

**NEW YORK STATE BOARD OF LAW EXAMINERS
1 EXECUTIVE CENTRE DR., SUITE 202
ALBANY, NY 12203**

November 12, 2002

Dear Dean Revesz:

I am writing to request your assistance in addressing some concerns we have had in the administration of the bar examination. We would appreciate it if you would communicate with your students on these subjects, as you deem appropriate.

First, commencing with the February 2003 bar examination, we will require all applicants to present government-issued identification in order to be admitted into the examination. Student and other forms of non-government issued photo identification **will not** be accepted. Applicants **must** have a passport, driver's license, non-driver's identification (issued by a motor vehicle department, sheriff's office, or police department), or military ID, **or they will not be permitted to take the examination.**

Second, our security policy prohibits cell phones in the examination room. We encourage applicants not to bring cell phones to the examination site. We will attempt to have check facilities at our test sites, and if check facilities are available, applicants appearing at the examination site with cell phones will be required to check them. We would suggest, in that event, that the phones be placed in a case clearly labeled with the owner's name. However, we cannot guarantee that such check facilities will be available at all examination sites, and security personnel will not permit phones or other items to be left outside the rest room unattended. The Board cannot take possession of or responsibility for applicants' personal property. Therefore, we strongly encourage applicants **not** to bring cell phones – or any other items prohibited by our security policy – to the examination site. Unattended cell phones or other property left outside the examination room will be discarded.

We have had instances of cheating and other misconduct on several recent examinations. These have included copying answers from other applicants' papers, leaving the room to check notes left in the applicant's car, using a cell phone during the examination, carrying notes into the examination room, opening examination booklets before the announcement is made to do so, and writing after time is called.

The Board takes such matters very seriously. Applicants allegedly engaged in such conduct are investigated and, where appropriate, prosecuted under our rule on Fraud and Dishonesty. We have recently imposed penalties ranging from a reduction of an applicant's raw MBE score to invalidation of the examination, barring the applicant from taking the examination again for a number of years, and reporting the matter to the Character and Fitness Committees in New York and to the bar admission authorities in all other jurisdictions.

It would be helpful if applicants were reminded of procedures that apply to closed-book timed tests and of the consequences of misconduct during the administration of the examination.

On a few occasions, when charges were placed against foreign-educated applicants, they have professed unfamiliarity with the procedures involved in strictly-timed, closed-book examinations, citing cultural differences. We have been told by such applicants that neither in their native countries nor in their LL.M. programs have they ever taken a timed test. We respectfully suggest that you would do these students a service by informing them of the protocol for taking a timed, closed-book test.

Any steps you might take to assist us in addressing these problems would be appreciated.

Sincerely,

Nancy Opie Carpenter
Executive Director

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