



NEW YORK STATE
BAR ASSOCIATION

Report and Recommendations of the **New York State Bar Association Young Lawyers Section on Emergency Management, Security, and Examinee Redress**

June 2026



YOUNG LAWYERS SECTION

Report of the New York State Bar Association Young Lawyers Section Regarding Bar Exam Emergency Management, Security and Examinee Redress

I. Introduction

The administration of high-stakes bar examinations poses both health and test-fairness risks when medical emergencies or security problems occur in testing rooms and adverse events occur during the administration of the New York bar exam. Recent reporting and commentary document an incident in which an examinee collapsed or suffered an apparent cardiac event while testing continued and assistance was delayed.¹ Additionally, the exam was postponed at one Manhattan testing site, but held as scheduled at others, raising concerns that delayed test-takers could gain an unfair advantage by learning the exam content from examinees at other sites.²

This report summarizes the issue and offers recommendations for implementing the resolution.

II. Core Problem: The Bar Exam Is Not Worth a Life

High-stakes timed examinations compress performance into a short period and place stress on examinees. Critics have argued that the bar exam's structure can cause avoidable harm, from mental health strain to acute medical emergencies exacerbated by the testing environment, and that testing systems are not always set up to respond promptly to emergent medical needs.³ One high-profile situation in which a New York bar examinee experienced a medical crisis during administration, prompting renewed attention to whether proctors and test vendors respond appropriately and whether testing rules adequately protect examinee safety and fairness.⁴

A. Recent Incidents and Reporting

On Wednesday July 30, 2025, the administration of the New York State Bar Examination in Hempstead, New York was marred by an examinee suffering a heart attack while exam proctors

¹ Stacey Sager, Students Say Proctors Didn't Stop Bar Exam; Hofstra University Woman Had Apparent Heart Attack, ABC7NY (Aug. 1, 2025), <https://abc7ny.com/post/students-say-proctors-didnt-stop-bar-exam-hofstra-university-woman-had-apparent-heart-attack/17394259/> (last viewed Mar. 3 2026).

² Mike Vilensky, Bloomberg Law, NY Bar Exam Cheating Concerns Swirl as Blizzard Bumps Some Tests (Feb. 26, 2026), <https://news.bloomberglaw.com/new-york-brief/ny-bar-exam-cheating-concerns-swirl-as-blizzard-bumps-some-tests> (last visited Mar. 3, 2026).

³ Logan Cornett and Zachariah DeMeola, Institute for the Advancement of the American Legal System, No Small Measures: We Must Radically Reconsider Lawyer Licensure and the Bar Exam, IAALS, <https://iaals.du.edu/blog/no-small-measures-we-must-radically-reconsider-lawyer-licensure-and-bar-exam> (last viewed Mar. 3 2026)..

⁴ Chris Williams, New York's "Clock Should Stop" Act Could Ensure Safety Measures for Future Bar Exams, Above the Law (Aug. 2025), <https://abovethelaw.com/2025/08/new-yorks-clock-should-stop-act-could-ensure-safety-measures-for-future-bar-exams/> (last viewed Mar. 3 2026).

followed apparent standard testing procedures and did not immediately halt the session. That student was treated by paramedics as other examinees looked on while continuing to take the exam. The student was later surgically fitted with a pacemaker device.⁵ The exam clock was never stopped and no additional time was permitted to examinees for the disturbance.⁶ Nothing further was communicated to examinees at the site. The examinee reportedly passed the exam.

The February 2026 bar exam was also blemished with irregularity. Due to a blizzard, the Washington Heights test site was closed on the first day of the exam due to ongoing snow removal, while other locations across the state and New York City continued with the exam as scheduled.⁷ This raised integrity concerns, as examinees can access exam questions from the internet and other examinees.

B. Existing Policies

The National Conference of Bar Examiners (NCBE) is the national provider of the current bar examination used in New York as well as its successor for 2028, the Uniform Bar Examination and the NextGen Bar Examination.⁸ Accordingly, the NCBE sets its own administrative policies in relation to its examinations. The NCBE has a “Bar Examiners Handbook” to assist with the administration of these exams, but it is not regularly updated, not publicly available for purchase or download, nor does it contain acceptable guidance on health emergencies, disaster responses or risk management.

Current state law already defines what constitutes natural and manmade disasters.⁹ Further, the governor has the power to declare a disaster emergency.¹⁰

In New York, a bill has been proposed in the Senate and Assembly to require stoppage and remediation when a medical emergency materially disrupts testing.¹¹ This bill also requires planning for additional contingencies such as criminal incidents and natural or manmade disasters.

III. Recommendations

The trust of the public in the legal profession requires an orderly administration of the bar examination. Decision makers and regulators have not adequately or proactively guaranteed this. The New York State Bar Association needs to advocate for bar examinees.

Accordingly, we, the Executive Committee of the Young Lawyers Section, make the following policy recommendations to address the systemic flaws within the administration of the bar exam:

⁵ Supra notes 1 and 4.

⁶ Julianne Hill, NY Bar Examinee Collapses but Test Keeps Going, The ABA Journal, <https://www.abajournal.com/web/article/ny-bar-examinee-collapses-but-test-keeps-going> (last viewed Mar. 3 2026).

⁷ Supra note 2.

⁸ Julianne Hill, New York will adopt NextGen bar exam, considers surprising shifts in state-law tests, The ABA Journal (Jan. 9, 2025), <https://www.abajournal.com/web/article/new-york-to-adopt-nextgen-bar-exam-considers-shifts-in-state-law-tests> (last viewed Mar. 3 2026).

⁹ New York Executive Law §20, Article 2-B (State and Local Natural and Man-Made Disaster Preparedness)

¹⁰ New York Executive Law §28, Disaster Emergency Declaration. Note: In the event of a state-declared emergency, it unlikely that any public services are available.

¹¹ A.2025-8984, N.Y. Gen. Assemb. (2025), <https://www.nysenate.gov/legislation/bills/2025/A8984> (last visited Mar. 3, 2025); S. 2025-8848, N.Y. Sen. (2026), <https://www.nysenate.gov/legislation/bills/2025/S8848> (last viewed Mar. 3 2026); This report takes no official position in support or opposition to the Clock Should Stop Act.

1. Adopt clear standards for staff requiring immediate summoning of emergency medical services and reasonable on-site first aid whenever a medical emergency is suspected, with express inclusion of automated external defibrillator (AED) access and cardiopulmonary resuscitation (CPR) as appropriate. These standards should be published and publicly available.
2. Give designated proctors onsite authority to pause a testing session when a medical emergency materially disrupts the room; require immediate notification protocols (911, site security, vendor incident desk) and standardized documentation.
3. Require proctor and site staff training in emergency recognition, basic life support awareness, and test-pause procedures; require host sites to certify AED availability and trained personnel or to document agreements for the site emergency response plan.
4. Require qualified medical personnel, such as paramedics or EMTs, to be present at administrations of the New York bar exam.
5. Coordinate emergency remediation procedures with ADA accommodations policy so that ad hoc remediation does not conflict with pre-approved accommodations and equitable access is maintained. The emergency remediation procedures should be publicly available.
6. Establish objective remediation rules: time restoration equal to lost time, private continuation under monitored conditions, or a no-penalty makeup session scheduled promptly. Coordinate stoppages with other sites for state-wide fairness. Provide an appeals process for remediation decisions. The remediation rules should be publicly available.
7. Develop test-security protocols for paused sessions (securing paper and electronic materials, monitoring private continuations) and standardized incident reports to support transparency and continuous improvement. The protocols should be publicly available.
8. Require the New York Board of Law Examiners to create a new risk management plan with stakeholder input to address natural disasters, inclement weather, facilities issues, medical emergencies, security risks requiring police assistance and other events to maintain the integrity of the bar exam. The risk management plan should be publicly available.

IV. Conclusion

Medical, climate and security emergencies during bar examinations are real and existing exam administration rules have prioritized test continuity over the fairness and safety of the exam itself. The New York State Bar Association will focus attention on practical reforms: ensuring immediate emergency response while building fair remediation processes and robust test-security safeguards. The New York Court of Appeals and the Board of Law Examiners must develop acceptable rules with public input to ensure the safe and secure occurrence of the bar exam. With clear authority, training, and protocols, testing programs can protect examinee health without sacrificing the integrity of the exam.



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