

**UTAH STATE BAR
REQUEST FOR LPP EXAMINATION ACCOMMODATION**

GENERAL GUIDELINES

I. INTRODUCTION

The Licensed Paralegal Practitioner Exam (“LPP Exam”) is a one-day timed examination designed to test the knowledge and skills necessary for one who seeks to practice law as an LPP in Utah. If you have a currently documented disability that may affect your performance on the Utah State Bar LPP examination, reasonable non-standard test accommodations may be available.

It is the policy of the Utah State Bar (“the Bar”) to administer the LPP Exam in accordance with the Americans with Disabilities Act, as amended (“ADA”). To qualify for a reasonable non-standard test accommodation under the ADA you must show that you are a “qualified applicant with a disability.” **This requires evidence that you are otherwise eligible to take the LPP Exam, but, by virtue of a disability, you cannot demonstrate under standard testing conditions the knowledge and skills you possess.**

The Bar will make reasonable modifications to any policies, practices and procedures that might otherwise prevent individuals with disabilities from taking the LPP exam in an accessible place or manner, provided such modifications do not:

- (1) cause a fundamental alteration to the examination or other admission requirements, thus affecting the Bar’s ability to determine through the examination whether the applicant possesses the skills and knowledge necessary for the practice of law in Utah;
- (2) impose an undue burden on the Bar;
- (3) jeopardize examination security; or
- (4) compromise the integrity, the reliability or the validity of the examination with respect to all applicants.

The goal of the Bar is to provide all candidates with a fair, uniform and secure environment under which to demonstrate their knowledge and skills. The Bar must ensure that those with disabilities have the same opportunity to do this as those without disabilities, while maintaining security and safeguarding against unfair advantages.

In order to accommodate disabled persons, the Bar may:

- (1) approve additional testing time;
- (2) provide auxiliary aids and services;
- (3) remove communication barriers;
- (4) reasonably modify policies or practices.

Requests for accommodations will be evaluated on a case-by-case basis. You must submit documentation from one or more qualified professionals providing information on the diagnosed impairment(s), your current level of impairment, and the rationale for the accommodations requested on the LPP exam. In addition, you must submit verifying documentation of your history of accommodations, if applicable. All documentation will be retained by the Bar and may be submitted to one or more qualified professionals for an impartial review. Accommodations granted elsewhere do not necessarily entitle you to accommodations on the LPP examination, although the Bar will give considerable weight to documentation relating to past accommodations received in standardized testing situations.

II. DEADLINES

If you are seeking an accommodation, we encourage you to apply for the LPP exam at an early date. You must submit your accommodation request materials with your complete application for admission. Applicants with disabilities are subject to the same application deadlines and late fees as individuals without disabilities. Because most of the accommodation request forms require input from third parties, the appropriate individuals should be asked to complete the forms well in advance of the application deadline. ***Please note: there are no exceptions to these deadlines. Accommodation requests submitted after the deadline will be denied without review.***

III. RETAKE APPLICANTS

If you retake the examination and were previously granted accommodations, you do not need to resubmit test accommodation documentation provided that (1) you applied or sat for the LPP Exam within the preceding two years, (2) you are requesting the same accommodations that were requested or received previously, and (3) there have been no material changes in the status of the disability for which the accommodations were requested or granted.

Test accommodation documentation must be resubmitted if (1) there is any change in the accommodations requested, (2) the nature of your disability is changeable, or (3) it has been more than two years since you applied or sat for the LPP Exam.

In all cases, the Bar reserves the right to request an update to prior documentation if it determines that the documentation it has is insufficient to establish your current level of impairment and need for accommodations.

IV. APPEALS

If your request is denied or you are unhappy with the accommodations granted you may seek reconsideration by the LPP Test Accommodation Committee. Due to time constraints it may not be possible to complete the reconsideration prior to the examination for which you have applied. In these cases, there are two options: (1) you may take the examination under the conditions offered and pursue the appeal if you fail the examination or (2) you may pay the \$50 transfer fee to have the application transferred to the next examination date. If the Committee's decision is affirmed after reconsideration, the applicant may request a review of the decision by the Admissions Committee (see Rule 15-715).

V. STANDARD LPP EXAM TESTING CONDITIONS

The test is administered in an environment similar to a classroom test setting. You are allowed to use earplugs, but audio or visual distractions may be present. During the exam, you are permitted to stand and stretch and leave your desk to use the restroom or drinking fountain.

The exam is given on one day and will consist of one 50-question multiple-choice test in Professional Responsibility. Candidates will be given 90 minutes to complete this component. Candidates will also choose to take the exam for any of three area-specific exams: Family Law, Landlord/Tenant, and/or Debt Collection. The Family Law exam consists of one 50-question multiple-choice exam and one essay/practical component. The candidate will be given two- and one-half hours to complete this section. The Landlord/Tenant and Debt Collection areas each have a 25-question multiple-choice test and an essay/practical question. The candidate will be given one hour and 15-minutes each to complete these sections. Candidates must record their answers in written format, by hand. In responding to these questions, candidates must demonstrate their ability to identify significant legal issues and principles, analyze complex legal problems, and organize and articulate a comprehensive analysis of legal issues. There will be an hour-long lunch break between two test sessions.

VI. ACCOMMODATION OPTIONS

The most frequently requested accommodations are listed below. Other accommodations may be available upon request. Any requested accommodations must be supported by objective data, not just a self-report. Please keep in mind that accommodations are intended to afford equal access, **not** to maximize potential or guarantee the outcome.

Please note that Test Accommodation Documentation is only required if your desired accommodation alters the administration and format of the exam, since such requests not only affect the nature of the examination but also require the Bar to order special equipment or materials, arrange for additional testing rooms, and hire additional proctors. If you are only requesting to bring a prohibited item into the room (for example, a pillow, lactation equipment, an inhaler, or snacks), you should complete the Courtesy Provisions for Medical Conditions form and attach a doctor's note.

Formatting:

The test materials can be provided in large type (18 or 24 pt. font), or the Bar can arrange for a reader to read the materials to you. For purposes of drafting your answers, a court reporter is an effective alternative to typing or handwriting if you are unable to do either. Dictation software may also be used.

Extra Breaks:

If you need more than the usual one-hour lunch break between the two test sessions, additional breaks may be provided (usually 5-10 minutes in length). To maintain security and fairness, be aware that if sessions are divided, you will only be provided with those test materials which you can complete before the break: for example, if you have a break every 15 minutes, you will receive 15 multiple choice questions at a time and you will not be able to return to those questions during future sessions.

Extra test time:

There are four standard formats of extra time: (1) Time and a quarter, (2) Time and a third, (3) Time and a half, and (4) Double time. It is important to remember that in order to maintain the standard 8-hour day, extra time may result in extra days of testing; in some cases the exam could extend into two days. In addition, extra test time sometimes results in the scheduling of extra breaks to prevent overly-long sessions (see above).

Other:

Other common requests include the use of a lectern (so you can work while standing), a separate, distraction-reduced room, permission to stand and move during the examination, and shortened test days with the test spread over more than one day.

VII. REQUIRED DOCUMENTATION

To qualify under the ADA, you must provide evidence that you **have an impairment that substantially limits a major life activity AND demonstrate that the functional limitation resulting from your impairment significantly impacts your ability to take the LPP exam. Please note that all documentation must meet the following requirements:**

- (1) Testing must have been conducted within five years of your request for an accommodation on the LPP Exam.
- (2) All test scores and percentiles should be based on age-adjusted rather than education-adjusted norms and should demonstrate that you have a functional limitation when compared to a person in the general population, not the average law school or college graduate.
- (3) You must provide the appropriate forms (see below) with your completed application for admission or your accommodation request will be denied without review.

If the documentation you submit is deemed insufficient or outdated, you will be required to obtain current testing and assessment or additional documentation for your request for an accommodation to be processed. The review of the supplemental information may delay the final decision until the next LPP exam.

FORM A - Accommodations Eligibility Questionnaire with a Personal Statement, providing a description of the disability, past accommodations received, and the accommodations requested on the LPP exam.

FORM B - Statement of University/Law School Official Form verifying accommodations provided to the applicant while at a University or law school.

FORM C - Medical Disability Verification Form from a physician or qualified licensed professional substantiating the physical disability, including any and all test results administered in making the diagnosis, and providing a professional opinion with respect to the need for the accommodation requested. A copy of the Guidelines for Documentation of Medical Disabilities should be given to the diagnostician/evaluator completing the form.

FORM D - Cognitive/Learning Disability Verification Form from a physician or qualified licensed professional substantiating a cognitive or learning disability. Any and all test results administered in making the diagnosis should be provided, along with a professional opinion with respect to the appropriateness of the accommodation requested. A copy of the Guidelines for Documentation of Cognitive/Learning Disabilities should be given to the diagnostician/evaluator completing the form.

FORM E - Attention Deficit –Hyperactivity Disorder Verification Form from a physician or qualified licensed professional substantiating the disability, including any and all test results administered in making the diagnosis, and providing a professional opinion with respect to the need for the accommodation requested. A copy of the Guidelines for Documentation of ADD/ADHD should be given to the diagnostician/evaluator completing the form.

FORM F - Medical/Healthcare Information Release. This form should be completed, signed and notarized by the applicant, with a copy provided to the Bar and to all individuals completing the above forms (school official, physicians, etc.)

The Bar will notify you in writing if we need additional information to process your accommodation request. The fact that you received an accommodation during college or law school does not guarantee that you will receive an accommodation on the LPP exam. It is important that you and your evaluator understand that the mere documentation of the presence of a disability does not entitle you to an accommodation. **Rather, the impact of your disability on your ability to take the LPP exam must be quantifiably and objectively documented so that reasonable accommodations can be determined.** The Bar reserves the right to make the final decision on all requests for LPP exam accommodations.

VIII. INFORMATION REQUIRED FOR DOCUMENTING DISABILITY

Attached to Forms C-E you will find Guidelines for documenting the disability and its effect on your ability to take the LPP examination. You should review these guidelines yourself and give a copy to the professional who is completing the form on your behalf to ensure that he or she provides all the necessary information and testing.

IX. SUBMISSION

Submit all documents for your accommodation request with your application. The submission of any of the requested information after the application due dates are subject to the respective late fee. No submissions will be allowed after the final application deadline.

X. NOTICE OF DECISION ON ACCOMMODATION REQUEST

The LPP Test Accommodation Committee will review your request for accommodations, and will send correspondence regarding your request for accommodation, including its decision, to the mailing address you list in your Bar application. This will usually occur in the month before the LPP Exam (February for the March exam, July for the August exam).