

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

Civil Docket No.: 06 CA 11370 MLW

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Christine. Varad,  
Plaintiff,

v.

Reed Elsevier Incorporated,  
d.b.a. *LexisNexis, LexisNexis Risk &  
Information Analytics Group, Inc.*,  
Defendant.

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**EXHIBIT A**

THOMAS J. QUINN, ESQ.  
CHAIR  
JOANNE LEBEL, M.S.Ed., C.A.S.  
SECRETARY  
PAUL H. MILLS, ESQ.  
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ALFRED H. FUCHS, Ph.D.  
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State of Maine  
**Board of Bar Examiners**

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CHERYL J. CUTLIFFE  
EXECUTIVE DIRECTOR

June 6, 2007

Ms. Christine M. Varad  
P. O. Box 583  
Milton, MA 02186

**RE: Maine Bar Application for Accommodations**

Dear Ms. Varad:

At Mr. Quinn's request, and on behalf of the entire Board of Bar Examiners, I am responding to your letters addressed to Mr. Quinn dated May 5, 2007; May 14, 2007; and May 31, 2007.

As I have stated to you in previous correspondence, there are several factors the Board must consider in granting and providing accommodations for disabled applicants. First, the Board must consider whether the requested accommodation is reasonable in relation to the nature of the applicant's disability. Second, the Board must also consider whether the requested accommodation creates risk for the integrity and security of the exam. Finally, the Board must consider whether the accommodation would result in an advantage not afforded to non-disabled applicants.

In your particular case, you suffer from a hand injury which prevents you from both writing and typing for long periods of time. The Board granted you a court reporter to dictate your responses, and you in fact indicated to the monitor, the court reporter and myself at the exam that the accommodation was working well for you. Your letters to Mr. Quinn indicate that you question both the need for the conversion of your essay answers for grading and the process by which the conversion is undertaken.

First, you assert that "[g]raders are not able to discern the identity of examinees that have been granted testing accommodations and the 're-formatting' [sic] element only serves to unfairly impair the assessment and grading process...." The same members of the Board who review and grant accommodations are actively involved in the grading process. If your answers were simply

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provided to graders in a court-reporter-transcript format, Board members would be able to identify you because you were the only applicant granted a court reporter. Both the anonymity of applicants and the integrity of the exam would be compromised, resulting in an unfair advantage.

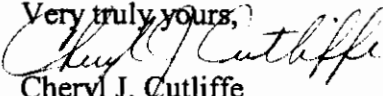
Therefore, to eliminate such a compromise of anonymity, your essay answers must be converted to look like those of other applicants. There are two options for such a conversion – converting them to the format utilized by computerized testing applicants, or handwriting them into blue books from the court reporter's transcription. Because the handwriting option creates more opportunity for error during the conversion process, your answers were converted to computerized testing format.

Because I was the one who did the conversion, I can assure you that the only alterations to your answers were the elimination of annotative instructions which would reveal that the answers were verbally dictated such as "new paragraph," and separating out the portions designated for each question. You were given the opportunity at the exam to sit directly next to the court reporter and edit your answers as you went along. You verbally indicated to me that you had plenty of time, and the time records reflect that you finished most sessions early, indicating that you were satisfied with your answers at the conclusion of each session.

You also suggested that you should have been afforded the opportunity to review your answers once the conversion was completed. Again, this would result in an unfair advantage to you that is not afforded to other applicants. The Board's obligation to maintain the integrity of the exam would not allow for such a review.

Finally, you suggested that the graders should have been made aware of the accommodation in completing the grading process. The Board and exam graders **MUST** maintain each and every applicant's anonymity through the grading process and must treat each answer equally in order to protect against creating an unfair advantage for any individual applicant and to maintain the integrity of the exam for all applicants.

I hope this response addresses your concerns.

Very truly yours,  
  
Cheryl J. Cutliffe  
Executive Director

/cjc