

FAQS FOR OCTOBER 5-6, 2020 REMOTE EXAM IN NEW YORK
Revised 9/15/2020

1. What content will be tested by on the remote exam?

- The content tested on the October 2020 remote exam will be the same as the content of the Uniform Bar Exam. You should study the same topic areas that you would if you were preparing to take the UBE.
- The remote exam will consist of one Multistate Performance Test (MPT) item, three Multistate Essay Examination (MEE) questions, and 100 Multistate Bar Examination (MBE) questions divided into two, 50-question sets.

2. What is the format of the October 2020 remote exam?

- The remote exam will consist of four 90-minute test sessions administered over two days on October 5 and 6, 2020. There will be a thirty (30) minute break between sessions on each day of the exam. Once you complete a session, you will not be able to return to the question(s) given in prior sessions.
- On October 5, 2020, one 90-minute session will consist of one Multistate Performance Test (MPT) item and the other 90-minute session will consist of three Multistate Essay Examination (MEE) questions.
- On October 6, 2020 each of the two 90-minute sessions will consist of 50 Multistate Bar Examination (MBE) questions.

3. What is the schedule for the October 2020 remote exam?

- The remote exam will be administered on the following schedule (all times are Eastern Time):

Monday, October 5, 2020:

12:00 PM to 1:30 PM (ET) MPT
2:00 PM to 3:30 PM (ET) MEE

Tuesday, October 6, 2020:

12:00 PM to 1:30 PM (ET) MBE
2:00 PM to 3:30 PM (ET) MBE

- **The schedules for applicants testing with accommodations under the Americans with Disabilities Act may vary from the standard schedule addressed above. Applicants testing with accommodations should refer to their determination letter and/or any follow up letters from the Board concerning their schedules and any other modifications that are being made for the exam.**
- **IMPORTANT TIP:** Each exam session/module will require a password, and each password will be released 15 minutes before each session/module. Applicants can and should begin the check-in and log-in process as soon as the password is available in the event they experience any difficulties and require assistance from ExamSoft. **As soon as the password is released and applicants log-in to the software, they may begin the exam session even if it is prior to the scheduled start time as the software will log them out automatically when they reach the maximum time permitted for each session (i.e. 90 minutes from start time).**

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4. Is this an open book exam?

- No. Applicants are not permitted to access or use notes, bar review and study materials, writing utensils, books, phones and other electronic equipment during the administration of the exam.

5. What is the registration process for the Remote Exam in October?

- Applicants who applied in New York for the in-person September 2020 UBE are automatically registered for the remote exam in October. The New York State Board of Law Examiners (BOLE) is not accepting additional applications for the remote exam.
- Applicants who registered for the UBE in another jurisdiction and sat for the UBE in July 2020 or will sit for the UBE in September 2020 may still transfer a passing UBE score to New York. However, applicants who sat for an in-person bar exam in July 2020 or who will sit for an in-person bar exam in September 2020 in any jurisdiction may not take the remote exam in October.
- Applicants who registered for the UBE in another jurisdiction that has now switched to the remote exam in October may be eligible to transfer their remote exam score to New York provided that New York and the other jurisdiction agree to reciprocity for the portability of scores earned on the October remote exam. See Reciprocity discussed in question 22 on page 8.

6. What software vendor will New York use to deliver the October remote exam?

- The October remote exam will be administered by ExamSoft using its Examplify testing software. Examplify is the same software that New York has been using for the New York Law Exam (NYLE) since its inception in 2016. The remote exam will also include the use of ExamID to verify applicant identity before the start of each exam session and ExamMonitoring for remote proctoring. Both of these features are discussed in greater detail below.
- Please refer to the New York Bar Home Page at ExamSoft.com for additional helpful information. A link to it can be found in emails sent to applicants directly from ExamSoft.

7. What is the process for registering with ExamSoft?

- All applicants will be required to register with ExamSoft and download the software and exam files necessary to take the remote exam, even if the applicant previously registered with ExamSoft for the September 2020 UBE. However, applicants who have already paid for the software for the September 2020 in-person exam will not be required to pay again.
- Applicants who did not register for the laptop program for the September in-person exam and planned to handwrite the examination will be required to register with ExamSoft and download the software required to take the remote exam in October.
- By now applicants should have received an email from ExamSoft with instructions for registering your computer, downloading the software, downloading and taking the mandatory mock exams and downloading the required exam files. ExamSoft registration opened on September 1, 2020 and will close on September 18, 2020 at 4:00 PM ET. After September 18, 2020 and prior to the dates of the Remote Exam, ExamSoft will contact applicants with instructions for downloading the required exam files for exam day. It is extremely critical that all deadlines are strictly complied with as they will not be extended. Failure to timely meet all of the steps will result in your withdrawal from the remote exam and

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the forfeiture of your fees.

- General information on Examplify for bar exams may be found at <https://bar.examssoft.com/> and ExamSoft FAQs may be found on the Board's homepage at www.nybarexam.org.

8. What technology is required?

- Applicants will need a reliable internet connection to obtain the password for each exam session, to check in and begin each session and to upload their answer file and proctoring video at the close of each session. An active internet connection during each session will not be required. Once you check in and begin the exam session you will take the exam offline.
- Applicants will need a computer that meets ExamSoft's minimum system requirements and an internal or external webcam and microphone. Internal webcams and microphones are preferred but if your computer is not equipped with a built-in camera or microphone, connect one external camera and one external microphone prior to launching Examplify. All external devices must be connected prior to starting an exam. It is very important to take a mock exam using the same setup you intend to use on exam day and to confirm that your external camera/microphone works. Ideally you should test the external devices doing the first mock exam but if you have already completed the first mock exam you should test the external devices during the second mock exam. (Applicants are also permitted to download a second copy of the Second Mock Exam). After you setup the new camera/mic you may confirm which camera/mic you want to use by clicking on Device Settings in the right top corner of the Examplify window before starting an exam. Once you start the exam and go into secure mode you will not be able to switch cameras. You may not use virtual camera software with ExamID or ExamMonitor.
- Minimum System Requirements are available at <https://bar.examssoft.com/system-requirements/>.
- Applicants are permitted to use an external keyboard and mouse (wired or wireless) but they must be setup and connected prior to launching Examplify. A mouse pad is also permitted. External monitors connected to a laptop or desktop computer are not permitted.

9. Where is the exam administered?

- Applicants may take the remote exam at the location of their choice provided, however, that there is no one else in the room with you.
- Some law schools are offering space for applicants who may not have a secure and reliable internet connection or suitable place to take the exam. If your law school offers space for you to take the exam and is authorized to do so, it is permissible for you to take the exam at the law school provided that you are seated sufficiently far enough away from any other applicants in the classroom or other testing space to assure the security of the test and to minimize problems with the remote proctoring. You will need to abide by all other instructions including remaining in your seat in view of your webcam throughout each session. (See Question 10 below) It is the responsibility of the law school and applicant to make sure that all social-distancing protocols are followed and that no prohibited materials or devices are allowed in the testing room. Remote proctoring through ExamSoft will still be in place.

10. What testing conditions will be required?

- Applicants must be alone in the room where they are taking the exam unless they are taking the exam in a law school and applicants are sufficiently spaced apart in the classroom, lecture hall or other testing space (see Question 9 above).
- Applicants may not have a phone or other electronic device on their person or anywhere in the room in which they are taking the test.

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- Applicants may not have notes, bar review materials or other legal reference books and/or materials in their testing space. See the answers to Questions 11 and 15 below regarding the use of scratch/scrap paper.
- Applicants are required to upload to BOLE a photo (.jpeg file) of a valid government-issued photo ID prior to the administration of the exam. Instructions for uploading a photo of your valid government-issued photo ID to BOLE were emailed to applicants and are also located in your account in the Applicant Services Portal. At the beginning of the first mock exam for Exemplify, applicants will be required to display to the web camera the same photo ID that is uploaded to BOLE. This video from the Mock Exam will be shared with BOLE staff in order to verify your identity but it will NOT be shared with proctors.
- The photo ID must be a valid U.S. driver's license, U.S. non-driver ID or passport.
- The name on the photo ID must match the name listed on the applicant's account with BOLE.
- Diplomas, photographs, or other items that might personally identify the applicant should not be visible to the applicant's webcam during the examination.
- Applicants must remain seated with their face in full view of the webcam for the entire duration of each 90-minute test session.
- Applicants may not eat during the 90-minute session but applicants may have water or other beverages in a clear container with labels removed.
- Applicants will have a break in between the 90-minute sessions. As soon as the applicant exits the previous test session, the webcam is no longer recording. Thus, during the break, applicants are permitted to step away from their computer to eat, drink, stretch, use the restroom, and take medications.
- Applicants may not wear a hat or cap during the remote exam except if it is for religious reasons in which case it may not have a brim or otherwise obscure the applicant's eyes.
- Applicants may not wear headphones, headsets, or earbuds during the exam but ordinary foam ear plugs are permitted.

11. What features will applicants be able to use within the exam software?

- On the MEE and MPT applicants **WILL** be able to:
 - View the question and your response on the screen at the same time. For the MPT, applicants will be able to open the MPT library attachments and view both the attachments and the exam response on the screen. **IMPORTANT TIP:** Click the attachment in order to re-size and zoom. After you open the attachment click on the bottom right corner of the attachment to expand the size of the document and click on + and – to zoom in and out.
 - Highlight within the text of questions (but there is NO highlighting within any attachment).
 - Use the "Notes" feature (i.e. virtual scrap paper) for each question (MPT and MEE questions) to outline their responses.
 - Cut and paste text between virtual scrap paper and answer.
 - Use the spell-check, highlighter and "find and replace" features in your answers.

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- For the MPT ONLY, use scratch/scrap paper (blank 8 ½ x 11 inch paper, lined or unlined) and a non-digital pencil or pen to make notes and outlines. Any scratch/scrap paper and pens and pencils used during the MPT session must be removed from the testing area following the MPT and prior to the start of the MEE session.

- On the MBE questions, applicants **WILL** be able to:
 - Highlight within the text of each question.
 - Strike out unwanted answers or answers you believe to be incorrect as you read the multiple-choice questions. Applicants must still select an answer (and not just strike through purported incorrect answers) in order to receive credit for a correct answer.
 - Navigate forward and backward between questions, as well as skip and/or return to unanswered questions during each session.
 - Flag multiple-choice questions that you would like to return to during that session.
 - Use the Notes (i.e., virtual scrap paper) for each question.

- Applicants **WILL NOT** be able to:
 - Use more than one monitor. External monitors connected to a laptop or desktop computer are not permitted.
 - Cut and paste or drag and drop text from the text of the MEE question or the text of the MPT question and library to their answer.
 - Underline, circle, or cross out text within the MEE and MBE questions or the MPT materials.
 - Use notes, or any other physical reference materials. Applicants suspected of having possessed and/or used physical scratch or note paper at any time during the exam will be investigated and may be subject to misconduct charges under Board Rule 6000.13.
 - Use paper scratch/scrap paper for the MBE or MEE sections of the exam. Any use of scrap paper on the MBE or MEE session will be flagged for further investigation.

12. How does remote proctoring (ExamMonitoring) work?

- The proctoring software will record the applicant (both audio and video) throughout each exam session. The recording will be uploaded to ExamSoft along with the applicant's answer files. Once an applicant ends a given session, they may walk away from their computer and the webcam during the break (the audio and video are NOT recording at this time).

- Applicants must remain at their computer, with their face fully visible to their webcam, for the entirety of each 90-minute test session.

- After the conclusion of each session the Remote Proctoring Video Files will be uploaded to ExamSoft. ExamSoft's artificial intelligence (AI) program will subsequently analyze the recording and flag any unusual behaviors, movements, or sounds.

- All video footage will then be reviewed by at least one human proctor to determine whether further analysis as to potential irregularities is necessary. For example, a barking dog or a siren in the background might be initially flagged by AI but cleared upon that initial review. The mere fact that a sound or behavior generates a flag does not mean that BOLE staff will formally investigate and/or take any action against an

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applicant for exam misconduct. BOLE anticipates that most flags will be cleared by the human proctors.

- Conduct that may result in an investigation for fraud or misconduct includes, but is not limited to: disconnecting the webcam, leaving the view of the webcam during a testing session, having a prohibited item in the testing space, using an unauthorized electronic device during testing, accessing, using or reviewing notes or other prohibited materials, having others in the testing space, and any other conduct that raises suspicion that an applicant cheated on the exam.
- If conduct, behavior or the possession of prohibited items during the exam is deemed by BOLE to rise to the level of credible evidence of misconduct, an applicant will be notified in writing by BOLE in accordance with Board Rule 6000.13. Any applicant charged with misconduct under Board Rule 6000.13 is given the opportunity to respond in writing and to request a hearing before the Board. Applicants are urged to review Board Rule 6000.13.
- The proctors reviewing exam footage **will not** have access to any personally identifying information for applicants.
- BOLE will destroy and/or direct ExamSoft to destroy all video recordings from the examination within a reasonable time after the completion of all grading or, where security investigations are initiated, after resolution of any misconduct charges, including any related Character and Fitness proceedings.
- BOLE will distribute an exam conduct policy to applicants prior to the October remote exam which applicants will be required to certify that they have read.

13. How does ExamID work?

- ExamID authenticates the identity of applicants to insure that the person taking the exam is the person who registered for the exam.
- During the first mock exam ExamID will take a baseline photo of the applicant. Applicants are urged to have a well-lit room to provide adequate lighting for the photo. It is highly recommended that applicants take this baseline photo in the same well-lit room they intend to take the exam. The software will confirm that the photo taken is acceptable. At the start of each session of the actual exam ExamID will take another photo of the applicant and will compare it to the photo taken during the mock exam to authenticate the applicant's identity. Should an applicant experience an issue with the ExamID authentication at the beginning of an exam session, the applicant will still be permitted to take the exam and BOLE will authenticate the applicant's identity through the video.

14. Technical Support

- All technical questions concerning the software should be directed to ExamSoft at 866-429-8889.
- ExamSoft will also have live online chat assistance, which will be accessible until the applicant enters the exam session.
- Should an applicant experience a technical issue before or during the exam the applicant may leave the testing area to obtain their phone to call technical support but the phone must be thereafter again removed from the testing area as soon as the support call ends.

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15. Will I have an opportunity to practice using the software so I may become familiar with the technology and what to expect on exam day?

- Yes. All applicants will be required to take at least two mock exams, and applicants will have the opportunity to take a third mock exam before the date of the exam. The mock exams will be available for download after you register with ExamSoft beginning on September 1, 2020.
- **IMPORTANT TIP:** If you want to use an external keyboard or mouse on exam day, you should set this up prior to doing one of the mock exams to confirm that it works. It is very important to take a mock exam using the same setup as you intend to use on the exam day. If you already completed the first mock exam, you can take the second mock exam to confirm if your external keyboard and/or external mouse works with Examplify.
- During the first mock exam applicants will establish their baseline photo ID that will be used for exam day. Applicants will also have the opportunity to practice all of the features of the software including the virtual scrap paper and highlighting features.
- The second mock exam will contain practice questions and applicants may practice using all of the software features with exam questions. Applicants will have the option to download and take a second copy of the Second Mock Exam.

16. Will I be permitted to use scratch/scrap paper?

- You may use physical scratch/scrap paper (blank 8 ½ x 11 inch paper, lined or unlined) and a non-digital pencil or pen to make notes and outlines for the Multistate Performance Test (MPT) only. Any scratch/scrap paper and pens and pencils used during the MPT session of the exam must be removed from the testing area following the MPT session and prior to the start of the MEE session.
- You may NOT use scratch/scrap paper for the MEE or the MBE portions of the exam. Any use of scratch paper on the MEE or MBE sessions will be flagged for further investigation.
- Applicants may also use the virtual scrap paper feature to outline their answer. You will be able to cut and paste between the virtual scrap paper feature and your answer response for the MEE and MPT. It is also permissible for applicants to type their outlines into the answer response fields and then cut, paste and delete unwanted text as desired.

17. What is the deadline for uploading exam files and video monitoring files?

- Applicants must take and timely upload the answer files and video monitoring files for each session of the exam in order to be graded and scored. Applicants who do not upload the answer files and video monitoring files for any session will receive a score of zero "0" for that session.
- File uploads can be completed after each session/module, and not later than the following deadlines:
 - The answer files must be uploaded by 11:59 pm ET on Wednesday, October 7, 2020.
 - The video monitoring files must be uploaded by 11:59 pm ET on Thursday, October 8, 2020.
- The answer files and video monitoring files should automatically upload at the conclusion of each session/module but if they do not you may continue with the next sessions of the exam and manually

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upload the files to ExamSoft after the conclusion of the last exam session on October 6, 2020.

- Applicants will receive confirmation emails from Examsoft confirming the successful upload of their exam files. Applicants will also be notified by email from Examsoft and/or the Board should one or more of their files have not successfully uploaded.

18. How will the remote examination be graded and scored?

- The MEE and MPT questions will be graded in the same manner as the Uniform Bar Examination. The written score will be scaled to the MBE.
- The components of the examination will be weighted as on the Uniform Bar Examination – 50% for the MBE, 30% for the MEE and 20% for the MPT.
- Final scores will be reported on a 400 point scale and a scaled score of 266 or greater is required to pass the examination.
- Applicants must take and timely upload all sessions of the remote examination in order to be graded. Any applicant who does not take all sessions of the exam or fails to timely upload all examination and video files will be withdrawn from the examination and will not receive examination results.

Post examination questions

19. When will results be available?

- BOLE expects to release the results of the October remote exam by the end of December.

20. Will a remote exam be the norm going forward (February 2021 and beyond)?

- The October 2020 remote administration of the bar exam is in response to the extraordinary circumstances surrounding the COVID-19 pandemic.
- BOLE currently plans to resume the administration of the in-person Uniform Bar Exam in February 2021, provided it is safe to do so. Information relating to the administration of the February 2021 bar examination will be announced when a determination is made.

21. If I fail the October remote exam will I be permitted to apply for the February 2021 examination?

- Yes. Applicants who are not successful on the October 2020 remote exam will be permitted to apply for the February 2021 examination. An abbreviated application filing period will be provided immediately following the release of the results from the October 2020 remote exam. Please be forewarned that this abbreviated filing period is likely to be less than the usual 14-day period otherwise provided under Board Rule 6000.4 (b).

22. Reciprocity: May scores on the remote exam be transported between jurisdictions?

- BOLE has entered into reciprocity agreements for the transfer of scores earned on the October remote exam with the following jurisdictions: Connecticut, District of Columbia, Illinois, Massachusetts, Maryland, New Hampshire, New Jersey, Ohio, Oregon, Tennessee and Vermont.
- Applicants must meet the criteria of one of the four groups of applicants eligible to take the remote exam in New York, as posted on the Board's website at www.nybarexam.org, to be eligible to apply for

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admission in New York by transferred score earned on the remote exam.

- BOLE will not enter into reciprocity agreements with non-UBE jurisdictions for the transfer of scores earned on a remote exam.
- Scores earned on the October remote exam are not UBE scores, and applicants will not be able to transfer a score from the remote exam to another jurisdiction absent a reciprocity agreement between the jurisdiction where the score was earned and the receiving jurisdiction.
- Applicants must achieve a total scaled score of 266 or higher to pass the remote exam in New York and to transfer a score to New York from another UBE jurisdiction administering the remote exam in October.
- BOLE will publish on its website instructions on how to transfer a passing score earned on the October 2020 remote exam in or out of New York when that information becomes available.