

In the Matter of the Amendment
of the
HAWAII BOARD OF BAR EXAMINERS RULES
OF PROCEDURE

ORDER AMENDING THE HAWAII BOARD OF BAR
EXAMINERS RULES OF PROCEDURE

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

IT IS HEREBY ORDERED that the Hawaii Board of Bar Examiners Rules of Procedure are amended, effective January 1, 2006, by adding a new Part 5, entitled Examination Administration, as set forth below:

PART 5

EXAMINATION ADMINISTRATION

Section 5.1. Examination Administrator.

The Clerk shall be the Bar Examination Administrator. The Clerk may delegate or assign any or all of the duties set forth herein to the Clerk's employees or other Judiciary employees, members of the Board of Bar Examiners, members of the Bar, volunteers, or law enforcement officers.

Section 5.2. Examination Security.

The Clerk shall take reasonable measures to secure the examination materials and the examination site to protect the integrity of the examination and the examination process. The Clerk shall arrange for the examination site and shall provide proctors to supervise the examination. The Clerk shall impose such other restrictions as the Clerk deems necessary to protect the integrity of the examination process.

Section 5.3. Incident Reports.

The Clerk shall report to the court and the Board any incident or event that could call the integrity of an applicant or the examination process into question.

Section 5.4. Disruptive Behavior.

The Clerk shall cause to be removed from the examination site any disruptive person, any person who refuses to surrender prohibited items, any person who refuses to follow instructions, or any person who interferes in any manner with administration of the examination. The Clerk may prohibit any such person, including any applicant, from further attending the examination.

Section 5.5. Prohibited Items and Activities.

(a) During the examination, the Clerk shall not allow any applicant, to

- (1) possess a cell phone, walkie talkie, pager, or other communications device;
- (2) possess photograph, video, or other recording equipment;
- (3) possess any personal study aid or personal written materials, except those provided by the Board of Examiners;
- (4) possess personal items, including but not limited to food, drinks, time keeping devices other than a wristwatch, highlighting markers, color pens or pencils, cigarettes, matches, lighters, weapons, hats, caps, or scarves;
- (5) communicate with another applicant or with anyone other than staff members and proctors,
- (6) review or open test materials or begin any test before being instructed to do so;
- (7) continue the test after time is called; or
- (8) disrupt the proceedings.

(b) This rule does not preclude use of communication devices or personal items previously authorized as non-standard testing accommodations.

DATED: Honolulu, Hawaii, December 7, 2005.