(a) If it shall appear to the Committee that there is credible evidence which would establish that an applicant has:

(1) either by omission or commission falsified the application or proofs required for admission to the bar examination or misrepresented the applicant's eligibility to sit for the bar examination;

(2) either by omission or commission falsified the proofs required for admission to practice with or without examination;

(3) either by omission or commission falsified documentation submitted in support of a request for test accommodations under Art. I-4 or secured such documentation under false pretenses;

(4) brought unauthorized items or materials into the examination room or otherwise violated the Committee's examination security policy;

(5) broken the seal on the question book, opened the question booklet, or reviewed the questions in the question book prior to the announcement that the examination has begun, or otherwise violated any of the oral or written instructions given in connection with the administration of the bar examination;

(6) possessed in any manner, reviewed and/or utilized any unauthorized notes, books, recordings, electronically retrievable data or other unauthorized materials during the bar examination, or secreted such materials for such use;

(7) written or designated any answers to questions on the bar examination prior to the announcement of the beginning of the examination session or written or designated any answers or other information on an answer sheet or booklet after the announcement of the conclusion of the session;

(8) sought, obtained or used answers or information from or given answers or information to another applicant or any other person during the bar examination;

(9) removed any examination materials or notes made during the examination from the examination room;

(10) memorized questions for the purpose of reporting and/or reported the substance of questions to any person or entity engaged in, or affiliated with any person or entity engaged in, the preparation of applicants to take the bar examination or otherwise violated the copyright protection afforded to bar examination materials;

(11) engaged in fraud, dishonesty or other misconduct in connection with an application to or the administration of the Multistate Professional Responsibility Examination (MPRE) or to a bar examination of any other jurisdiction;

(12) sat for the bar examination without having a bona fide intention to seek admission to practice law in the State of Connecticut; or

(13) compromised or disrupted the process for admission to or administration of the bar examination;

the Committee shall serve written charges on such applicant by mail at the last address provided to the Committee by the applicant, stating with particularity the facts upon which such charges are based. The applicant's examination results shall be withheld pending the determination of the charges by the Committee.

(b) The applicant, no later than 30 days after the service of charges shall cause to be delivered to the Administrative Office of the Committee an answer, signed under oath, to such charges. Such answer shall identify with specificity the charges disputed by the applicant, who shall set forth any evidence which can be adduced by the applicant in contradiction of such charges. The applicant may include in such written answer a request that the Committee hold a hearing.

(c) In the event such applicant does not submit an answer signed under oath as provided in Subsection (b), the Committee shall deem the facts set forth in the written charges to be true.

(d) In the event such applicant does not request a hearing, and the Committee does not on its own motion determine to conduct a hearing, the Committee shall make a determination based on the evidence submitted. For all matters presented to the Committee, the rules of evidence shall be as in other administrative hearings as set forth in the Uniform Administrative Procedures Act. The Committee shall have the burden of proof by the preponderance of the evidence. If a hearing is held, the constitution of the panel hearing the matter shall be in accordance with Art. VI-5 (iv).

(e) If the applicant shall request a hearing, or if the Committee, on its own motion, determines to conduct a hearing, the Committee shall set a date for a hearing by the Committee or by three or more members of the Committee, who shall make a report and recommendation to the full Committee which shall render a written decision. Reasonable notice of the hearing shall be provided to the applicant.

(f) If the applicant shall be found guilty by reason of:

(1) applicant's admission that such charges are true, in whole or in part; or

(2) applicant's default in answering the written charges, in whole or in part; or

(3) determination of the Committee, after a hearing, or where no hearing was conducted, after the Committee's review of the evidence submitted, such determination shall be set forth in the Committee's written decision and one or more of the following penalties, and any other penalty which the Committee may deem appropriate, may be imposed:

(i) nullification of the examination taken or the application made by such applicant;

(ii) disqualification of the applicant from taking the Connecticut Bar Examination or applying for admission on motion for a period of five years from the date of such admission or determination, unless the Committee articulates reasons for a lesser period of time;

(iii) invalidation or striking of one or more answers of the examination taken by such applicant, or the reduction of applicant's final score by one or more points; and/or

(iv) transmission of a written report of the matter to the bar admission authority and/or disciplinary authority in every jurisdiction of the United States and, where applicable, to any foreign jurisdiction deemed appropriate by the Committee.

(g) The Committee shall notify the applicant of its decision in writing as soon as practicable.

(h) The applicant shall be entitled to be represented and advised by counsel, at his or her own expense, at every stage of the proceeding. Any person who voluntarily appears or who is compelled to attend, and submit proof or testimony, at any hearing held pursuant to Subsection (e) of this Part shall be entitled to be represented and advised by counsel, at his or her own expense.