

## **Comments from Executive Director Susan Henricks, July 30, 2020:**

Administration of a high-stakes licensing examination is not a simple undertaking and I beg your understanding of that fact.

Many personal items that applicants would like to use are unfortunately prohibited, including over the counter medication, cell phones, eyeglass cases, ear plugs, pencil cases, mechanical pencils, wallets, eye drops, paper tissues, etc. The reason for these limitations is to prevent contraband such as study materials and electronic recording devices from being concealed and brought into the room. We provide some of these prohibited items for the applicants such as ear plugs, tissues and feminine hygiene products, because we know that they are sometimes necessary for the applicants' comfort. The administrators of this examination are primarily females, including me obviously, and we understand the need for access to feminine hygiene products. Our only intent is to operate the examination fairly and securely, not to discriminate unfairly against any person or group. We also know that the overwhelming majority of applicants have no design or intention to compromise the integrity of the examination and that these policies may be burdensome and inconvenient. Fortunately, each testing session lasts for about four hours or less with a lunch break so access to prohibited items is for a rather brief period.

I know this may sound overly security conscious, however, we are aware of individuals who have sat repeatedly for the bar examination with no intention of seeking admission to the bar, but for the sole purpose of gaining access to the Multi-state Bar Examination questions. Some people have an incentive to photograph or copy the examination questions. Also, not all of the applicants test on the same schedule. Some applicants do not complete the examination until 1-2 days after the regular examination schedule is complete. We have also discovered contraband, including smart phones and study materials, secreted by applicants. And, we generally must rapidly check in and inspect the permitted personal items for 1000 or more applicants at our examination sites, using temporary workers. We have found that limiting the permitted items simplifies and expedites the inspection process at check in.

Until this month, we have also found that applicants were generally satisfied with the feminine hygiene products we supply in the women's restrooms. We have made an effort to provide an assortment of different sizes and brands of products and we provide both pads and tampons, at no charge to the applicants. We have not received the complaints that you have reported. I don't doubt that you have heard these complaints but we have not been made aware of them until now.

At this time, due to the pandemic, we do not know the conditions under which the February examination will be conducted and the policies that will be needed. If personal feminine products are allowed in a mass examination room, we would require them to be removed from the paper or plastic packaging and placed in clear plastic bags for inspection.