

# **TENNESSEE BOARD OF LAW EXAMINERS**

## ***STATEMENT OF POLICIES AND PROCEDURES***

Policy numbers correspond to sections of Tennessee Supreme Court Rule 7; for example, P-1.02 corresponds to Rule 7, section 1.02.

---

### **TABLE OF CONTENTS**

|   |    |
|---|----|
| ARTICLE I. ADMISSION TO THE BAR OF TENNESSEE.....   | 1  |
| P-1.02 License; Certificate of Eligibility Required.....                                  | 1  |
| P-1.07 Tennessee Law Course.....  | 1  |
| ARTICLE II. EDUCATIONAL REQUIREMENTS FOR ADMISSION.....                                   | 1  |
| P-2.01 Bachelor’s Degree.....   | 1  |
| P-2.02 Legal Education Degree Requirements.....   | 1  |
| ARTICLE III. APPLICATION FOR ADMISSION BY EXAMINATION SCORE.....                          | 2  |
| P-3.01 Application for Admission by Examination.....                                      | 2  |
| P-3.02 Obligation to Amend.....   | 4  |
| P-3.03 Date for Filing Application for Examination and Reexamination.....                 | 4  |
| P-3.04 Expiration of Application for Admission on Exam Score.....                         | 5  |
| P-3.05 Admission by Transferred Uniform Bar Examination Score.....                        | 5  |
| P-3.07 Additional Information.....  | 7  |
| P-3.11 Applicants Requiring Non-Standard Testing Accommodations.....                      | 7  |
| ARTICLE IV. THE EXAMINATION.....  | 8  |
| P-4.02 The Structure of the Examination.....  | 8  |
| P-4.07 Grading the Examination and Score Expiration.....                                  | 8  |
| ARTICLE V. PERSONS ADMITTED IN OTHER JURISDICTIONS SEEKING WAIVER OF EXAMINATION.....     | 9  |
| P-5.01 Minimum Requirements for Admission of Persons Admitted in Other Jurisdictions..... | 9  |
| ARTICLE VI. CHARACTER AND FITNESS INVESTIGATION.....                                      | 10 |
| P-6.02 Investigatory Committees.....  | 10 |
| P-6.03 Investigating Procedures.....  | 11 |
| ARTICLE VII. FOREIGN-EDUCATED APPLICANTS.....   | 11 |
| P-7.01 Eligibility to Take Examination.....   | 11 |
| ARTICLE VIII. COMMITMENT TO SERVE THE ADMINISTRATION OF JUSTICE IN TENNESSEE.....         | 12 |
| ARTICLE IX. ISSUANCE OF LICENSE – EFFECTIVE DATE OF ADMISSION.....                        | 12 |
| P-9.01 Certificate of Board.....  | 12 |

|   |       |
|---|-------|
| ARTICLE X. SPECIAL OR LIMITED PRACTICE.....   | 12    |
| P-10.03 Law Student Practice.....   | 12    |
| P-10.04 Practice before Admission by Examination.....   | 12    |
| P-10.06. Temporary License of Spouse of a Military Servicemember. ....  | 13    |
| P-10.07. Practice Pending Admission by Applicant Licensed in Another Jurisdiction.....  | 13    |
| ARTICLE XI. FEES .....  | 14    |
| P-11.02 Payment Mandatory .....   | 14    |
| ARTICLE XII. ORGANIZATION AND POWERS OF BOARD.....  | 14    |
| P-12.04 Formal Actions; Quorum .....  | 14    |
| P-12.11 Confidentiality of Board Records and Files. ....  | 14    |
| ARTICLE XIII. FORMAL PROCEEDINGS BEFORE THE BOARD .....   | 14    |
| ARTICLE XIV. REVIEW OF BOARD DECISIONS .....  | 14    |
| ARTICLE XV. SURRENDER OF LAW LICENSE.....   | 14    |
| ARTICLE XVI. REINSTATEMENT OF LAW LICENSE.....  | 14    |
| ARTICLE XVII. TENNESSEE-APPROVED LAW SCHOOLS .....  | 14    |
| APPENDIX A: PROCEDURE FOR APPLYING FOR NON-STANDARD TESTING ACCOMMODATIONS.....   | A-i   |
| SUB-APPENDIX A-1 - ADDITIONAL DOCUMENTATION FOR ACCOMMODATIONS BASED ON LEARNING<br>DISABILITY.....                               | A-iv  |
| SUB-APPENDIX A-2 - ADDITIONAL DOCUMENTATION FOR ACCOMMODATIONS BASED ON ATTENTION<br>DEFICIT/HYPER-ACTIVITY DISORDER (AD/HD)..... | A-v   |
| SUB-APPENDIX A-3 - ADDITIONAL DOCUMENTATION FOR ACCOMMODATIONS BASED ON PSYCHOLOGICAL<br>DISABILITY.....                          | A-vii |
| APPENDIX B: PUBLIC RECORDS POLICY OF THE TENNESSEE BOARD OF LAW EXAMINERS .....   | B-i   |
| A. Definitions:.....  | B-i   |
| B. Requesting Access to Public Records.....   | B-ii  |
| C. Responding to Public Records Requests.....   | B-ii  |
| D. Inspection of Records .....  | B-iv  |
| E. Copies of Records.....   | B-iv  |
| F. Fees and Charges and Procedures for Billing and Payment .....  | B-iv  |
| APPENDIX C: LAPTOP TESTING - Terms, Conditions and Release of Liability.....  | C-i   |
| A. Terms and Conditions for Use of Laptop .....   | C-i   |
| B. Release of Liability .....   | C-iii |

# **TENNESSEE BOARD OF LAW EXAMINERS**

## ***STATEMENT OF POLICIES AND PROCEDURES***

Policy numbers correspond to sections of Tennessee Supreme Court Rule 7; for example, P-1.02 corresponds to Rule 7, section 1.02.

---

### **ARTICLE I. ADMISSION TO THE BAR OF TENNESSEE**

#### **P-1.02 License; Certificate of Eligibility Required**

Applicants seeking admission by bar examination or by transferred Uniform Bar Examination (“UBE”) score who:

- (a) have been approved for licensing and admission,
- (b) have not completed the admission process prior to the 2 year expiration of the Certificate of Eligibility, and
- (c) have a bar examination or UBE transfer score that has not expired as provided in Rule 7, section 1.02

may receive a one-time extension of the Certificate of Eligibility by submitting to the Tennessee Board of Law Examiners (“Board”) the Re-Activation Application, a supplemental National Conference of Bar Examination (“NCBE”) character and fitness application, and the required fee. Upon receipt of the completed supplemental background investigation and approval by the Board, an amended Certificate of Eligibility will be issued.

#### **P-1.07 Tennessee Law Course**

- (a) Applicants will receive notice of a new application in the Synergy application system for access to the Tennessee Law Course:
  - (1) upon completion of the examination for applicants seeking admission under section 3.01; or
  - (2) upon approval of an application for admission by transferred UBE score under section 3.05, without examination under section 5.01 or as a spouse of a military servicemember under section 10.03.
- (b) Once applicant completes the Tennessee Law Course Access Application and pays the fee, the login and password information for access to the Tennessee Law Course will be provided by email. Access emails will be sent at least weekly by the BOARD.

### **ARTICLE II. EDUCATIONAL REQUIREMENTS FOR ADMISSION**

#### **P-2.01 Bachelor’s Degree**

The request for waiver of the accreditation of the undergraduate school from which an applicant received a Bachelor’s Degree or higher must be submitted:

- (a) on or before the Final Deadline for applications for an applicant seeking admission by examination under section 3.01; or
- (b) with the application for an applicant seeking admission by transferred UBE score under section 3.01, without examination under section 5.01 or as spouse of a military servicemember under section 10.06.

#### **P-2.02 Legal Education Degree Requirements**

- (a) Evidence of the J.D. Degree as referenced in section 2.02 of Rule 7 shall be submitted in the following form:

- (1) For an applicant seeking admission by examination under section 3.01 or transfer UBE score under section 3.05, a “Law Degree Verification” form submitted directly from the applicant’s law school to the Board; and
  - (2) For an applicant seeking admission without examination under section 5.01 or as spouse of a military servicemember under section 10.06, an Official Transcript either uploaded by the applicant or mailed directly to the Board by the law school.
- (b) Applicants who received their legal education outside the United States may be eligible for admission if they meet the requirements of Rule 7, section 7.01 and Policy P-7.01.

### **ARTICLE III. APPLICATION FOR ADMISSION BY EXAMINATION SCORE**

#### **P-3.01 Application for Admission by Examination**

- (a) To be eligible to sit for the UBE in Tennessee, an applicant must meet the educational requirements found in Rule 7, section 2.02, and must provide all required applications and documentation for a complete application, as specified in paragraph (b) below, on or before the deadline. See also Policies P-2.02 and P-3.03. As the UBE in Tennessee is used to determine competency to practice law in Tennessee, only bona fide applicants to the Bar of Tennessee may seek admission by examination. Courtesy seating at the examination for applying for admission in another jurisdiction or already licensed in Tennessee is not permitted.
- (b) A complete application for admission by examination consists of the following:
- (1) The NCBE character and fitness application, completed online and submitted to the NCBE with all attachments (.pdf format). The NCBE application must be completed and saved as a .pdf with attachments in order to complete the Tennessee Online Application (Synergy);
  - (2) The Tennessee Online Application (Synergy);
  - (3) Undergraduate Transcripts mailed directly from the school or transcript service to the Board;
  - (4) Law Degree Verification, completed and signed by the law school Dean or designee from each law school attended even if no degree was awarded, mailed directly from the law school to the Board;
  - (5) Current Resume uploaded to Synergy in .pdf format only;
  - (6) Passport Photo uploaded to Synergy in .jpg format; see P-3.01(c), below;
  - (7) For foreign-educated applicants without a J.D. from an ABA-accredited or Tennessee-approved law school, either:
    - (i) an equivalency evaluation if seeking admission on foreign education that is substantially equivalent as provided in Rule 7, section 7.01(a) and Board Policy P-7.01, or
    - (ii) Certification of Dean of Legal Studies in the United States, completed and signed by the law school Dean or designee, and a completed Affidavit of Practice in a Foreign Country, if seeking admission based on foreign education and a U.S. LL.M.;
  - (8) For applicants licensed in another U.S. jurisdiction, certificates of admission and of good standing for each jurisdiction in which applicant has been admitted;
  - (9) For applicants licensed in a foreign jurisdiction, three letters from attorneys in the country(ies) in which applicant is licensed who can verify that applicant is licensed and attest to applicant’s practice in that country, provided:
    - (i) Letters Attesting to Practice: The three letters from attorneys or judges verifying applicant’s license in a foreign country and attesting to applicant’s practice in that country must relate to applicant’s work with the recommender in the practice of law and, if from a relative, the

- relationship must be disclosed in the letter. Letters from an Applicant's parents, grandparents, siblings or spouse who are practicing attorneys are not permitted; and
- (ii) Documents not in English: For documents that are not in English, a translation to English by a certified translator must be provided with the original document;
  - (10) For applicants who attended a law school outside of Tennessee that was not an ABA-accredited law school at the time of the applicant's graduation, proof of licensing by examination in the jurisdiction in which the law school was located, information sufficient for the Board to determine that the applicant's law school curriculum is equivalent to a three-year course of study that is substantially equivalent to the legal education provided by approved law schools located in Tennessee and does not include distance, online or other than in person learning beyond that permitted under Rule 7, section 2.02(e), and an Affidavit of Past Practice. Proof of a passing bar examination score may be in the form of a letter from the jurisdiction in which the applicant sat for the examination or a score transfer report;
  - (11) For applicants with a J.D. from an ABA or Tennessee approved law school who did not graduate from an accredited undergraduate school as required in Rule 7, section 2.01, or who have a foreign undergraduate degree, a request for waiver of the accreditation requirement pursuant to section 2.01(c) and P-2.01;
  - (12) For applicants seeking non-standard testing accommodations, all required forms as provided in P-3.11 below; and
  - (13) Full payment of the filing fee; see P-11.02, below.

*All forms and additional information about these requirements are available on the website at [www.tnble.org](http://www.tnble.org).*

- (c) **Passport Photo:** An applicant must upload a current passport-type photo in a ".jpg" format each time the applicant applies for examination or re-examination on or before the deadline for submitting applications or the applicant will be ineligible to take the examination. An upload of the photo in any format other than .jpg or a scan or photo of your actual passport or any part of your passport will not satisfy the passport photo requirement and will result in an applicant being ineligible to take the examination if not uploaded in the correct format prior to the deadline.
- (d) **Expiration of Application Documents:** The NCBE character and fitness application and letters attesting to practice in a foreign country are valid for two years; the Law Degree Verification and undergraduate transcripts only have to be submitted with the first application; the passport photo, resume, and the Affidavit of Past Practice (when required to be submitted with the original application), must be updated and submitted with each examination application; and Certificates of Good Standing must be updated whenever applicant's status has changed in the jurisdiction that issued the license.
- (e) **Practice Pending Admission:** Applicants who wish to practice pending the examination and admission must register as provided in Rule 7, section 10.04 (supervised practice by an applicant not licensed in another U.S. jurisdiction) or Rule 7, section 10.07 (practice by an applicant actively licensed and in good standing in another U.S. jurisdiction); related Policies can be found at P-10.04 and P-10.07.

### P-3.02 Obligation to Amend

All amendments to the Tennessee Online (Synergy) or NCBE application must be submitted to the BOARD as soon as possible after the event that triggers the amendment and, if amending the NCBE application, must be provided to the NCBE if the background investigation has not been completed.

### P-3.03 Date for Filing Application for Examination and Reexamination

| DEADLINE                | JULY EXAM     | FEBRUARY EXAM      |
|-------------------------|---------------|--------------------|
| <b>Initial Deadline</b> | <b>May 1</b>  | <b>December 1</b>  |
| <b>Final Deadline</b>   | <b>May 20</b> | <b>December 20</b> |

- (a) The Tennessee Online Application (Synergy) must be submitted and the filing fee paid on or before the Final Deadline. All documents enumerated in Policy P-3.01(a)(2)-(13) that are components of a complete application must be received by the BOARD in the proper format on or before May 20 for the July examination and December 20 for the February examination (“Final Deadline”). An applicant who pays the fee online after the office closes on the day of the Final Deadline will not have completed the application requirements if the payment is declined and remains unpaid at midnight.
- (b) The NCBE character and fitness application process must be complete by the Final Deadline in order to be eligible to sit for the examination. This includes finalizing the application in the NCBE online application system, paying the NCBE fee, uploading any attachments, and submitting to the NCBE the documents listed on the checklist provided after finalizing the application in the online system. The complete NCBE application, as described in P-3.01(a)(1), must be uploaded to the Synergy application by the Final Deadline. Related Policies can be found at P-6.03.
- (c) If an Applicant completes and submits the Synergy application and pays the filing fee on or before the Initial Deadline (May 1 for the July examination or December 1 for the February exam), the BOARD will notify the Applicant at least once of any missing, non-conforming, or incorrectly submitted documents prior to the Final Deadline to provide the Applicant an opportunity to correct any deficiencies. In order to complete the Synergy application, an Applicant must complete the NCBE character and fitness application in order to provide the Board the information needed for the Synergy application. An applicant who pays the Tennessee application fee online after the office closes on the day of the Initial Deadline (May 1 or December 1) will not have completed the minimum requirements for the application if the payment is declined and remains unpaid at midnight.
- (d) **Applicants to the Bar of Tennessee are responsible for ensuring that all documents are RECEIVED by the BOARD and that any deficiencies are corrected by the Final Deadline to be eligible to sit for the examination.** If an application has any missing, non-conforming, or incorrectly submitted documents after the Final Deadline, the applicant will not be permitted to sit for the examination. The BOARD strongly recommends that Applicants use a mailing service with tracking or delivery confirmation as the BOARD cannot immediately verify receipt of a document by mail. The Final Deadline requires submission of original documents or online filing of documents as set forth in Rule 7. A fax or email of a document for which the original is required will not satisfy a deadline. A postmark on or before the deadline does not constitute timely receipt unless actually received by the BOARD by the deadline.
- (e) Applicants who fail to submit the Tennessee Online Application (Synergy) and the fee by the Initial Deadline as provided in paragraph (b) above, may still submit an application and pay the fee on or

before the Final deadline (May 20 for July; December 20 for February) but will not be provided any notice of deficiencies.

- (f) **Practice Pending Admission:** Applicants who wish to practice pending approval by the Board and admission to practice must register as provided in Rule 7, section 10.04 (supervised practice by an applicant not licensed in another U.S. jurisdiction) or Rule 7, section 10.07 (practice by an applicant actively licensed and in good standing in another U.S. jurisdiction); related Policies can be found at P-10.04 and P-10.07.
- (g) **Calculation of Time in Practice.** Computation of time in practice, when required for admission under Rule 7, sections 2.02(d) or 7.01(b)(2), is measured from the date the last of the following is submitted:
  - (1) The Synergy online application; or
  - (2) Full payment of the filing fee

#### **P-3.04 Expiration of Application for Admission on Exam Score**

The burden is on the applicant to prevent an application under section 3.01 or section 3.05 from expiring. The Board will not provide notice of an expired application. Subsequent applications will be new or first time applications and all documents and fees required for a new application must be submitted as expired applications will be destroyed.

#### **P-3.05 Admission by Transferred Uniform Bar Examination Score**

- (a) A complete application for admission by transferred UBE score consists of the following:
  - (1) The NCBE character and fitness application, completed online, submitted to the NCBE with all attachments (.pdf format), and finalized in the NCBE system. The NCBE application and attachments must be saved as a .pdf and uploaded to the Tennessee Online Application (Synergy).
  - (2) The Tennessee Online Application (Synergy). In order to complete the Synergy application, an Applicant must complete the NCBE character and fitness application, even if it is not finalized in the NCBE online system, in order to provide the Board the information needed for the Synergy application;
  - (3) Evidence in the form of an official NCBE Score Report sent directly from the NCBE of a score that:
    - (i) will not expire as defined in Rule 7, sections 3.05 and 4.07 prior to approval of the application by the Board (approximately 6 months),
    - (ii) meets or exceeds the minimum score on bar examination as required by Tennessee and set forth in Policy P-4.07,
    - (iii) was earned in a single administration of the UBE, and
    - (iv) was reported in another jurisdiction prior to submitting an application for admission pursuant to Rule 7, section 3.05;
  - (4) Undergraduate Transcripts mailed directly from the school or transcript service to the Board;
  - (5) Law Degree Verification, completed and signed by the law school Dean or designee, mailed directly from the law school to the Board;
  - (6) Current Resume uploaded to Synergy in .pdf format only;
  - (7) For applicants seeking admission on an otherwise expired UBE score under section 3.05(b), a completed Affidavit of Past Practice;
  - (8) For foreign-educated applicants without a J.D. from an ABA-accredited or Tennessee-approved law school, either:

- (i) an equivalency evaluation as noted in Rule 7, section 7.01 and Board Policy P-7.01, if seeking admission on foreign education that is substantially equivalent, or
  - (ii) Certification of Dean of Legal Studies in the United States, completed and signed by the law school Dean or designee, and a completed Affidavit of Practice in a Foreign Country, if seeking admission based on foreign education and a U.S. LL.M.;
- (9) For applicants licensed in another U.S. jurisdiction, certificates of admission and of good standing for each jurisdiction in which applicant has been admitted;
- (10) For applicants licensed in a foreign jurisdiction, three letters from attorneys in the country(ies) in which the applicant is licensed who can verify that applicant is licensed and attest to applicant's practice in that country, provided:
- (i) Letters Attesting to Practice: The three letters from attorneys or judges verifying applicant's license in a foreign country and attesting to applicant's practice in that country must relate to applicant's work with the recommender in the practice of law and, if from a relative, the relationship must be disclosed in the letter. Letters from an Applicant's parents, grandparents, siblings or spouse who are practicing attorneys are not permitted; and
  - (ii) Documents not in English: For documents that are not in English, a translation to English by a certified translator must be provided with the original document.
- (11) For applicants who attended a law school outside of Tennessee that was not an ABA-accredited law school at the time of the applicant's graduation, proof of licensing by examination in the jurisdiction in which the law school was located, information sufficient for the Board to determine that the applicant's law school curriculum is equivalent to a three-year course of study that is substantially equivalent to the legal education provided by approved law schools located in Tennessee and does not include distance, online or other than in person learning beyond that permitted under Rule 7, section 2.02(e), and an Affidavit of Past Practice. Proof of a passing bar examination score may be in the form of a letter from the jurisdiction in which the applicant sat for the examination or a score transfer report;
- (12) For applicants with a J.D. from an ABA or Tennessee approved law school who did not graduate from an accredited undergraduate school as required in Rule 7, section 2.01, or who have a foreign undergraduate degree, a request for waiver of the accreditation requirement pursuant to section 2.01(c) and P-2.01; and
- (13) Full payment of the filing fee; see P-11.02, below.
- All forms and additional information about these requirements are available on the website at [www.tnble.org](http://www.tnble.org).*
- (b) **Practice Pending Admission:** Applicants who wish to practice pending approval by the Board and admission to practice must register as provided in Rule 7, section 10.04 (supervised practice by an applicant not licensed in another U.S. jurisdiction) or Rule 7, section 10.07 (practice by an applicant actively licensed and in good standing in another U.S. jurisdiction); related Policies can be found at P-10.04 and P-10.07.
- (c) **Calculation of Time in Practice.** Computation of time in practice, when required to extend the time a transferred UBE score can be used for admission or when required for admission under Rule 7, sections 2.02(d) or 7.01(b)(2), is measured from the date the last of the following is submitted:
- (1) The Synergy online application; or



(2) Full payment of the filing fee.

**P-3.07 Additional Information**

- (a) Unless otherwise provided by the Board, additional information requested under Rule 7, section 3.07(a) shall be provided to the Board in 15 days.
- (b) An Applicant required to submit to a drug test under Rule 7, section 3.07(b), shall submit to the test within three calendar days of the request.

**P-3.11 Applicants Requiring Non-Standard Testing Accommodations**

It is the policy of the Board to administer the bar examination in a manner that does not discriminate, on the basis of disability, against a qualified applicant with a disability. An applicant who is otherwise eligible to take the Tennessee bar examination may file a request for non-standard testing accommodations (“NST Petition”) if, by virtue of a disability, the applicant cannot demonstrate, under standard testing conditions, that the applicant possesses the essential skills and aptitudes that the Tennessee Supreme Court and the Board have determined are appropriate to require for admission to the practice of law in Tennessee. The process for submitting an NST Petition is attached hereto as [Appendix A](#).

In deciding NST Petitions submitted by bar examination applicants, the Board relies upon the following definition of disability contained in the Americans with Disabilities Act Amendments Act (“ADAAA”): A “disability,” as used herein, is a physical or mental impairment that substantially limits one or more of the major life activities of an individual. Thus, merely having an impairment does not make an individual disabled for purposes of the ADAAA and does not automatically qualify a bar applicant for an accommodation. To qualify under ADAAA, an applicant must demonstrate that the impairment limits a major life activity and that the limitation of the major life activity is "substantial." The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures, with the exception of ordinary eyeglasses or contact lenses. The determination of a disability by the Board is an individualized inquiry and will be made on a case-by-case basis, per individual and per examination administration.

As used herein, “accommodations” means any reasonable change to the standard administration of the examination awarded to an applicant who has submitted a request for non-standard testing accommodations. Reasonable accommodations will be provided to applicants determined to have a disability. A reasonable accommodation is an adjustment or modification of the standard testing conditions that ameliorates the impact of the applicant’s disability without doing any of the following:

- fundamentally altering the nature of the examination or the Board’s ability to determine through the bar examination whether the applicant possesses the essential skills and aptitudes that the Tennessee Supreme Court of Tennessee and the Board have determined are appropriate to require for admission to the practice of law in Tennessee;
- imposing an undue burden on the Board; and/or
- compromising the security of the examination.

## ARTICLE IV. THE EXAMINATION

### P-4.02 The Structure of the Examination

- (a) Use of Laptop for Essay Examination: All applicants by examination agree to utilize applicant's laptop computer unless the applicant elects to handwrite the exam.
- (b) All applicants will be sent a registration email from the Software Provider to register for laptop testing. Taking the examination on a laptop requires an additional, non-refundable fee for the Software paid directly to the Software Provider in exchange for use of the Laptop Testing Software ("Software").
- (c) Failure to register, pay and download the Software by the download deadline established for each examination and provided in the registration email, intentionally or unintentionally, is an election to handwrite the exam.
- (d) The Software for the examination is not the same as that used in law school; applicants must register and download the Software prior to each bar examination and take the mock exam.
- (e) By registering for laptop testing and downloading the Software, applicants agree to the Terms and Conditions for Use of Laptop and accept the Release of Liability attached hereto as [Appendix C](#).

### P-4.07 Grading the Examination and Score Expiration

- (a) GRADING: Applicants must achieve a score of 270 or higher out of 400 on the UBE in order to successfully complete the Tennessee examination requirements for admission or to transfer a UBE score to Tennessee. The total scaled UBE score will be released to all applicants who complete the examination. The Board will not re-grade any of the written components of the UBE (Multistate Performance Test ("MPT") or Multistate Essay Examination ("MEE")).
- (b) The Board will not search for answers or make changes to incorrectly formatted or numbered MPT or MEE answers resulting from failure to follow the laptop testing or answer booklet instructions, including typing an answer in the wrong space or deleting, adding, editing or renumbering the preloaded dividers, or writing multiple answers in one answer booklet or incorrectly numbering an answer booklet. The answer will be given to the grader assigned to grade the question indicated on the cover sheet or booklet cover of the answer. If the answer does not match the question or is blank, applicant will receive a zero for that question.
- (c) In order to provide unsuccessful applicants some insight regarding areas that require additional study, the Board will report the following scores in addition to the total scaled score to applicants who do not achieve at least a 270 on the UBE administered in Tennessee: the Multistate Bar Examination ("MBE") scaled score, the total scaled score on the written portions (MPT and MEE) and the raw scores for each MPT and MEE question. A raw score of 1 through 6 is assigned by a Tennessee attorney appointed as a grader by the Tennessee Supreme Court, with a zero assigned if no attempt was made to answer the essay or the attempt was completely incorrect. A score of 6 does not mean that the answer was perfect; rather, the answer was in the group that reflects the best of the answers provided by the entire group of examinees.
- (d) The minimum score that must be achieved prior to licensing and admission on the Multistate Professional Responsibility Examination ("MPRE") for applicants by examination or transferred UBE score is 82. The MPT score is valid for two years for admission by examination or transferred UBE score, unless an applicant is actively licensed and in good standing in another U.S. jurisdiction.
  - (1) Re-Examination Applicants: MPRE scores of 75 but less than 82 will be accepted until the MPRE score is no longer valid, provided the applicant meets all of the following requirements:

- (i) the applicant is not licensed in another jurisdiction; and
- (ii) the applicant first sat for a Tennessee bar examination prior to the July 2018 bar examination; and
- (iii) the applicant is applying for re-examination for the July 2018 examination or later; and
- (iv) the score was earned prior to the November 2017 MPRE administration.

After an MPRE score expires for a re-examination applicant who meets all of the requirements above, prior to the applicant achieving a passing examination score, the applicant must achieve an MPRE score of 82 or higher to be eligible for admission.

- (2) Applicants Successful on prior Tennessee Bar Exam but not Licensed by July 2018 Exam: An MPRE score of 75 or above will be accepted for applicants who were successful on a bar examination less than two years prior to the July 2018 examination but who have not completed all steps required for licensing. If the applicant has not provided a passing MPRE score prior to the time bar examination scores expire after two years, the minimum MPRE score required at the time of re-examination will be required for licensing.

## **ARTICLE V. PERSONS ADMITTED IN OTHER JURISDICTIONS SEEKING WAIVER OF EXAMINATION**

### **P-5.01 Minimum Requirements for Admission of Persons Admitted in Other Jurisdictions**

- (a) A complete application for admission without examination consists of the following:
  - (1) The NCBE character and fitness application, completed online, submitted to the NCBE with all attachments (.pdf format), and finalized in the NCBE system. The NCBE application must be completed and saved as a .pdf with attachments for upload to the Tennessee Online Application (Synergy);
  - (2) The Tennessee Online Application (Synergy). In order to complete the Synergy application, an Applicant must complete the NCBE character and fitness application, even if it is not finalized in the NCBE online system, in order to provide the Board the information needed for the Synergy application;
  - (3) Official Transcripts from the school at which applicant received a Bachelor’s Degree or higher, or the transcript service used by the school, which can be mailed directly to the Board or uploaded by the applicant to the Synergy application;
  - (4) An official transcript from the law school at which applicant received a J.D. degree, which can be uploaded by the applicant to the Synergy application or mailed directly to the Board;
  - (5) Current Resume uploaded to Synergy in .pdf format only;
  - (6) A completed Affidavit of Past Practice;
  - (7) For applicants licensed in another U.S. jurisdiction, certificates of admission and of good standing for each jurisdiction in which applicant has been admitted;
  - (8) For applicants licensed in a foreign jurisdiction, three letters from attorneys in the country(ies) in which the applicant is licensed who can verify that applicant is licensed and attest to applicant’s practice in that country, provided:
    - (i) Letters Attesting to Practice: The three letters from attorneys or judges verifying applicant’s license in a foreign country and attesting to applicant’s practice in that country must relate to applicant’s work with the recommender in the practice of law and, if from a relative, the

relationship must be disclosed in the letter. Letters from an Applicant's parents, grandparents, siblings or spouse who are practicing attorneys are not permitted; and

- (ii) Documents not in English: For documents that are not in English, a translation to English by a certified translator must be provided with the original document.
- (9) For applicants with a J.D. who did not graduate from an accredited undergraduate school in the U.S. as required in Rule 7, section 2.01, or who have a foreign undergraduate degree, a request for waiver of the accreditation requirement pursuant to section 2.01(c) and P-2.01;
- (10) For applicants seeking a waiver due to admission by "diploma privilege" under section 5.01(b), a petition under section 13.02 for waiver of the requirements of section 5.01(a)(2); and
- (11) Full payment of the filing fee; related Policies can be found at P-11.02.

*All forms and additional information about these requirements are available on the website at [www.tnble.org](http://www.tnble.org).*

- (b) **Practice Pending Admission:** Applicants who wish to practice pending approval by the Board and admission to practice must register as provided in Rule 7, section 10.07 (practice by an applicant actively licensed and in good standing in another U.S. jurisdiction); related Policies can be found at P-10.07.
- (c) **Calculation of Time in Practice.** Computation of time in practice is measured from the date the last of the following is submitted:
  - (1) The Synergy online application; or
  - (2) Full payment of the filing fee.

## **ARTICLE VI. CHARACTER AND FITNESS INVESTIGATION**

### **P-6.02 Investigatory Committees**

- (a) Each investigatory committee shall consist of not less than five (5) nor more than thirty (30) members of the Bar of this State who maintain an office for the practice of law within that district and who are in good standing; provided, however, that the District 5 committee may have up to sixty-five (65) members and the District 9 committee may have up to forty-five (45) members. Attorneys who teach in any capacity in any of the State's ABA accredited or state-approved law schools are ineligible to serve as members of the Investigatory Committees. Committee members shall be recommended by the Board to the Tennessee Supreme Court for approval.
- (b) Interviews.
  - (1) Applicants seeking admission by examination or transferred UBE score who are not licensed and/or not in good standing in at least one other U.S. jurisdiction must appear for an in-person interview. As a general rule, interviews are conducted in March and September.
  - (2) The requirement to be interviewed cannot be waived. Applicants must complete the interview process in order to be found by the Board to be eligible for licensing.
  - (3) Applicants seeking admission who are licensed and in good standing in at least one other U.S. jurisdiction may be notified that they must participate in an interview as specified by the Board.
  - (4) If an applicant has requested a specific interview county in the application for admission but prefers to interview in a different county, the applicant may request an interview in a different Tennessee county in writing by email to [BLE.Administrator@tncourts.gov](mailto:BLE.Administrator@tncourts.gov). The request must be made within 10 calendar days following the most recent bar examination administration in Tennessee and must

include an explanation of why the change is necessary. The Board will notify applicant if the request is approved.

- (5) In cases of extreme hardship, an applicant required to appear for an in-person interview may file a written request with the Board for a telephone or online video interview. The interviewer must agree to the request before it will be considered by the Board. The request must include an explanation as to the extreme hardship preventing the applicant from appearing in person at the interview. The preference of the Board is for the interview to be conducted in person or by online video or similar distance conferencing program.
- (6) An applicant who is required to be interviewed and who has not completed the licensing and admissions process must be interviewed every two years.

#### **P-6.03 Investigating Procedures**

A National Conference of Bar Examiners (NCBE) character and fitness application filed with the Board but not completed, submitted and finalized with the NCBE, including the payment of the fee for the background investigation, is not a complete application. An applicant will not be approved to sit for the examination or for admission unless the application is submitted to both organizations. However, an application to register as In-House Counsel under Rule 7, section 10.01 does not have to be submitted to the NCBE but must be prepared using the NCBE online application forms for Tennessee. Related Policies can be found at P-3.03(b).

### **ARTICLE VII. FOREIGN-EDUCATED APPLICANTS**

#### **P-7.01 Eligibility to Take Examination**

- (a) Eligibility based on foreign education only. A foreign-educated applicant who seeks approval to take the UBE in Tennessee or who seeks admission by transferred UBE score shall have the foreign education equivalency evaluation required pursuant to Rule 7, section 7.01(a), sent directly to the Board from the company completing the evaluation.
- (b) Eligibility based on foreign legal education plus an LL.M. A foreign-educated applicant who seeks approval to take the bar examination in Tennessee or who seeks admission by transferred UBE score must submit or cause to be submitted to the Board on or before the deadline for filing applications, the following documents as part of the application for admission by examination or transferred UBE score:
  - (1) an official transcript from the school at which the applicant received his or her legal education, as well as documentation showing that the school was accredited by the competent accrediting agency of the jurisdiction in which the law school is located;
  - (2) a completed Certification of Dean of Legal Studies in the United States from each school the applicant attended in the United States, whether or not an LL.M. was awarded;
  - (3) a certified copy of the record or license from the highest court or agency of each foreign jurisdiction having authority over admission to the practice of law attesting to applicant's admission to practice law in that jurisdiction;
  - (4) three (3) letters from attorneys or judges in each country in which applicant is admitted verifying that applicant is licensed in that country and attesting to applicant's practice in that country; and
  - (5) a completed Affidavit of Foreign Practice.

For documents that are not in English, a translation to English by a certified translator must be provided with the original document.

- (c) An applicant who has been approved to sit for the Tennessee or UBE beginning with the July 2015 examination is not required to submit a new educational equivalency evaluation for subsequent examinations as such applicant previously provided proof of substantially equivalent education to the Board.
- (d) An applicant who was approved to sit for an examination prior to July 2015 who either has not applied for examination since that time or has applied but been denied eligibility because the applicant's foreign education was not substantially equivalent to the requirements of Rule 7, sections 2.01 and 2.02, may qualify for examination if the applicant meets the requirements of amended Rule 7, section 7.01(a) or (b). Applicant shall submit all of the required documentation with the new application.
- (e) All forms are available on the website at [www.tnble.org](http://www.tnble.org) and must be submitted on or before the deadline for filing applications.

## **ARTICLE VIII. COMMITMENT TO SERVE THE ADMINISTRATION OF JUSTICE IN TENNESSEE**

### **ARTICLE IX. ISSUANCE OF LICENSE – EFFECTIVE DATE OF ADMISSION**

#### **P-9.01 Certificate of Board**

Applicants seeking admission by bar examination or by transferred UBE score who:

- (a) have been approved for licensing and admission,
- (b) have not completed the admission process prior to the 2 year expiration of the Certificate of Eligibility, and
- (c) have a bar examination or UBE transfer score that has not expired as provided in Rule 7, section 1.02

may receive a one-time extension of the Certificate of Eligibility by submitting to the Board the Application for Re-Activation of Application for Admission, a supplemental NCBE character and fitness application if the previous investigation has expired, and the required fee. Upon receipt of the completed supplemental NCBE investigation and approval by the Board, an amended Certificate of Eligibility will be issued.

### **ARTICLE X. SPECIAL OR LIMITED PRACTICE**

#### **P-10.03 Law Student Practice**

As used in Rule 7, section 10.03(b)(1), a law school in the state of Tennessee that has been accredited by the ABA includes any law school that has ABA provisional or full accreditation, wherever located.

#### **P-10.04 Practice before Admission by Examination**

Practice before Admission by Examination ("Supervised Practice") pursuant to section 10.04 is available to an applicant for admission by bar examination<sup>1</sup> or by transferred UBE score<sup>2</sup> who is a recent law school graduate, who is not licensed in any U.S. jurisdiction, and who wishes to practice under supervision while the application for admission to Tennessee is pending before the Board. In order to engage in Supervised Practice, an applicant must register timely by submitting to the Board the following:

- (a) The Registration Application for Supervised Practice (form available on the website at [www.tnble.org](http://www.tnble.org));
- (b) For applicants seeking admission by transferred UBE score, evidence from the NCBE of a score that:
  - (1) meets or exceeds the minimum score of 270 required by Tennessee;

<sup>1</sup> Tenn. Sup. Ct. R. 7, section 3.03

<sup>2</sup> Rule 7, section 3.05

- (2) was earned in a single administration of the UBE;
  - (3) was released in another jurisdiction prior to submitting a Registration Application for Practice Pending Admission;
  - (4) has not expired as defined in Rule 7; and
- (c) Payment of the fee for the Application for Permission to Practice Pending Admission.

**P-10.06. Temporary License of Spouse of a Military Servicemember.**

Applicants who wish to practice pending approval by the Board and admission to practice must register as provided in Rule 7, section 10.07. Related Policies can be found at P-10.07.

**P-10.07. Practice Pending Admission by Applicant Licensed in Another Jurisdiction**

Practice Pending Admission pursuant to section 10.07 is available to an applicant for admission by bar examination<sup>3</sup>, by transferred UBE score<sup>4</sup>, without examination<sup>5</sup>, or as a Spouse of a Military Service Member<sup>6</sup>, who is licensed in another U.S. jurisdiction and who wishes to practice while the application for admission to Tennessee is pending before the Board. In order to practice pending admission, the attorney-applicant must timely register as follows:

- (a) Bar Exam Applicant: A Bar Exam Applicant shall submit a Registration Application for Permission to Practice Pending Admission within thirty (30) days of establishing an office or presence in Tennessee, even if the application period for admission by bar examination, specifically March 1 – May 20 and October 1 – December 20, is not open. No later than the fifth (5<sup>th</sup>) business day after the bar examination application period immediately following the attorney’s registration for practice pending admission opens, the Applicant **shall** submit the Application for Admission to Tennessee by examination, the NCBE character and fitness application, and the filing fee. Failure to do so will result in immediate termination of the right to practice pending admission.
- (b) Comity, UBE Transfer or SMS Applicant: A Comity, UBE Transfer or SMS Applicant shall submit the Application for Admission to Tennessee, the NCBE character and fitness application, the filing fee and Registration Application for Permission to Practice Pending Admission no later than thirty (30) days after establishing an office or other systematic, continuous presence for the practice of law in Tennessee.
- (c) Registration Process for Practice Pending Admission: In order to register for practice pending admission, an applicant must submit to the Board the following:
  - (1) Registration Application for Permission to Practice Pending Admission (form available on the website at [www.tnble.org](http://www.tnble.org));
  - (2) For UBE Transfer Applicants, evidence from the NCBE of a score that:
    - (i) has not expired as defined in Rule 7, section 4.07,
    - (ii) meets or exceeds the minimum score of 270 required by Tennessee,
    - (iii) was earned in a single administration of the UBE, and
    - (iv) was released by another jurisdiction prior to submitting a Registration Application for Practice Pending Admission;
  - (3) Certificates of Good Standing for every jurisdiction in which the applicant is licensed; and

<sup>3</sup> Tenn. Sup. Ct. R. 7, section 3.03

<sup>4</sup> Rule 7, section 3.05

<sup>5</sup> Rule 7, section 5.01

<sup>6</sup> Rule 7, section 10.06

- (4) Payment of the fee for the Registration Application for Permission to Practice Pending Admission.
- (d) Failure to timely register for practice pending admission will result in denial of the Registration Application for Permission to Practice Pending Admission and delay in determination of the Application for Admission.

## **ARTICLE XI. FEES**

### **P-11.02 Payment Mandatory**

Fees must be paid in full for an application to be considered “submitted” and eligible for review. Applicant’s cancelled check or credit card billing operates as applicant’s receipt. The Board and its employees will not review an application or provide any notice of deficiency until the fees are paid in full. Time in practice, when required to be calculated, will start from the later of submission of the Synergy application or full payment of fees.

## **ARTICLE XII. ORGANIZATION AND POWERS OF BOARD**

### **P-12.04 Formal Actions; Quorum**

The Tennessee Board of Law Examiners does not give advisory opinions.

### **P-12.11 Confidentiality of Board Records and Files.**

Pursuant to Tenn. Code Ann. section 10-7-503(g), the Board has adopted and the Tennessee Supreme Court has approved the **Public Records Policy** attached as [Appendix B](#).

Employees of the Board shall timely and efficiently provide access and assistance to Tennessee citizens requesting to view or receive copies of public records. No provisions of this Policy shall be used to hinder access to open public records. However, the integrity and organization of public records, as well as the efficient and safe operation of the Board shall be protected as provided by current law. Concerns about this Policy should be addressed to the Board’s Public Records Request Coordinator.

This Policy is posted online at <http://www.tnble.org/tn-supreme-court-rule-7> under Board Policies and Procedures. This Policy shall be reviewed as needed, but no less frequently than every two years.

## **ARTICLE XIII. FORMAL PROCEEDINGS BEFORE THE BOARD**

## **ARTICLE XIV. REVIEW OF BOARD DECISIONS**

## **ARTICLE XV. SURRENDER OF LAW LICENSE**

## **ARTICLE XVI. REINSTATEMENT OF LAW LICENSE**

## **ARTICLE XVII. TENNESSEE-APPROVED LAW SCHOOLS**



## APPENDIX A: PROCEDURE FOR APPLYING FOR NON-STANDARD TESTING ACCOMMODATIONS

### REQUESTS FOR NON-STANDARD TESTING ACCOMMODATIONS:

- A. **Regular Requests:** A regular Non-Standard Testing (NST) Application shall be on forms prescribed by the Board and shall consist of all of the following:
- i. the NST Application, including a description of the applicant's disability and the testing accommodations requested;
  - ii. a statement on the prescribed form from the applicant's qualified professional in the field related to the applicant's claimed disability (see Qualified Professional in paragraph B., below) listing the disability and the accommodation recommended;
  - iii. a statement on the prescribed form, if applicable, from any educational institution that provided testing accommodations to the applicant while the applicant attended the educational institution
  - iv. a statement on the prescribed form, if applicable, from the testing authority that provided testing accommodations to the applicant on the LSAT, MPRE or bar examination in another jurisdiction; and
  - v. additional documentation for specific disabilities as detailed in Sub-Appendices A-1, A-2, and A-3, which shall include:
    1. a diagnostic report summary from the Qualified Professional typed in English , on letterhead, dated and signed;
    2. for applicable disabilities, the specific diagnosis/diagnoses based upon the Diagnostic and Statistical Manual of Mental Disorders (DSM-5); and
    3. a specific recommendation regarding the accommodation in terms of the bar examination; see Paragraph C, below for additional information regarding additional testing time accommodations.
- B. **Qualified Professional:** Professionals conducting assessments, rendering diagnoses and making recommendations for accommodations must be qualified to not only diagnose the applicant's identified condition, but also be qualified to thoroughly assess, diagnose, and ultimately rule out any other potentially confounding issues/diagnoses with similar clinical presentations (differential diagnosis). For multiple diagnoses, the professional must be qualified to make all diagnoses given. Comprehensive training and relevant experience in differential diagnosis are essential. *Diagnoses made by an otherwise qualified family member will not be considered due to the inherent conflict of interest such a recommendation presents.*
- i. *For ADHD:* the evaluation must be performed by a licensed mental health professional who is trained in psychiatric, psychological, neuropsychological and/or psychoeducational assessment of adults.

- ii. *For a Learning Disorder:* the evaluation must be performed by a professional who is certified or licensed in the area of adults with learning disabilities and trained in psychiatric, psychological, neuropsychological and/or psychoeducational assessment.
- iii. *For a Psychological/Emotional/Behavioral Health Disorder:* the diagnosis must be done by a licensed mental health professional such as a psychologist or a psychiatrist and must include a license number.
- iv. *For a Physical Disability:* the evaluation must be performed by a medical doctor who specializes in the specific claimed disability and who can support an assessment of current limitations.

Upon request, the applicant shall submit an authorization for release of records from the Qualified Professionals who provided statements to the Board if the Board reasonably determines that access to those records is reasonably necessary to determine whether an applicant's condition meets the criteria for a disability set forth in this policy.

- C. When a Qualified Professional recommends **additional time accommodations**, the Qualified Professional shall provide, in addition to the documentation outlined above, a rationale for each accommodation requested, including the specific amount of additional time recommended. The current functional limitations caused by the impairment must be relevant to each part of the bar examination (multiple choice testing, essay testing, or both) and must be necessary to ameliorate the applicant's current limitation.
  - i. Additional time accommodations permitted are time and one-half and double time.
  - ii. Approval for additional time may be for the full examination or for a specific part of the examination, depending on the current functional limitations of an applicant.
  - iii. If a specific amount of additional time is not indicated, applicant's request may not be approved due to insufficient information.
  - iv. Generally, please note that double time testing is conducted in Nashville, Tennessee, for all examination administrations; however, in appropriate circumstances, testing may be conducted in other locations.
- D. Any changes in the way the test is administered requires an Application for Non-Standard Testing, including but not limited to permission to eat food, take medication, test blood sugar and use medical equipment during the examination.
- E. All applicable items must be completed and received by the Board on or before the filing deadline for the current examination period. Applicants must submit a new request and supporting documentation for each examination. The application is specific to one examination administration and does not carry forward.
- F. Applicants with disabilities have the responsibility to meet the same deadline for application as individuals without disabilities. As some of the forms require input from third parties, the Board strongly recommends that applicants request the appropriate individuals complete the forms well

in advance of the deadline for filing the application for non-standard testing accommodations. Incomplete submissions may result in denial due to insufficient information. Materials related to accommodation requests must meet examination deadlines. Deadlines apply to receipt of all information, including documentation requested from third parties, and is a “received by” deadline, not a “postmarked by” deadline.

G. Emergency Requests

- i. An applicant may file an emergency NST Application after the time prescribed in Paragraph E of this policy, above, but no fewer than 7 days preceding the scheduled bar examination, if all of the following conditions are met:
  1. the applicant’s Application to the Bar of Tennessee or Application for Re-examination was timely filed and complete in all other respects;
  2. at the time of filing the Application to the Bar of Tennessee or the Application for Re-examination, the applicant did not have the disability;
  3. after acquiring the disability, the applicant promptly submits both of the following:
    - a. an emergency request on a form prescribed by the Board, providing the date and circumstances under which the disability arose; and
    - b. a complete NST Application, with all required documentation as outlined above and in the Sub-Appendices, attached.
- ii. FORMS: All forms necessary to complete a regular or emergency NST Application are available on the Board website at [www.tnble.org](http://www.tnble.org).

H. Applicant may be referred by the Board to the Tennessee Lawyer’s Assistance Program for interview, recommendations, or review. Further, an applicant may be required to submit to independent diagnostic testing. The Board may, at its expense, have the information submitted by the applicant evaluated by a specialist selected by the Board.

I. All reasonable accommodations granted by the Board will be provided at no additional testing cost to the applicant. Accommodations granted in other jurisdictions or by Tennessee previously do not entitle an applicant to accommodations for the current administration of the Tennessee bar exam.

J. **Applicant’s Burden of Proof under the ADA.** The burden of proof is on the applicant to establish a disability as defined by the ADA and to establish the need for non-standard testing accommodations. Requests for testing accommodations are evaluated on a case-by-case basis. Applicants are required to complete the NST Application in accordance with the instructions provided. The documentation necessary to support a request for testing accommodations varies with the nature of the disability. Documentation which sufficed in other testing situations or for prior Tennessee bar examinations may not be sufficient to support a request for accommodations for the current administration of the Tennessee bar examination. Applicants are encouraged to review the requirements in effect at the time of each administration of the examination.

- K. CONFIDENTIALITY: All NST Applications, supporting documentation, and information developed by the Board with respect to the requests shall remain confidential.

### **SUB-APPENDIX A-1 - ADDITIONAL DOCUMENTATION FOR ACCOMMODATIONS BASED ON LEARNING DISABILITY**

In order to be entitled to accommodations based on learning disability, the applicant's specific learning disabilities must have been identified by an appropriate psychoeducational assessment process that is well documented in the form of a comprehensive diagnostic report that provides clear evidence that the specific learning disability exists. The provision of reasonable accommodations is based on assessment of the *current* impact of the disability on the specific testing activity. Although a learning disability normally is lifelong, the severity and manifestations can change. The Board generally requires documentation from an evaluation conducted within the past five (5) years and after the applicant's eighteenth (18<sup>th</sup>) birthday in order to establish the current impact of the disability. Applicant must provide documentation that (s)he has a learning disability that substantially limits a major life activity, and the learning disability results in functional limitations that required accommodations in order to take the examination on an equal basis with other applicants for the examination.

The evaluation in the form of a comprehensive diagnostic report must include:

- An account of a thorough diagnostic interview that summarizes relevant components of the individual's developmental, medical, family, social and educational history;
- Clear, objective evidence of a substantial limitation to learning or performance provided through assessment in the areas of cognitive aptitude, achievement and information processing abilities (results must be obtained on standardized test(s) appropriate for the general adult population and be reported in standard scores and percentiles);
- Interpretation of the diagnostic profile that integrates assessment data, background history, observations made during the evaluation process, as well as the inclusion or ruling out of possible coexisting conditions (such as previously diagnosed psychological issues, or English as a second language) affecting the individual's performance;
- A clear diagnostic statement of a specific learning disorder based upon the DSM-5 which should not include nonspecific terms such as "learning differences," "learning styles" or "academic problems," and that specifies all academic domains and subskills that are impaired and identify the current severity of symptoms (mild, moderate or severe).
- A rationale for each recommended accommodation based on diagnostic information presented (background history, test scores, documented observations, etc). See Board Policy P-3.11 Appendix A, sub-paragraph B.

**Formal Testing:** It is important that the tests used in the evaluation are reliable, valid, and age-appropriate, and that the most recent edition of each diagnostic measure is used. Scores should be reported as age-based standard scores and percentiles. The following diagnostic criteria are provided as a guide to assessment instruments appropriate for the adult population. Specific tests will vary with the needs of the individual being evaluated but such assessments must be designed to rule-out

alternative diagnoses or explanations and result in a clear diagnostic statement with age-based standard scores used for all normed measures:

1. A comprehensive diagnostic interview that summarizes the applicant's academic history and learning processes throughout applicant's education, as well as other relevant developmental, medical, family, psychosocial and employment history.
2. A neuropsychological, psychological and/or psychoeducational assessment consisting of a comprehensive battery of tests that addresses aptitude, achievement and relevant aspects of cognitive function and information processing, including but not limited to the following requirements:
  - The battery must include current levels of academic functioning in reading (decoding and comprehension).
  - If requesting extra time, a timed reading measure that has been normed on adults and allows for both extended and regular administration, such as the Scholastic Abilities Test for Adults (SATA), is useful.
  - Cognitive measures that relate to the processing of words and sentences presented visually are most relevant as the examination is a reading-based test.
  - If informal assessment procedures are used for any reason, those procedures must be described in sufficient detail to establish clinical validity and utility.

#### **SUB-APPENDIX A-2 - ADDITIONAL DOCUMENTATION FOR ACCOMMODATIONS BASED ON ATTENTION DEFICIT/HYPER-ACTIVITY DISORDER (AD/HD)**

The provision of reasonable accommodations is based on assessment of the *current* impact of the disability on the specific testing activity. The Board generally requires documentation from an evaluation conducted within the past three (3) years and after the applicant's eighteenth (18<sup>th</sup>) birthday in order to establish the current impact of the disability. The diagnostic criteria as specified in the *Diagnostic and Statistical Manual of Mental Disorders* (DSM-5 or most current version) are used as the basic guidelines for determination of Attention-Deficit Hyperactivity Disorder (ADHD) diagnosis. The diagnosis depends on objective evidence of ADHD symptoms across the applicant's development and cause the applicant clinically significant impairment within multiple environments. An applicant's self-report alone is insufficient to establish evidence for the diagnosis. Any assessment must be designed to rule out alternative diagnoses. An applicant warranting an ADHD diagnosis should meet basic DSM-5 criteria including:

- Sufficient numbers of symptoms (delineated in DSM-5) of inattention and/or hyperactivity-impulsivity that have persisted for at least six months to a degree that is inconsistent with developmental level and that negatively impacts directly on social and academic/occupational. The exact symptoms should be described in detail.
- Developmental history that is consistent with an ADHD diagnosis, including
  - Objective historical evidence showing that symptoms have interfered with, or reduced the quality of, functioning over time with evidence of symptom presentation prior to age 12;

- Review of family system including specific review of family history of the presence or absence of ADHD, or symptoms consistent with ADHD, and other educational, learning, physical or psychological difficulties;
  - academic history, including elementary, secondary, and postsecondary education, as well as performance on standardized tests such as the SAT, ACT, and LSAT, IEPs, 504 Plans, report cards, and accommodations previously utilized, if any; and
  - relevant medical history, including the absence of a medical basis for the symptoms, effects of medication (positive or negative), and whether prescribed medication had been taken at the time of the evaluation.
- Clear evidence that the symptoms interfere with, or reduce the quality of, social, academic, or occupational functioning, and several symptoms must be present in two or more settings. There must be objective evidence of clinically significant impairment within the academic setting and evidence that these problems are not confined to the academic setting.
  - In addition to the applicant's self-report, the information should include objective historical and current evidence from third-party sources such as rating scales filled out by parents, teachers, or others; job performance evaluations; third-party interviews; historical information garnered from transcripts, teacher comments, tutoring evaluations, and report cards; and IEPs or 504 Plans, if any, as well as relevant psychosocial history and interventions and relevant employment history.
  - Indication of the specific ADHD diagnostic subtype; predominantly inattentive type, hyperactive-impulsive type, combined type, or not otherwise specified.

**Formal Testing:** ADHD evaluation is primarily based on in-depth history consistent with a chronic and pervasive history of ADHD symptoms beginning during childhood and persisting to the present day. It can rarely be completed in one visit with the evaluator. The evaluation should provide a broad, comprehensive understanding of:

- the applicant's relevant background including family, academic, social, vocational, medical, and psychiatric history;
- how ADHD symptoms have been manifested across various settings over time;
- how the applicant has coped with the problems; and
- what success the applicant has had in coping efforts.

Psychological testing and self-report checklists cannot be used as the sole indicator of ADHD diagnosis independent of history and interview. However, such findings can augment clinical data. Psychological testing is particularly necessary to rule out intellectual limitation as an alternative explanation for academic difficulty, to describe type and severity of learning problems and to assess the severity of cognitive deficits associated with ADHD (inattention, working memory, etc.). The report should identify which symptoms have persisted for at least six months and which symptoms were present prior to age 12 years. Further, the report should specify if symptoms are in partial remission, and should also specify the current severity of symptoms (mild, moderate, or severe).

### **SUB-APPENDIX A-3 - ADDITIONAL DOCUMENTATION FOR ACCOMMODATIONS BASED ON PSYCHOLOGICAL DISABILITY**

As used herein, “psychological disability” refers to a range of syndromes and conditions characterized by different types and degrees of emotional, developmental, cognitive, and/or behavioral manifestations. In order to be entitled to accommodations based on psychological disability, the applicant’s disability must have been identified by a comprehensive diagnostic/clinical evaluation that is well documented in the form of a comprehensive report conducted within the preceding 12 months. An evaluation that was conducted more than 12 months ago may suffice, depending on the following variables:

- a) the nature and type of the psychological disability, including its expected course;
- b) the severity of symptoms;
- c) the history of onset and/or duration of the disability; and
- d) other conditions at the time of last assessment, such as treatment status and stability of functioning.

However, if the Board determines that a submitted report from more than 12 months is insufficient and an applicant opts to withdraw from the examination, the applicant is not entitled to a refund other than that permitted by Rule 7. In addition, if symptoms vary in their chronicity and/or severity, up-to-date documentation of current level of functioning is helpful in determining appropriate accommodations.

The comprehensive evaluation report must include the following:

- psychiatric/psychological history, including presenting symptoms when disability is active
- onset, duration, and severity of symptoms, including a description that distinguishes common test-taking anxiety from a diagnosed condition
- relevant developmental, educational and familial history
- relevant medical and medication history
- current functional limitations in academic, social, or employment settings, with the understanding that a psychological disorder usually presents itself across a variety of settings other than just the academic domain and that its expression is often influenced by context-specific variables
- review of prior accommodations utilized by the applicant (e.g., for standardized examinations such as the LSAT, ACT, or SAT; school examinations; licensing or certification examinations; classroom; etc.) and the extent to which the accommodations met the applicant’s needs, recognizing, however, that accommodation needs can change over time and in different settings
- results of any tests or instruments used to support the clinical interview and support the presence of functional limitations, including any psychoeducational or neuropsychological testing, rating scales, or personality tests
- diagnostic formulation, including ***demonstration that symptoms are not better accounted for by another mental disorder, including substance intoxication, substance withdrawal or substance use disorder and do not occur exclusively during the course of another mental disorder***

- prognosis including expected progression or stability of the impact of the condition over time, if relevant to test-taking performance
- clinical rating scales as necessary to corroborate the severity of the diagnosed disorder and effort testing to identify possible malingering, as may be appropriate



## **APPENDIX B: PUBLIC RECORDS POLICY OF THE TENNESSEE BOARD OF LAW EXAMINERS**

The Public Records Policy of the Tennessee Board of Law Examiners (“TBLE”) has been adopted in order to provide economical and efficient access to public records as provided under the Tennessee Public Records Act (“TPRA”) in Tenn. Code Ann. § 10-7-501, et seq. The TPRA provides that all state, county, and municipal records shall, at all times during business hours, be open for personal inspection by any citizen of this state, and those in charge of the records shall not refuse such right of inspection to any citizen unless otherwise provided by state law. Tenn. Code Ann. § 10-7-503(a)(2)(A). Accordingly, the public records of the TBLE are presumed to be open for inspection unless otherwise provided by state law.

*Pursuant to Tennessee Supreme Court Rule 7, section 12.11, records, statements of opinion, and other information regarding an applicant for admission to the bar communicated by any entity including any person, firm, or institution to the Board or their members, employees, or agents, applications for admission, examination papers and grades, and all investigative records of the Board, including, but not limited to, correspondence and/or electronic transmissions to and from the Board, its members and staff, minutes of Board meetings and its deliberations and all documents, communications and proceedings prepared in connection with evaluations or investigations of law schools under sections 17.01, 17.02, 17.03, 17.04, 17.05, 17.06, 17.07, and 17.10 of this Rule, whether in paper or electronic form, shall be confidential and shall not be open to inspection without written application to and authorization by an appropriate order of the Tennessee Supreme Court.*

### **A. Definitions:**

- i. Records Custodian is the office, official or employee lawfully responsible for the direct custody and care of a public record. Tenn. Code Ann. § 10-7-503(a)(1)(C). The records custodian is not necessarily the original preparer or receiver of the record.
- ii. Public Records includes all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency. Tenn. Code Ann. § 10-7-503(a)(1)(A). This excludes all information deemed confidential pursuant to Tennessee Supreme Court Rule 7, section 12.11.
- iii. Public Records Request Coordinator is the individual, or individuals, designated in Section C.i.3 of this Policy who has, or have, the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA. Tenn. Code Ann. § 10-7-503(a)(1)(B). The Public Records Request Coordinator may also be a records custodian.
- iv. Requestor is a person seeking access to a public record, whether it is for inspection or duplication.

- v. Employee is any person in a full-time or part-time status that is on the TNBLE's payroll register.

**B. Requesting Access to Public Records**

- i. Public record requests shall be made to the Public Records Request Coordinator ("PRRC") or his/her designee in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.
- ii. Requests for inspection (without copies) may be made orally or in writing and may be made in person or by U.S. mail to the Administrative Office of the Courts ("AOC") located at 511 Union Street, Suite 600, Nashville, TN 37219 by phone at (615) 741-2687; or by email at [AOCpublicrecords@tncourts.gov](mailto:AOCpublicrecords@tncourts.gov). Requests for inspection only do not have to be made in writing. The PRRC shall, however, request a U.S. mail address or email address from the requestor for providing any written communication required under the TPRA.
- iii. Requests for copies or inspection and copies shall be made in writing and may be made in person or by U.S. mail to the AOC located at 511 Union Street, Suite 600, Nashville, TN 37219; by phone at (615) 741-2687; or by email at [AOCpublicrecords@tncourts.gov](mailto:AOCpublicrecords@tncourts.gov).
- iv. Unless there is an indication that the requestor is not a Tennessee citizen, proof of Tennessee citizenship by presentation of a valid Tennessee driver's license is not required as a condition to inspect or receive copies of public records.

**C. Responding to Public Records Requests**

- i. Public Record Request Coordinator
  - 1. The PRRC shall review public record requests and make an initial determination of the following:
    - a. If the requestor is a Tennessee citizen;
    - b. If the records requested are described with sufficient specificity to identify them; and
    - c. If the TBLE is the custodian of the records.
  - 2. The PRRC shall acknowledge receipt of the request and take any of the following appropriate action(s):
    - a. Deny the request on the basis that:
      - (i) The requestor is not, or has not presented evidence of being, a Tennessee citizen.
      - (ii) The request lacks specificity and/or needs clarification.
      - (iii) An exemption makes the records not subject to disclosure under the TPRA and/or pursuant to Tenn. Sup. Ct. Rule 7, Section 12.11.
      - (iv) The TBLE is not the custodian of the requested records.
      - (v) The requested records do not exist.
    - b. Contact the requestor to see if the request can be narrowed.

- c. Forward the records request to the records custodian at the Tennessee Board of Law Examiners with notice of the date the request was received and the deadline for when a response is due.
  - d. If requested records are in the custody of a different governmental entity, and the PRRC knows the correct governmental entity, advise the requestor of the correct governmental entity and PRRC for that entity if known.
3. The designated PRRC is:
- a. Name or title: AOC Communications Director
  - b. Contact information: 511 Union Street, Suite 600, Nashville, TN 37219, phone number (615) 741-2687; or by email at [AOCpublicrecords@tncourts.gov](mailto:AOCpublicrecords@tncourts.gov).

ii. Records Custodian

1. Upon receiving a public records request from the PRRC, if the requested records are practicably available and not exempt from disclosure, a records custodian shall promptly make requested public records available in accordance with Tenn. Code Ann. § 10-7-503(a)(2)(B)(i). If the records custodian is uncertain whether an applicable exemption applies, the custodian may consult with the PRRC, the Office of the Attorney General, or counsel.
2. If not practicable to promptly provide requested records because additional time is necessary to determine whether the requested records exist; to search for, retrieve, or otherwise gain access to records; to determine whether the records are open; to redact records; or for other similar reasons, then the PRRC shall, within seven (7) business days from the records custodian's receipt of the request, send the requestor a Public Records Request Response pursuant to Tenn. Code Ann. § 10-7-503(a)(2)(B)(iii).
3. If a records custodian reasonably determines production of records should be in installments, the records custodian shall inform the PRRC. The PRRC shall, within seven (7) business days from the PRRC's receipt of the request, send the requestor a Public Records Request Response informing the requestor that the production of the records will be in installments and that a records production schedule will be provided as expeditiously as practicable.
4. If a records custodian determines that a public records request should be denied because of an applicable exemption, the records custodian shall inform the PRRC, who shall, within seven (7) business days from the PRRC's receipt of the request, deny the request in writing and include the basis for such denial, pursuant to Tenn. Code Ann. § 10-7-503(a)(2)(B)(ii).
5. If a records custodian discovers records responsive to a records request were omitted in a production, the records custodian shall notify the PRRC, who shall contact the requestor concerning the omission and produce the records as quickly as practicable.

iii. Redaction

1. If a non-exempt record contains confidential information or information that is not open for public inspection, the records custodian shall prepare a redacted copy prior to providing access.

2. Whenever a redacted record is provided, a records custodian should provide the requestor with the basis for redaction, which shall be general in nature and not disclose confidential information. A records custodian is otherwise not required to provide any sort of privilege log.

#### **D. Inspection of Records**

- i. There shall be no charge for inspection of public records that are subject to inspection under TPRA.
- ii. Inspection of records shall take place at the TBLE located at 511 Union Street, Suite 525, Nashville, TN 37219. The location for inspection of records within the TBLE shall be determined either by the PRRC or the appropriate records custodian.
- iii. Appointments for inspection of records are required and may be scheduled by contacting the AOC Communications Director at (615) 741-2687. Appointments for inspection of records will not be permitted during times of testing, hearings, release of examination results, or within 3 business days before or after these events.

#### **E. Copies of Records**

- i. A records custodian shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.
- ii. Copies will be available for pickup at the office of the Tennessee Board of Law Examiners, 511 Union Street, Suite 525, Nashville, Tennessee.
- iii. Upon payment for postage and copies, copies will be delivered to the requestor's home address by the United States Postal Service.
- iv. A requestor will not be allowed to make copies of records with any type of personal equipment, including but not limited to cell phones, portable scanners, or portable copy machines.

#### **F. Fees and Charges and Procedures for Billing and Payment**

- i. Fees and charges for copies of public records should not be used to hinder access to public records.
- ii. Prior to producing copies of records, records custodians shall provide requestors with an itemized estimate of the fees, including labor costs, to the extent possible.
- iii. Pursuant to Tenn. Code Ann. § 10-7-503(a)(7)(C)(i), upon a request for copies of records, the TBLE shall assess fees for the copying and labor based on the most current version of the "Schedule of Reasonable Charges" issued by the Office of Open Records Counsel, available at: <http://www.comptroller.tn.gov/openrecords/>. If less than one hour of labor is expending in fulfilling the request, no labor fee will be assessed.
- iv. A records custodian may waive fees if:
  1. The fees total less than ten dollars (\$10.00);
  2. The person requesting the copies does so on behalf of a government agency; or

3. The person requesting the copies is indigent pursuant to Federal poverty guidelines and signs a sworn statement to that effect.
- v. Payment is to be made by cash, personal check, cashier's check or money order, payable to the TBLE.
- vi. Payment in advance is required for all requests for copies of records.
- vii. The Tennessee Board of Law Examiners will not aggregate record requests.

## **APPENDIX C: LAPTOP TESTING - Terms, Conditions and Release of Liability**

By completing an application for admission by examination to Tennessee, an applicant agrees to test by laptop unless the applicant elects to HANDWRITE the exam. The Software limits access to anything other than the word processing function provided by the Software, and facilitates essential administrative functions.

To test by laptop, you must register and download the secure examination testing software. All applicants will be sent an email from the Software provider to register for laptop testing. An applicant wishing to opt for handwriting the examination will not respond or download the Software.

Taking the examination on a laptop requires a software license fee of \$100, payable directly to the Software Provider at the time of online registration and prior to download of the Software. The Software registration fee is a NON-REFUNDABLE fee. You must apply for laptop testing and pay the registration fee each time you take the exam. The license is a one-time test license; previously installed versions will not work for the current bar examination.

In order to test by laptop, you must:

- Review items I. Terms, Conditions for Use of Laptop, below, for the UBE in Tennessee;
- Review and agree to the terms in II. Release of Liability, below; and
- Download the required Software during the open registration dates and pay the required fee.

### **A. Terms and Conditions for Use of Laptop**

By downloading the Software, you certify that you have read, understand and agree to the following:

- (1) You must pay the fee and install the Software during the specified dates. If you fail to download and pay for the Software during the registration period, you will be required to handwrite the exam.
- (2) If you withdraw from the examination after downloading the Software, you will not receive a refund of the fees. If you wish to write the examination but registered for testing by laptop, you will notify the TBLE in writing no later than the 15th day of the month of the examination (February 15 or July 15).
- (3) If you are requesting non-standard testing, you are required to complete the laptop registration and download the Software unless you elect to handwrite the exam.
- (4) Your laptop must meet the System Requirements. Please see the ExamSoft website at <https://bar.examsoft.com/system-requirements/>.
- (5) You must test the Software by following the vendor's instructions for taking a mock or practice examination to test the Software's compatibility with your computer, to make sure your computer passes the security check and to familiarize yourself with the Software and keyboard functions.
- (6) You acknowledge that limited technical support will be provided at the bar examination test site but your Software must be downloaded prior to entering the testing area.

- (7) You understand that you are NOT allowed to use an iPad or other tablet-type device, external keyboard or external mouse whether wired or wireless. If you are found with these items during the exam, you will be dismissed from the exam.
- (8) If you do not own the laptop you intend to use, you must verify that there are no restrictions in place for that laptop which will prevent you from downloading and running the Software for the UBE in Tennessee.
- (9) You accept that you are not permitted to take the bar examination using your laptop battery, although it must be fully charged on the day of the exam; electrical hookups will be provided in the laptop testing area.
- (10) You will use your laptop only for the MPT and MEE portions of the UBE in Tennessee.
- (11) Should your laptop malfunction on the day of the examination, you will be required to handwrite your examination answers in answer booklets for the remainder of the exam. In the event of a laptop malfunction, every effort will be made to retrieve your essay answers from the laptop to the point of malfunction. Such attempts are usually successful; however, in the case of a catastrophic failure of the laptop, you understand that your answers may not be recovered and this information might not be available until a week or more following the examination after all options for recovery are exhausted.
- (12) You are required to be experienced working with your laptop computer, including the process of saving a file to a USB drive or uploading a file via the internet. You will need to find access to an internet connection after the examination in order to upload answers to the TBLE as internet connections at the examination locations may be insufficient to handle the volume of uploads after the exam.
- (13) You understand that, for standard and time and one-half testing, the deadline for uploading answers is 9:00 p.m. local prevailing time based on your examination testing location (Knoxville – Eastern time; Nashville and Knoxville – Central time) on the last day of standard or time and one-half testing (Wednesday). For double-time testing, the deadline is 6:00 p.m. local prevailing time on the last day of double-time testing.
- (14) You understand that for any answer not uploaded by the deadline you will receive a score of zero on the missing answer(s).
- (15) You must follow the instructions and type or write in the designated tabs or books. The TBLE will not search for your answers or make changes to incorrectly formatted or numbered MPT or MEE answers resulting from failure to follow the laptop testing instructions, including typing an answer in the wrong space or deleting, adding, editing or renumbering the preloaded dividers. The answer, as printed after the examination, will be given to the grader assigned to grade the question indicated on the cover sheet of the answer. If your answer does not match the question or is blank, you will receive a zero.
- (16) You acknowledge that you will not receive a printed copy of your essay answers. All editing will be done on your computer screen. Your answers will be uploaded to a USB drive provided by the Software vendor or uploaded to a website, printed, and provided to the TBLE for grading.
- (17) You must remove your laptop from any computer bag, case, backpack, sleeve, hard case cover or other carrying cases (collectively, “laptop case”) prior to the entering the examination room and store the laptop case at the designated bag drop area. Laptop cases may not be accessed during any testing session.

(18) You understand that laptops MUST be left in the testing room during the lunch break. The testing room will be staffed or locked.

(19) You understand and agree that the TBLE does not assume responsibility for any computer equipment.

#### **B. Release of Liability**

By downloading the Software, Applicant requests permission from the Tennessee Board of Bar Examiners (“TBLE”) to take the MPT and MEE portions of the UBE in Tennessee by laptop computer (“computer”) in lieu of handwriting my answers and acknowledges that the use of Applicant’s computer is subject to the following terms, conditions, and warnings, which Applicant accepts:

- (1) Applicant certifies that Applicant has carefully read the Terms and Conditions for Use of Laptop (“Terms and Conditions”) above and that Applicant fully understands and accepts the contents.
- (2) Applicant understands and accepts that the TBLE has exclusive authority to determine Applicant’s eligibility to use a computer to answer the examination and that download of the Software does not constitute authorization from the TBLE to use a computer during the examination and that, at any point, the TBLE can require that Applicant handwrite the examination.
- (3) Applicant certifies that Applicant is aware that the TBLE offers the alternative of taking the essay portion of the examination by computer or by handwriting, and that Applicant has voluntarily chosen to use a computer.
- (4) Applicant understands and accepts that the authorization to use a computer during the examination implies that Applicant will have to use a computer provided by Applicant, and Applicant certifies that it will be available before, during, and after the administration of the bar examination. Further, Applicant authorizes the TBLE staff to inspect the provided computer before, during, and after the examination.
- (5) Applicant certifies that the provided computer meets the requirements and the specifications set forth in the Laptop Instructions and on the website at <http://www.examssoft.com/tnbar>.
- (6) Applicant agrees to install the testing Software (“Software”) on the provided computer. Applicant understands and accepts that the TBLE does not guarantee the Software, its use or its proper functioning.
- (7) Applicant understands and accepts that the authorization to use the provided computer during the examination entails a Software license fee that will pay to the Software provider at the time and in the manner established by that company. I acknowledge and accept that said fee is nonrefundable and that it is separate from and in addition to the bar examination application fee required by the TBLE.
- (8) Applicant understands that anti-virus software must be disabled during the examination for the Software to run. Further, Applicant assumes the obligation to keep the Software installed on the provided computer until after the results of the bar examination have been released.
- (9) Applicant assumes the obligation to ensure that the provided computer is in good working order to be used on the day of the examination.
- (10) Applicant declares that Applicant has sufficient experience and practice using the computer. Applicant agrees to have sufficient experience and practice with the Software before taking the exam, including taking the mock exam.



- (11) Applicant understands that the TBLE will not search for answers or make changes to incorrectly formatted or numbered answers to the MPT or MEE questions resulting from failure to follow the laptop testing instructions, including typing an answer in the wrong space or deleting, adding, editing or renumbering the preloaded dividers. The answer, as printed after the examination, will be given to the grader assigned to grade the question indicated on the cover sheet of the answer. If the answer does not match the question or is blank, Applicant will receive a zero.
- (12) Applicant agrees to use the Software according to the instructions and under the terms and conditions imposed by the Software provider and in accordance with the instructions provided in the Laptop Instructions.
- (13) Applicant acknowledges that the use of the computer carries with it certain technological risks, including but not limited to computer or Software malfunction or power failure. Applicant accepts that by requesting to use a computer to answer the exam, Applicant is assuming all these risks.
- (14) Applicant agrees not to delay and/or prevent commencement of the examination because of any problem or difficulty arising from Applicant's lack of skill or preparedness or from technical problems resulting from computer or Software malfunction.
- (15) Applicant accepts that if there is a problem of any kind that would make it difficult or prevent from use of the computer to answer the exam, at the request of the TBLE staff, Applicant will begin and/or continue to handwrite answers in the answer books to be provided by said staff, and that Applicant will remain in the same seat. Applicant understands and accepts that the decision to handwrite the answers is final.
- (16) Should Applicant experience any difficulty or problem with the use of the computer, Applicant is required to immediately notify the TBLE staff and to assist them in every way in an attempt to retrieve Applicant's answers, including placing the computer used at their disposal. Applicant understands and accepts that there is no guarantee that such answers will be totally or partially recovered and understands and accepts that in the event that any or all of my answers are lost or irretrievable, only those portions retrieved, if any, will be graded. Applicant understands and accepts that there is a risk that answers may be totally or partially lost and/or irretrievable due to problems related to the use of the computer. However, Applicant has decided that the convenience of typing answers on the computer outweighs these risks, which Applicant accepts without reservation of any kind.
- (17) Applicant understands and accepts that should Applicant experience any difficulties and/or problems related to the use of the computer, Applicant is not entitled to receive additional time or any other accommodation or consideration for that reason. In case Applicant does not achieve a score sufficient for admission to Tennessee on the UBE, Applicant understands and accepts that Applicant is not entitled to request or be granted any reconsideration or modification of results due to problems related to the use of the computer to answer the examination and that the only recourse available for a score that does not meet the minimum required score in Tennessee is re-examination.
- (18) Applicant understands and accepts that the computer must remain at Applicant's seat during the entire MPT and MEE portions of the examination, including the lunch break, until the last MEE session is finished, even if Applicant has to handwrite my answers. Applicant understands and accepts that Applicant may not unplug the computer at any time, even if finished with the

examination before time is called by the TBLE, unless authorized to do so by authorized TBLE staff. Applicant understands and accepts that if Applicant unplugs, turns off, and/or removes the computer from the testing area before the end of MPT or MEE testing without being authorized by the TBLE staff, Applicant's answers to the MPT and MEE questions will not be graded and, consequently, will be treated as blank answer books.

- (19) Applicant understands and accepts that the Software provider and its representatives do not represent the TBLE in matters related to TBLE procedures and policies.
- (20) Applicant understands and accepts that Applicant has an obligation to be in the pre-assigned seat at the time noted in Applicant's Seating Assignment for the morning session and at 1:15 p.m. for the afternoon session for the purpose of making the necessary arrangements to use the computer and the Software. Applicant understands that if late, Applicant may not be allowed to use the computer, and, if not allowed to use the computer, must handwrite the answers and remain in the same pre-assigned seat.
- (21) Applicant understands and accepts that after Applicant finishes the exam, Applicant will follow the instructions of the authorized staff in order to upload the answers to a web address. Applicant understands and accepts that if Applicant fails to upload answers by the deadline, the answers will not be graded.
- (22) Applicant understands and accepts that Applicant is not authorized to make any copy of the answers or to use any data storage device to record questions or answers. If Applicant is found to have copied or stored questions or answers, none of Applicant's answers to the MPT or MEE questions will be graded and, if discovered during the examination, Applicant will not be allowed to continue the examination.
- (23) Applicant understands and accepts that once Applicant enters the testing area that accessing the Internet and/or opening or examining any program, file or document other than the Software is a violation subject to penalties by the TBLE.
  - (a) If Applicant is caught by a Proctor or TBLE Staff in any program other than the Software after entering the testing area, Applicant will be dismissed from the exam.
  - (b) Additionally, upon suspicion that Applicant has examined any unauthorized material in the testing area before or during the exam, the computer will be immediately confiscated and Applicant will be required to handwrite answers. Applicant understands and accepts that the computer will not be returned until after the TBLE has examined it, and under no circumstances will it be returned during the exam.
  - (c) If Applicant is found to have examined any unauthorized material during the exam, Applicant's examination will not be graded and Applicant will have to appear before the Board.
- (24) Applicant understands and accepts that the Tennessee Supreme Court of Tennessee and the TBLE, its members, representatives, agents, proctors, employees and staff, in their official and personal capacities, assume no liability for the difficulties, mishaps and/or problems that may arise from the use of a computer to take the bar examination.
- (25) Applicant hereby releases, discharges, and exonerates the Tennessee Supreme Court and the TBLE, its members, representatives, agents, proctors, employees and staff, in their official and personal capacity, from any and all contractual and/or noncontractual [tort] liabilities of every nature and kind arising from Applicant's decision to use a computer to take the bar**

examination, including, without being limited to, any damage caused to the computer by the installation and/or use of the Software;

- (26) Applicant understands and accepts that Applicant has no right to sue and/or file a claim and that Applicant will not sue or file any claim against the Tennessee Supreme Court, the TBLE, its members, representatives, agents, proctors, employees and staff, in their official and personal capacity, for any difficulty, problem or event arising from Applicant's decision to use a computer during the exam, and that download of the Software constitutes acceptance of the terms and sufficient grounds for summarily dismissing with prejudice any claim that Applicant may file in connection with Applicant's decision to use a computer to take the bar exam; and**
- (27) Applicant agrees to indemnify the Tennessee Supreme Court, the TBLE, its members, representatives, agents, proctors, employees and staff for the costs, expenses, and attorney's fees, and for the damage resulting from any claim Applicant may file against them in connection with Applicant's decision to use a computer to take the bar exam.**
- (28) Applicant understands and accepts that Applicant will be dismissed from the examination for any violation of these terms, including using an external mouse or keyboard, whether wired or wireless, using an iPad or tablet, or having a computer case, sleeve or other bag at the examination table.**