

1       **Rule 14-706. Test accommodations.**

2       (a) Disabilities and impairments. An Applicant who has mental, physical, or cognitive  
3 disabilities as defined by the Americans with Disabilities Act ("ADA") may request test  
4 accommodations. The request, including all supporting medical documentation, shall be  
5 made in writing at the time of application in the format prescribed by the Bar. The  
6 decision on such requests shall be made by the Test Accommodations Committee. Test  
7 accommodation requests received after the application filing deadline shall not be  
8 considered until the review period prior to the immediately following examination. An  
9 Applicant requesting test accommodations who withdraws within 60 days prior to the  
10 examination date may be charged a fee equivalent to any nonrefundable expenses the Bar  
11 has incurred responding to the accommodation request. The Applicant must demonstrate  
12 that:

13       (a)(1) she or he is disabled as defined by the ADA; and

14       (a)(2) the disability impacts her or his ability to take the Bar Examination; and

15       (a)(3) the accommodation requested is necessary to meet the limitation caused by the  
16 disability.

17       (b) English as a second language. English as a second language is not a cognitive  
18 disability or impairment.

19       (c) Review. An Applicant may request a review of the decision. The review will be  
20 conducted in accordance with Rule 14-715. ~~Petition for reconsideration and appeal~~  
21 procedure; accommodation requests. An Applicant must file a petition for reconsideration  
22 of the decision within ten calendar days of the date of the notice of the Test  
23 Accommodations Committee. The petition for reconsideration shall contain a short and  
24 plain statement of the reasons the Applicant is entitled to relief.

25       ~~(e)(1) Burden of proof. The Applicant bears the burden of proving at the hearing by~~  
26 ~~clear and convincing evidence each of the elements set forth above in (a)(1) through~~  
27 ~~(a)(3);~~

28       ~~(e)(2) Reconsideration hearing process. The review panel consisting of no fewer than~~  
29 ~~three members of the Admissions Committee may consider only the documentation the~~  
30 ~~Applicant submitted at the time she or he requested accommodation and the decision of~~  
31 ~~the Test Accommodations Committee. The Applicant and the Test Accommodations~~  
32 ~~Committee may present expert witnesses to support their respective positions. The~~  
33 ~~name(s) of the expert(s) must be disclosed to the respective parties at least five calendar~~  
34 ~~days before the hearing. Any attempt to change the original accommodation request or~~  
35 ~~submit new medical documentation will be considered a new request for accommodation.~~  
36 ~~The new request must be resubmitted to the Test Accommodations Committee for review~~  
37 ~~and is subject to the time deadlines set forth in Rule 14-706(a).~~

38 ~~(e)(3) Reconsideration decision. The review panel shall affirm the decision of the~~  
39 ~~Test Accommodations Committee if there is substantial and credible evidence to support~~  
40 ~~it. The Admissions Committee review panel shall issue a written decision 15 calendar~~  
41 ~~days after the completion of its reconsideration. The review panel shall provide its written~~  
42 ~~findings and recommendation to three members of the Board. The Board panel shall~~  
43 ~~make a decision on behalf of the Bar and notify the petitioner in writing of its final~~  
44 ~~decision.~~

45 ~~(e)(4) Appeal process. Within 30 calendar days after the date of the Board's final~~  
46 ~~decision, the Applicant may appeal to the Supreme Court by filing a notice of appeal with~~  
47 ~~the clerk of the Supreme Court and serving a copy upon the General Counsel for the Bar.~~  
48 ~~At the time of filing the notice of appeal, the Applicant shall pay the prescribed filing fee~~  
49 ~~to the clerk of the Supreme Court. The clerk will not accept a notice of appeal unless the~~  
50 ~~filing fee is paid.~~

51 ~~(e)(5) Record of proceedings. A record of the proceedings shall be prepared by the~~  
52 ~~Bar and shall be filed with the clerk of the Supreme Court within 21 calendar days~~  
53 ~~following the filing of the notice of appeal.~~

54 ~~(e)(6) Appeal petition. An appeal petition shall be filed with the Supreme Court~~  
55 ~~within 30 calendar days after the record of proceedings has been filed. The appeal~~  
56 ~~petition shall state the name of the petitioner and shall designate the Bar as respondent.~~  
57 ~~The appeal petition must contain the following:~~

58 ~~(e)(6)(A) a statement of the issues presented and the relief sought;~~

59 ~~(e)(6)(B) a statement of the facts necessary to an understanding of the issues~~  
60 ~~presented by the petitioner;~~

61 ~~(e)(6)(C) the legal argument which the petitioner believes demonstrates that she or he~~  
62 ~~has a disability under the ADA and qualifies for the specific accommodations requested;~~  
63 ~~and~~

64 ~~(e)(6)(D) a certificate reflecting service of the appeal petition upon the General~~  
65 ~~Counsel.~~

66 ~~(e)(7) Response petition. Within 30 calendar days after service of the appeal petition~~  
67 ~~on the General Counsel, the Bar, as respondent, shall file its response with the clerk of~~  
68 ~~the Supreme Court at the time of filing. Respondent shall serve a copy of the response~~  
69 ~~upon the petitioner.~~

70 ~~(e)(8) Format of appeal and response petitions. Except by permission of the Supreme~~  
71 ~~Court, the appeal petition and the Bar's response petition shall not exceed 25 double-~~  
72 ~~spaced pages, each. These documents shall be typewritten on 8 ½ inches by 11 inches~~  
73 ~~paper. The text, including footnotes, shall be in type no smaller than ten characters per~~  
74 ~~inch for monospaced typeface and 13 point or larger for proportionally spaced typeface.~~

75 ~~An original and six copies of the appeal petition and the response petition shall be filed~~  
76 ~~with the clerk of the Supreme Court.~~

77 ~~(e)(9) The clerk of the Supreme Court will notify the parties if any additional briefing~~  
78 ~~or oral argument is required. Upon entry of the Court's decision, the clerk shall give~~  
79 ~~notice of the decision.~~

80 (c)(1) The review will only reexamine the documentation the Applicant submitted at  
81 the time she or he requested accommodation, the written opinion of the Committee's  
82 psychologist, the written recommendation of the Test Accommodations Committee and  
83 the Bar's written decision.

84 (c)(2) Any attempt to change the original accommodations request or submit new  
85 medical documentation will be considered a new request for accommodation. The new  
86 request must be resubmitted to the Test Accommodations Committee for review and is  
87 subject to the deadlines set forth in Rule 14-706(a).