

BOARD OF BAR EXAMINERS REGULATIONS

	<u>page</u>
I. Eligibility for Admission	1
II. Bar Examination Security Regulations	2
III. Nonstandard Testing Accommodations	9
IV. MPRE Score Reporting Requirements	11
V. Refund of Fees for Motion Applicants	12
VI. Fee Schedule	12
VII. Foreign Law Graduates	13

I. Eligibility for Admission.

- A. The applicant has the burden to prove compliance with the requirements set forth in New Hampshire Supreme Court Rule 42. An applicant's eligibility to take the bar examination, or to be admitted by motion without examination, shall be determined in the first instance by the board's administrator and general counsel ("board counsel") or a member of the board's eligibility committee. Board counsel or the board member may request additional information from the applicant or from third parties prior to making a determination. Failure of an applicant to provide requested additional information shall be a basis for a determination that the applicant has failed to prove compliance with the requirements of the rule.

- B. If board counsel or the board member determines that the applicant is ineligible for admission, the applicant will be notified in writing of the decision and of the reason(s) for the decision. The decision shall become final unless, within fourteen days of the date of the notice of decision, the applicant files with board counsel an original and three copies of a request for reconsideration.

- C. An applicant's request for reconsideration must state with particularity the points of law or fact that the original decision maker overlooked or misapprehended, and may contain such argument in support that the applicant desires to present. The request for reconsideration must attest to the truth and accuracy of the statements made therein, be made under penalty of perjury, and be notarized.

- D. The request for reconsideration shall be referred to a panel of the Board consisting of three members of the eligibility committee (“panel”), designated by the chair or co-chair of the eligibility committee. The panel shall not include any board member who was involved in making the original eligibility determination.
- E. The panel shall notify the applicant in writing of its decision within 30 days of receipt of the request for reconsideration. The decision of the panel shall become final unless the applicant files a petition for review with the New Hampshire Supreme Court within 20 days of the date of the panel’s notice of decision in accordance with Supreme Court Rule 42 (IV)(c). A copy of the petition for review filed with the Supreme Court must be sent to board counsel.

II. Bar Examination Security Regulations.

A. Bar Examination Conduct.

Applicants are required to act professionally and to maintain, at all times, a quiet and respectful demeanor in their interactions with other applicants, proctors, and examination personnel. Conduct that violates security or disrupts the administration of the examination may result in immediate disqualification and removal from the examination, impoundment of examination results, and/or a report to the Character and Fitness Committee of the New Hampshire Supreme Court. Such conduct includes violation of the Bar Examination Security Policy, cheating, failing to follow all rules and instructions governing the administration of the examination, or otherwise compromising the security or integrity of the bar examination.

B. Bar Examination Security Policy.

1. Applicants are required to:

- (a) Report to their assigned room and seat for all sessions.
- (b) Have their official government issued photo identification with them at all times.
- (c) Sit for all sessions of the bar examination and make a good faith effort to answer each portion of the

examination. If an applicant is late for any reason, he or she will not be permitted to make up the lost time. If an applicant is more than one hour late for any section of the examination, he or she will not be permitted to sit for the remainder of the examination.

- (d) Have dark ink ballpoint or roller pens on Tuesday and No. 1 or No. 2 (soft lead) pencils (not mechanical) on Wednesday (no pencils on Tuesday; no pens on Wednesday).

2. Applicants are permitted to have in the test room:

- (a) A clear plastic bag which will be placed on the desk during testing and will be visible at all times, containing only the following items with no packaging or wrapping:
 - i. Government Issued Photo I.D.
 - ii. Keys.
 - iii. Earplugs (Headphones, or “shooter muffs” are not allowed).
 - iv. Any medication.
 - v. Tissues and personal hygiene products.
 - vi. Cough drops, gum, candies, etc.
 - vii. Money.

NOTE: Nothing within the plastic bag, other than the I.D. and money, may have printing on it. If an applicant has medication or any other permitted object with printing on it that cannot be removed, i.e. an asthma inhaler, the applicant must obtain prior authorization from board counsel or the head proctor to bring the items into the testing room.

- (b) A lunch (which will be stored at the front of the test room and may not be accessed during test time).
- (c) A jacket or coat (which will be stored at the front of the test room and may not be accessed during test time).
- (d) One non-digital watch (Clocks showing “testing time” will be located in each exam room).
- (e) Beverage in a completely resealable plastic container with no printing on the container. (Glass containers and coffee cups are not allowed).
- (f) Exam takers are encouraged to leave wallets, purses, tote bags, backpacks, duffle bags, briefcases, and computer cases at home or in locked vehicles. If these items are brought into the exam facility, you will be required to

leave them in a designated area of the test room during the exam and will not have access to them.

- (g) No prohibited items may be brought into the test room. Any items, containers, or bags, brought into the test room are subject to search. The Board of Bar Examiners is not responsible for the security of any items brought into the examination, or left in a vehicle, by an exam taker.

3. Rules for Laptop Users (Tuesday only).

- (a) Any applicant taking the essay portion of the examination on his or her laptop must bring the laptop and the compatible power cord (transformer). The laptop battery should be fully charged in case there is a power interruption. The applicant may also bring a compatible mouse and full size or ergonomic keyboard, both of which may be wireless.
- (b) Prohibited Items: Applicants may not bring a laptop other than the one certified for the exam. Backup laptops, external hard drives, floppy diskettes, flash (USB) drives, CDs, DVDs, or any other media are prohibited. Unauthorized media will be confiscated and will not be returned.
- (c) Applicants using a MacBook Pro with a touch bar must notify general counsel for the Office of Bar Admissions by email prior to the exam that they will be using that device. The touch bar must be disabled before entering the exam facility, and must not be enabled until after the applicant leaves the facility. ExamSoft engineers and proctors will verify at the exam that the function has been disabled. Violation of this provision will be considered cheating on the exam.

4. Applicants are NOT permitted to have in the test room:

- (a) Any container which is not transparent, any food wrapper, gum wrapper, etc., any containers holding medication or anything else with printing on it, except as authorized by permission under Rule of Conduct B(2)(a).
- (b) Books, notebooks, notes in any form, magazines, newspapers or any other reading material, bar review or other study material in any format or media.
- (c) Any type of electronic or programmable device, including, but not limited to, cell phones, pagers, calculators, alarm watches, digital watches, Apple watches, headsets of any

kind, USB drives, flash drives, cameras, radios, recording devices, any type of personal digital assistant, wireless email or other communication devices, etc. (EXCEPT AS SET FORTH IN LAPTOP RULES ABOVE).

- (d) Erasable ink pens, felt tip pens, white out, liquid paper, correction tape, mechanical pencils, or highlighters.
- (e) Headphones or headsets.
- (f) Imaging devices.
- (g) Scratch paper. (Scratch paper will be provided to you on Tuesday; it is completely prohibited on Wednesday).
- (h) Weapons of any kind.

If an applicant has any prohibited items in the testing room, the proctor, head proctor or board counsel, will remove and secure the item. Any prohibited items will be returned to the applicant at the discretion of the Board of Bar Examiners.

5. Prohibited behavior.

Applicants may not:

- (a) Wear caps, hats, hoods, and/or any other type of headgear during the examination, except for religious reasons. Any request for exception must be approved by board counsel or the head proctor.
- (b) Smoke in the examination rooms, lobby area, hallways and/or restrooms.
- (c) Leave the examination room during the last fifteen minutes of any session or other time frame established by the proctors. Applicants must remain seated and cannot use the restroom during the last fifteen minutes of the test session.
- (d) Remove any question book, answer book, answer sheet, or scratch paper, from the examination room.
- (e) Seek, obtain, or use answers or information from another applicant or any other person or source during the bar examination.
- (f) During any bar examination testing session, communicate through any means whatsoever, including any visual, aural, verbal, electronic, or any other type of communication, with another applicant or any other person, other than test administration staff and proctors.
- (g) Break the seal of or open a question book prior to the announcement that the examination has begun, or otherwise violate any of the oral or written instructions

given in connection with the administration of the bar examination.

- (h) Continue writing or typing after time is called.
- (i) Create a disruption of the bar examination. Should a disruption occur during the bar examination, the head proctor and/or board counsel shall record the incident and shall notify the Chair or Vice-Chair of the Board of Bar Examiners. The head proctor and board counsel have authority to end a disruptive individual's testing session prior to the completion of the examination, or to remove him or her from the examination room and to reseat the individual in a separate room.

6. Examination Room Conditions.

Although every effort will be made to ensure that the temperature in the examination room will be comfortable, everyone is comfortable at different temperatures. Therefore, applicants should dress accordingly (layers of clothing are recommended). In consideration of other applicants, please avoid wearing body fragrances such as perfumes, after shaves, etc. Additionally, to avoid disruption of other applicants, applicants should walk quietly when entering and leaving the examination room and testing facility.

C. Violation, Hearing, and Appeal.

1. Report of Possible Violation.

- (a) If board counsel or the head proctor determines that there is a reasonable basis to believe that an applicant has violated the bar examination security regulations, he or she will notify the Chair or Vice-Chair of the Board of Bar Examiners. At any time before, during or after the bar examination, board counsel and/or the head proctor may take any action that they deem necessary to protect the security and integrity of the examination, including, but not limited to, taking possession of any property of the applicant at the exam site, and ending an applicant's testing session prior to completion of the examination.

2. Referral and Charges.

- (a) Upon notification from board counsel or the head proctor of a possible violation of the bar examination security regulations, the Chair or Vice-Chair of the board shall

determine whether there is credible evidence that would establish that the applicant has violated the bar examination security regulations. If the Chair or Vice-Chair determines that there is credible evidence of a violation, he or she shall instruct board counsel to prepare a written notice of charges. The Chair or Vice-Chair of the board may impound the applicant's bar examination results while the matter is pending.

- (b) The written notice of charges shall set forth the regulations alleged to have been violated and shall state with particularity the facts upon which the charges are based. The Chair or Vice-Chair of the board, may confer with the Chair of the testing committee, and seek any assistance he or she deems necessary to finalize the written notice of charges, including but not limited to requesting the assistance of the committee in investigating the matter. The Chair or Vice-Chair of the board may dismiss the charges, or may amend, finalize, and sign the written notice of charges. Board counsel shall serve the written notice of charges on the applicant by mailing it by first class mail to the last address provided to the board by the applicant.
- (c) The applicant, no later than thirty days after the date of the written notice of charges, shall file with board counsel an original and five copies of an answer to the charges, signed under oath. The applicant shall identify with specificity the alleged violations and facts disputed by the applicant, and set forth any evidence in contradiction of the charges. The applicant may request a hearing on the charges.
- (d) The Chair or Vice-Chair of the board shall appoint a panel of the Board to consider the matter, consisting of at least three members of the board ("panel").
- (e) In the event that the applicant does not submit a written answer as provided in subsection (c) above, the panel shall deem the alleged violations and facts set forth in the written charges to be true.
- (f) In the event that the applicant files an answer and does not request a hearing, the panel may determine without a hearing whether the applicant committed the violations alleged, or may schedule a hearing on its own motion.

- (g) If no hearing is held, the panel shall determine, by a preponderance of the evidence, whether the applicant violated the bar examination security regulations and shall issue a written decision setting forth its decision, factual findings, and the sanction to be imposed.

3. Hearing.

- (a) If the applicant requests a hearing, or if the panel decides to conduct a hearing, it shall set a date and time for the hearing.
- (b) Board counsel shall provide reasonable notice of the date and time of the hearing to the applicant, and shall notify the applicant of his or her right to be represented by counsel at the hearing, to examine and cross-examine witnesses, and to present evidence.
- (c) The panel shall determine by a preponderance of the evidence whether the applicant violated the Bar Examination Security Regulations. After the hearing, the panel shall issue a written decision setting forth its decision, factual findings, and the sanction to be imposed.
- (d) The New Hampshire Rules of Evidence shall not apply at the hearing. The panel may, in its discretion, accept evidence in other than testimonial form, and may rely on records and other materials furnished to the panel. The panel may, in its further discretion, determine that evidence to be taken in testimonial form will be taken in person at the hearing, by telephone or video conference, or upon deposition, but in any event all testimonial evidence shall be taken under oath. A recording of the hearing shall be made.

4. Findings and Decision.

- (a) If the panel finds that the applicant has violated the bar examination security regulations, it may take such action as it deems appropriate for the violations, including but not limited to the following actions:

- i. forfeiture of all fees paid by the applicant;
- ii. nullification of the results of the examination taken or the application made by the applicant;
- iii. disqualification of the applicant from taking the New Hampshire bar examination or applying for admission on motion for a period not to exceed five years;
- iv. transmission of a written report of the matter to the New Hampshire Supreme Court Committee on Character and Fitness;
- v. transmission of a written report of the matter to the bar admission authority and/or disciplinary authority in any jurisdiction of the United States, and, where applicable, to any foreign jurisdiction deemed appropriate by the board; and/or
- vi. any further action that the panel deems appropriate.

(b) The Chair or Vice-Chair of the board shall provide the applicant with the decision by first class mail at the last address provided by the applicant as soon as practicable.

5. Supreme Court Review.

The decision of the panel shall become final unless the applicant files a petition for review with the New Hampshire Supreme Court within twenty days of the date of the chair's notice of the decision, pursuant to New Hampshire Supreme Court Rule 42 (IV)(c) and (VII)(c). If the applicant files a petition for review with the New Hampshire Supreme Court, a copy of the petition for review filed with the supreme court must be sent to board counsel.

III. Nonstandard Testing Accommodations.

- A. The procedures for requesting nonstandard testing accommodations, and the applicable forms, are available on the New Hampshire Supreme Court website at <http://www.courts.state.nh.us/nhbar/accommodate.htm>. The applicant's request for nonstandard testing accommodations and all supporting forms and documents, must be filed with board counsel by the deadline for submission of the bar exam application. One complete copy of the request for accommodations and supporting forms and documents must also be submitted to the Chair of the Board of Bar Examiners ("Chair").

- B. No request for testing accommodations that is received by board counsel, or the Chair, after 4:30 p.m. on May 1 for the July examination, or after 4:30 p.m. on December 1 for the February examination, will be accepted. No extensions will be granted for accommodations requests, and no late requests will be considered. If an applicant submits a timely request for accommodations, no claim of a new disability, submitted after the deadline, will be considered. Applicants should be aware that some of the accommodation request forms require input from third parties. Therefore, the applicant should provide the applicable forms to those individuals well in advance of the deadline.
- C. The burden of proof is on the applicant to establish a disability as defined by the Americans with Disabilities Act, (“ADA”) and the need for testing accommodations.
- D. The Chair shall review requests for testing accommodations on a case-by-case basis. The Chair may request additional documentation and may refer the applicant’s records to a medical or other specialist for evaluation at the expense of the Board. The Chair will issue a written statement granting, denying, or modifying the request for accommodation.
- E. If the Chair denies or modifies the request for accommodation, the decision shall become final unless, within fourteen days of the date of the Chair’s decision, the applicant files with board counsel an original and three copies of a written appeal of the Chair’s decision, responding to the Chair’s stated reason(s) for denial or modification. The appeal must state with specificity the points of law or fact that the Chair overlooked or misapprehended, and may contain such argument in support that the applicant desires to present. The appeal may be supported by a report from the applicant’s physician or licensed treating professional clarifying facts and identifying documentation, if any, which the Chair allegedly overlooked or misapprehended. The appeal may not present any new diagnosis or disability that was not discussed in the original application. The appeal must attest to the truth and accuracy of the statements made therein, be made under penalty of perjury, and be notarized.
- F. In response to an appeal, the Chair of the accommodations committee will appoint a panel made up of at least three members of the accommodations committee. The applicant must

meet his or her burden of proving a disability and the need for testing accommodations by a preponderance of the evidence. The panel will review the request de novo. If the applicant does not request a hearing, the panel shall consider the written record and shall render a decision. If the applicant requests a hearing, the hearing will be scheduled with the panel and will take place prior to the New Hampshire Bar Examination. The hearing may be conducted by teleconference at the sole discretion of the panel. Written notice of the date, time, and place of the hearing will be sent to the applicant at the last address provided to the Board by the applicant.

- G. If a hearing is held, the applicant may be represented by counsel and may call witnesses. The formal rules of evidence shall not apply. The hearing will be recorded, and a copy of the recording will be provided to the applicant upon request. The panel shall issue a written decision and shall serve a copy of its decision on the applicant by sending the decision by first-class mail to the last address provided by the applicant.
- H. The decision of the panel shall become final unless the applicant files a petition for review with the New Hampshire Supreme Court within twenty days of the date of the panel's notice of decision in accordance with 42 (IV)(c). A copy of the petition for review filed with the Supreme Court must be sent to board counsel.

IV. MPRE score reporting requirements.

- A. All applicants to the New Hampshire Bar are required to obtain a score of 79 or greater on the Multistate Professional Responsibility Examination ("MPRE") to be admitted. The applicant has the burden to prove that he or she has obtained a score of at least 79 on the MPRE.
- B. The applicant may obtain a score report from the National Conference of Bar Examiners ("NCBE") to be reported directly to the New Hampshire Office of Bar Admissions to prove that he or she has complied with this requirement.
- C. If an applicant's score report is no longer available from the NCBE, the applicant may provide alternative reliable documentation to the Office of Bar Admissions to demonstrate that he or she took the MPRE and received a score of at least 79. It is solely within the discretion of board counsel to determine whether the alternative documentation provided by the applicant is sufficient to meet his or her burden of proof. If board counsel

determines that a motion applicant has not met his or her burden, the motion application will be returned to the applicant, or held in abeyance, and the applicant will be required to take and pass the MPRE before resubmitting the application, or having the application further considered. If board counsel determines that a bar examination applicant has not met his or her burden, the applicant will be required to take the MPRE and will not be eligible for admission until he or she has received a score of 79 or greater on the exam.

- D. The following documentation will be considered presumptively reliable:
1. A copy of the unofficial score report that was provided to the applicant by the NCBE, and an affidavit signed by the applicant attesting to the fact that the applicant took the exam at the time stated on the report, and received the score noted on the report.
 2. Documentation from a jurisdiction in which the applicant was admitted which sets forth the applicant's MPRE score, or demonstrates that, at the time of admission, the applicant was required to take the MPRE to be admitted, and that the jurisdiction, at that time, had a passing score of 79 or greater.

V. Refund of Fee for Motion Applicants

If an applicant files a motion for admission without examination, or a motion for admission by transferred Uniform Bar Examination score and a determination is made that the applicant is not eligible for admission, the Board of Bar Examiners will refund to the applicant one-third of the application fee.

VI. Fee Schedule

- | | |
|--|------------|
| A. Application to take the New Hampshire Bar Examination: | \$ 725.00 |
| B. Motion for Admission Without Examination: | \$ 1225.00 |
| C. Admission by Daniel Webster Scholars Honor Program: | \$ 725.00 |
| D. Admission by transferred UBE score: | \$ 725.00 |
| E. Administrative fee to postpone taking the bar examination to the immediately subsequent administration, pursuant to N.H. Supreme Court Rule 42 (VIII)(b): | \$ 100.00 |
| F. MBE Score Report: | \$ 25.00 |
| G. MPRE Score Investigation: | \$ 25.00 |

H. Copy of Archived Bar Application:	\$ 25.00
I. Copy of Recent Bar Application:	\$ 10.00

VII. Foreign Law Graduates

The following documentation is required to demonstrate educational sufficiency pursuant to New Hampshire Supreme Court Rule 42(V)(c), and shall be provided by the applicant.

- A. Official Transcripts. An official transcript from every college, university, and law school (foreign or American) attended. The transcript must include the courses taken, the grade for each course, the degree awarded, the date of the degree, and the dates of attendance.
- B. Diplomas. Copies of all diplomas, degree certificates, or other evidence of completion created by the educational institution.
- C. Course Descriptions. Official descriptions of all courses, if not included in the transcripts.
- D. Information about method of learning, i.e. whether in a classroom setting or by distance learning.
- E. Certificate of Admission and Certificate of Good Standing. Official certificates must be provided from each jurisdiction in which the attorney is admitted. If the certificate of good standing provides the date of admission, only the certificate of good standing need be provided.
- F. Resume. A resume detailing the applicant's work history.
- G. Official English translation. Any documentation in a foreign language must be accompanied by a certified translation.

- H. Affidavit signed under oath, attesting that the requirements of Rule 42(V)(c) have been met. For applicants attempting to demonstrate educational sufficiency under Rule 42(V)(c)(3), the affidavit must identify which courses in the applicant's transcripts meet the course requirements set forth in the rule, and how the courses fulfill the specific requirements. For applicants attempting to demonstrate educational sufficiency under Rule 42(V)(c)(4), each of the criteria set forth in paragraphs (A) through (E) must be addressed in the affidavit so that a determination may be made as to whether the applicant's training in the fundamentals of American law is reasonably equivalent to that provided by education at a law school accredited by the American Bar Association.
- I. Any other information or documentation that may be necessary to demonstrate educational sufficiency.