

BOARD RULE 10. APPLICATION AND EXAMINATION MISCONDUCT

(a) In accordance with the procedures set forth in this Rule, the Board may charge an applicant with having engaged in fraud, dishonesty, or other misconduct when it appears to the Board that there is credible evidence establishing that the applicant has:

(1) either by omission or commission falsified the application or proofs required for eligibility for admission to the Maryland bar by the Uniform Bar Examination (UBE), or otherwise provided untruthful information in corresponding with the Board;

(2) either by omission or commission misrepresented the applicant's eligibility to sit for the UBE in Maryland or the Maryland Law Component (MLC);

(3) either by omission or commission falsified the application or proofs required for admission by transferred UBE score, or misrepresented the applicant's eligibility to apply for admission by transferred UBE score;

(4) either by omission or commission falsified the proofs required for admission to practice without examination or misrepresented the applicant's eligibility to be admitted to practice without examination;

(5) either by omission or commission falsified documentation submitted in support of a request for test accommodations under Maryland Rule 19-206 and/or Board Rule 3, or secured such documentation under false pretenses;

(6) obtained through fraud or deceit and possessed or used at the UBE in Maryland any document, software, or other material for use at the UBE in Maryland, including but not limited to exam tickets/seat number letters, letters granting accommodations, and/or laptop security or other examination software;

(7) brought any item or material prohibited by the Board through any security checkpoint at the UBE in Maryland, or possessed any such item or material at any time between the commencement and conclusion of a testing session at the UBE in Maryland;

(8) reviewed and/or accessed, intentionally or inadvertently, any item or material, including any electronic document, prohibited by the Board at any time after passing through any security checkpoint at the UBE in Maryland, or did so at any time between the commencement and conclusion of a testing session of the UBE in Maryland, or

secreted any such item or material with the intent to review and/or use it;

(9) broken the seal on the question booklet, opened the question booklet, or reviewed the questions in the question booklet prior to the announcement that the UBE in Maryland session has begun;

(10) written, typed or designated any answers to questions or other unauthorized information on any UBE in Maryland materials, answer sheet or booklet prior to the announcement that the UBE in Maryland session has begun;

(11) written, typed or designated any answers to questions or other information on any UBE in Maryland materials, answer sheet or booklet after the announcement of the conclusion of the UBE in Maryland session;

(12) entered the examination software prior to the instruction to do so or failed to exit the examination software when instructed to do so;

(13) sought, obtained, or used answers or information from another applicant or other person, including but not limited to by surreptitiously copying another's answers, during the UBE in Maryland or the MLC;

(14) given answers or information to another applicant or any other person, including but not limited to by permitting another to copy the applicant's answers, during the UBE in Maryland or the MLC;

(15) otherwise violated any of the oral or written instructions given in connection with the administration of the UBE in Maryland or the MLC, or violated the copyright protections afforded to the UBE or MLC;

(16) removed or attempted to remove any complete or partial UBE materials or notes made during the UBE in Maryland from the examination room;

(17) reported the substance of bar examination or MLC questions or answers to any person or entity engaged in, or affiliated with any person or entity engaged in, the preparation of applicants to take the UBE in Maryland and/or the MLC;

(18) compromised or disrupted the process for admission to or administration of the UBE in Maryland;

(19) otherwise violated the Board's UBE in Maryland security policy or other written examination notice;

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

(21) sat for the UBE in Maryland without having a bona fide intention to seek admission to practice law in the State of Maryland;

(22) violated the Board's civility policy; or

(23) failed to cooperate in a misconduct investigation made pursuant to this Board Rule, or made a false statement in connection with a misconduct investigation.

(b) Notice of Charges. The applicant shall be served with written notice of such charges by regular mail and email at the last address provided to the Board by the applicant. The charges shall state with particularity the facts upon which they are based. The applicant's examination results shall be withheld pending the decision on the charges by the Board.

(c) The applicant shall be entitled to be represented and advised by counsel, at the applicant's own expense, at every stage of the proceeding.

(d) Applicant's Answer. The applicant, no later than 30 days after the service of charges, shall cause to be delivered to the office of the Board a written answer to such charges. The answer shall be signed under oath upon personal knowledge pursuant to Maryland Rule 1-304. 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.

(e) Hearing. The applicant may request in such written answer a hearing before the Board to dispute any factual issue. Failure to request a hearing in the answer constitutes a waiver of any hearing. Upon receipt of an answer, the Board shall disclose to the applicant the evidence in its possession that forms the basis of the charges.

(f) In the event such applicant does not submit a written answer as provided in section (d) the Board shall deem the facts set forth in the written charges to be true.

(g) In the event such applicant does not request a hearing as provided in section (d) the Board may render a decision based on the evidence submitted, or may, of its own accord, decide to conduct a hearing.

(h) If the applicant requests a hearing or if the Board, of its own accord, determines to conduct a hearing, the Board shall set a date for a hearing. Reasonable notice of the hearing shall be provided to the applicant. The hearing shall be conducted before a quorum of the Board. The Board is not bound by the formal rules of evidence.

(i) If the applicant is found to have breached any provisions contained in section (a) of this Rule by reason of:

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

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

(3) a decision of the Board, after a hearing, or, where no hearing was conducted, after the Board's review of the evidence submitted,

the Board shall issue a written decision in which one or more of the following penalties, and any other penalty which the Board may deem appropriate, may be imposed:

(i) forfeiture of all fees paid by such applicant;

(ii) nullification of the relevant UBE or MLC score in Maryland, if already taken, and/or nullification of the Notice of Intent made by such applicant to take the UBE in Maryland, if the determination precedes the exam;

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

(iv) disqualification of the applicant from applying for admission to the Maryland bar by UBE in Maryland, admission by transferred UBE score, and/or for admission without examination for a period not to exceed five years from the date of such determination;

(v) placement of a copy of the Board's written decision into the applicant's character and fitness file for review and consideration by the Character Committee, the Board, and/or the Supreme Court of Maryland during the applicant's character review under Maryland Rule 19-204;

(vi) transmission of a copy of the Board's written decision 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;

(vii) denial of the applicant's request to transfer an MBE score, earned in Maryland, to another jurisdiction.

(j) If the applicant is found not to have breached any of the provisions contained in this Rule, or if the Board determines that the charges should be dismissed, the applicant shall be notified in writing of the Board's decision and the Board shall release the applicant's examination results or permit the applicant to take the UBE in Maryland, if the determination precedes the exam.

(k) The Board shall serve its written decision on the applicant by regular mail and email at the applicant's official addresses on file with the Board as soon as practicable. If the Board's determination is adverse to the applicant, the Board shall include with the notice of decision information on the applicant's right to review in the Supreme Court of Maryland.

(l) The Board, in its discretion, may hold in abeyance any application submitted by an applicant to take the UBE in Maryland or for admission upon transferred UBE score or for admission without examination pending the outcome of a misconduct investigation and/or proceeding against such applicant pursuant to this Rule or in connection with the administration of the UBE in Maryland or in another jurisdiction.

(m) Review in the Supreme Court of Maryland

(1) Notice of Appeal. An applicant who has filed an Answer to the Notice of Charges and whom the Board has found to have breached any provision(s) contained in this Rule may note an appeal of the Board's decision to the Supreme Court of Maryland by filing a written Notice of Appeal with the Board within 30 days of the date the Board served its written decision on the individual, pursuant to section (k) above.

(2) Transmittal of Record. Upon receiving a Notice of Appeal, the Board promptly shall (A) transmit to the Clerk of the Supreme Court of Maryland the following: a copy of the Notice of Appeal; a copy of the Notice of Charges and any documentation supporting the charges; a copy of the Applicant's Answer, if any, and any supporting documentation submitted by the Applicant; a copy of the Board's written decision; and a copy of the transcript of any hearing held in the matter; and, (B) transmit to the applicant notice of the transmittal and a copy of the record sent to the Supreme Court.

(3) Proceedings in the Supreme Court. Proceedings in the Supreme Court shall be on the record made before the Board.

After reviewing the record, the Court may issue a decision on the Applicant's appeal with or without first holding a hearing. If the Court decides to hold a hearing, the Court shall order the applicant to appear for such a hearing and to show cause why the Board's determination should not be upheld.

[Adopted 6/14/2024, eff. 7/29/2024]