July 27 & 28, 2021 Michigan Remote Bar Examination
Frequently Asked Questions and Updates
June 28, 2021

Document will be updated as additional questions are submitted or other information becomes available.

Exam Format

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

- The content tested on the July 2021 remote exam will be the same as the content for an in-person bar exam as specified in BLE Rule 3: fifteen Michigan essay questions and 200 Multistate Bar Examination (MBE) questions. You should study the same topic areas that you would if you were preparing to take the exam in person.

2.   What is the format of the July 2021 remote exam?

- On July 27th, the remote exam will consist of five one-hour modules each containing three essay questions. Once you complete a module, you will not be able to return to the questions in prior modules.

- On July 28th, the remote exam will consist of four ninety-minute modules each containing fifty MBE questions. Once you complete a module, you will not be able to return to the questions in prior modules.

3.   What is the schedule for the July 2021 remote exam?

- The remote exam schedule is posted on the BLE July 2021 Exam website as a stand-alone document with additional information. Testing under standard conditions begins at 9:00 a.m. Eastern on both days.

- **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 will receive specific testing schedules with their exam information packets the first full week of July.**

- IMPORTANT TIP: Each exam module will require a password, and each password will be released 15 minutes before each module. Applicants can and should begin the check-in and log-in process as soon as the password is available in case they experience any difficulties and require assistance from ExamSoft. <u>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. The software will log applicants out automatically when they reach the maximum time permitted for each session.</u>

- Anyone who is not able to begin the module within 25 minutes of the posted start time and who is not on the phone with ExamSoft for assistance must notify the BLE office of the delay (BLE-INFO@courts.mi.gov or (517) 373-4453) and the reason for it in order to avoid being locked out of the module or deactivated.

- Passwords for those testing under standard conditions will be emailed and posted on the Michigan ExamSoft webpage at https://bar.examsoft.io/MIbar.

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. Doing so will be considered cheating.

Testing Conditions (Refer also to the Required Testing Conditions Document)

1.   Where is the exam administered?

- Applicants may take the remote exam at the location of their choice provided, however, there is to be no one else in the room with you. The exam times are Eastern and applicants electing to test in another time zone must follow the Eastern time schedule.

- 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 in a room alone 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. 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.

2.   What testing conditions will be required?

- Applicants must be alone in the room where they are taking the exam.

- 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. If testing at a law school or other environment where it is not possible to leave your phone in another room, the phone should be on silent mode and put away in a drawer or other area out of your reach during the exam. The phone may only be used to contact ExamSoft for technical assistance or to notify the BLE office if you are not on the phone with ExamSoft and have not started the exam within 25 minutes of the scheduled start time and the reason for the delay.

- Applicants may not have notes, bar review materials or other legal reference books and/or materials, or scratch paper in their testing space.

- No scratch paper is allowed. No papers should be in the applicant's work area. ExamSoft provides "electronic" scratch paper and applicants should become familiar with this feature during the mock exam process.

- No watches or timepieces of any kind are allowed. The ExamSoft software will have a countdown timer at the top of the screen. Applicants may also set their own alarms within the software. This process is explained during the mock exam.

- Applicants are required to send a photo of a valid government-issued photo ID to the BLE prior to the administration of the exam. The government ID photo and the photo from the Mock Exam will be shared with BLE staff in order to verify your identity but it will NOT be shared with proctors. As stated in the initial exam information posted in December, **anyone who does not provide the government identification photo to the BLE will not receive exam results.**

- 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 BLE.

- 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 test module.** Applicants can check their camera view by clicking the eye brow at the top of the screen during the mock exams and bar exam to ensure they are in view. Instructions for this are in ExamSoft's information.

- Applicants may not eat during the modules, but applicants may have water in a clear container with labels removed or in a clear glass.

- Applicants will have a break in-between the modules and a lunch break. 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, take medications, etc.

- Applicants may not wear a hat, cap or head covering during the remote exam unless it is for religious reasons, but even then it may not have a brim or otherwise obscure the applicant's eyes.

- Applicants may not wear headphones, headsets, or earbuds during the exam. Applicants concerned about noise in their choice of testing environments may wear *foam* earplugs. No white earplugs are allowed, ONLY brightly colored foam earplugs may be worn. Earplugs that have wires or are the earmuff type are NOT allowed and will create a security concern. If you have any question about wearing earplugs, contact the Board's office at BLE-Info@courts.mi.gov.

- Applicants will <u>not</u> be asked to perform a 360-degree view of their testing space with their webcam or external camera in order to avoid applicants from inadvertently disconnecting their camera or power cord or recording personally identifiable information.

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

- Applicants must take and timely upload all MBE modules of the remote examination in order for the MBE to be graded. Any applicant who does not take all MBE exam modules or fails to timely upload all examination and video files will not receive an MBE score.

- If an applicant does not complete an essay module, the remaining essay modules will be graded.

- The July 2021 exam will be graded under the Board's scoring formula, the same method used to grade prior bar exams, with the exception of the July 2020 essay only remote bar exam. Information about the grading formula is posted on the Board's main webpage.

Software and Computer Related Questions

1.   What software vendor will Michigan use to deliver the July remote exam?

- The July remote exam will be administered by ExamSoft for all remote jurisdictions using its Examplify testing software. Examplify is the same software that Michigan has been using for the in-person essay exam since approximately 2013. The remote exam will also include the use of ExamID to verify applicant identity before the start of each exam module and ExamMonitor for remote proctoring. Both of these features were used for the July 2020 and February 2021 exams and are discussed in greater detail below.

- Please refer to the Michigan Bar Home Page at ExamSoft.com for additional helpful information. A link to it can be found below and in emails that will be sent to applicants directly from ExamSoft.

2.   Will it cost more to take the exam remotely?

No. Applicants are responsible for the same fee to use the software as they pay when testing in person. The Board is paying the additional cost for ExamID and ExamMonitor.

3.   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 has previously taken a bar exam or used ExamSoft in law school. You will need to remove any prior versions of the ExamSoft software on your computer prior to loading the version required for the July 2021 bar exam.

- Applicants who did not register for the laptop program for the July 2021 exam and planned to handwrite the examination will be required to register with ExamSoft and download the software unless testing in-person with accommodations approved under the ADA.

- Applicants should receive a registration email on the afternoon of June 17, 2021 from ExamSoft with instructions for registering your computer, downloading the software, downloading and taking the mandatory mock exams, and downloading the required

exam files. If you do not receive the registration email, check your spam or junk folder. If there is no email from ExamSoft, contact the Board's offices at BLE-Info@courts.mi.gov.

- ExamSoft registration opens on June 17, 2021 and will close on July 1, 2021 at 5:00 p.m. ET (deadline to register and upload the two mandatory mock exams). After July 1, 2021 and prior to the dates of the Remote Exam, ExamSoft will contact applicants with instructions for downloading the required exam files for exam day. The exam file download opens July 20th and closes July 22nd at 5:00 p.m. <u>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 the forfeiture of your fees.</u>

- General information on Examplify for bar exams may be found at https://bar.examsoft.com/.

- All applicants are required to take the two mandatory mock exams. Applicants are strongly encouraged to take the third optional mock exam and to remain in the mock exam for the full 90 minutes. This will not only allow you to practice using the software features but to have a longer period in the exam to ensure you do not experience difficulties with computer memory when recording for a 90-minute session. <u>Anyone who does not complete the two mandatory mock exams will not be allowed to take the bar exam</u>.

- If you experience difficulties while taking the mock exam, contact ExamSoft at (866) 429-8889 or https://bar.examsoft.com. The software can only be registered to one computer so it is extremely important to check the specifications.

4.   **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 the mock exams 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 during the first mock exam. After you setup the new camera/microphone, you may confirm which camera/microphone 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 <u>not</u> be able to switch cameras. You may <u>not</u> use virtual camera software with ExamID or ExamMonitor.

- Minimum System Requirements are available at https://bar.examsoft.com/system-requirements/.

- Applicants are permitted to use an external keyboard and mouse (wired or wireless) but they must be set up and connected prior to launching Examplify. A mouse pad is also permitted. External monitors connected to a laptop or desktop computer are not permitted.

- Applicants may <u>not</u> use more than one monitor. External monitors connected to a laptop or desktop computer are not permitted. Applicants may use a docking station with their laptops. Applicants will want to ensure it functions properly during the mock exams. However, Applicants are expected to use only one monitor.

- Since many PCs do not have an internal camera, an external camera may be used. <u>Both functioning audio recording and video are required</u>. Applicants who are concerned about the size of the monitor or who do not have functioning audio and video should make efforts now to either borrow or procure a suitable computer.

5.   If my computer malfunctions during the exam, will I be allowed extra time or a chance to take the exam later?

- No. However, if there is a computer malfunction during one of the modules, the work completed up to the time of the malfunction will be graded on the essays.

- The National Conference of Bar Examiners requires all MBE sessions to be completed in order for the MBE to be scored.

- There is no ability to answer questions later so it is critical to ensure your computer is in good working condition.

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

On the essays, applicants **WILL** be able to:

- View the question and your response on the screen at the same time.

- Use the "Notes" feature (i.e. virtual scrap paper) for each question to outline their responses.

- Cut and paste text between virtual scrap paper and answer.

- Navigate forward and backward between the questions in each module.

- Use the "find and replace" feature in your answer screen to find and replace a particular word.

- Use the "find" feature in the PDF of the essay question.

- New for the July 2021 exam, applicants will be able to highlight within the PDF of the essay questions.

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 module.

- Flag multiple-choice questions that you would like to return to during that module.

- Use the Notes (i.e., virtual scrap paper) for each question.

Applicants **WILL NOT** be able to:

- Use spell check on the essay questions, this is not enabled for any Michigan bar exam.

- Underline, circle, or cross out text within the essay and MBE questions.

- 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 the Board's Bar Exam Conduct Policy.

7. **How does remote proctoring (ExamMonitoring) work?**

- The proctoring software will record the applicant (both audio and video) throughout each exam module. The recording will be uploaded to ExamSoft along with the applicant's answer files. Once an applicant ends a given module, 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 test module.

- After the conclusion of each module, 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 two human proctors to determine whether further analysis relating 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 BLE staff will formally investigate and/or take any action against an applicant for exam misconduct. The BLE anticipates that most flags will be cleared by the human proctors as was the case for the remote July 2020 and February 2021 exams.

- 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 the BLE to rise to the level of credible evidence of misconduct, an applicant will be notified in writing by the BLE. Any applicant charged with misconduct is given the opportunity to respond in writing and to request a hearing before the Board.

- The proctors reviewing exam footage **will not** have access to any personally identifying information for applicants.

- The BLE 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.

- The BLE will distribute via email a remote bar exam conduct policy to applicants with their exam information packet the first full week of July. The policy is also posted on the BLE's July 2021 exam page. During the pre-exam notices, applicants will be required to affirm that they have read the policy, the exam information on the BLE July 2021 webpage, and the Required Testing Conditions document.

8. **How does ExamID work?**

- ExamID authenticates the identity of applicants to ensure 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 the BLE will authenticate the applicant's identity through the video and government identification provided to the BLE.

9. **Technical Support: Prior to the exam and on exam day**

- All technical questions during the registration and mock exam process concerning the software should be directed to ExamSoft at (866) 429-8889.

- On exam day, applicants needing technical assistance should call ExamSoft at 1-888-816-3065 and they will also have live online chat assistance, which will be accessible until the applicant enters the exam session. We recommend applicants program the technical assistance number into their phones prior to exam day.

- 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 removed from the testing area as soon as the support call ends.

10.   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 June 17, 2021.

- 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 mandatory mock exam, applicants will establish their baseline photo ID that will be used for exam day.

- The second mandatory mock exam will contain practice questions and applicants may practice using all of the software features with exam questions.

- The third mock exam is set for 90 minutes and will be another opportunity to practice using the features and ensure your equipment will work for a full 90-minute module. Applicants are strongly encouraged to take advantage of the third mock exam to practice and remain in it for the full 90 minutes.

- 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 for the essays. 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**.**

11.   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 module of the exam in order to be graded and scored. Applicants who do not upload the answer files and video monitoring files for any module will receive a score of zero "0" for that module. NCBE requires applicants complete all MBE modules (sessions) in order for the MBE to be scored.

- File uploads can be completed after each module, and not later than Thursday, July 29, 2021 at 5:00 p.m. Eastern time. If a file is uploading between modules and does not complete uploading, it will pause so that you can begin the next module.

- The answer files and video monitoring files should automatically upload at the conclusion of each module, but if they do not you may continue with the next sessions of the exam and manually upload the files to ExamSoft after the conclusion of the last exam session.

- Applicants will receive confirmation emails from Examsoft confirming the successful upload of their exam files. A green checkmark will also appear on the applicant's ExamSoft home page. Applicants will also be notified by email from Examsoft and/or the Board should one or more of their files have not successfully uploaded.

12.   Can I use an external keyboard or mouse?

Yes. Applicants can use an external keyboard and mouse the same as allowed when testing in person.

13.   Can someone use two monitors if using the same hard drive (they have a small screen)?

No. Applicants are expected to use one monitor. If the size of your monitor is of concern, efforts should be made to borrow or procure a suitable computer. If attempting to use more than one monitor once Examplify is launched, the monitor will go black and cannot be used. This will also cause your remote proctoring video feed to be black and your exam will not be scored due to the inability of the Board to determine whether the exam rules were followed.

14.   Can I use a docking station with my laptop?

Yes. You will want to ensure it functions with the practice exam. However, applicants are expected to use one monitor (see prior FAQ). Since many PCs do not have an internal camera, an external camera may be used. If the size of your monitor is of concern, efforts should be made to borrow or procure a suitable computer.

15.   I took my mock exam baseline photo with a hat on, will this affect my facial recognition?

Yes. If you took the mock exam baseline photo with a hat, which are not allowed on exam day, please contact the BLE at BLE-INFO@courts.mi.gov so that arrangements can be made for you to have another baseline photo taken.

Exam Day Related Questions

1.   Will I have to enter my ExamSoft unique ID and user password as well as the exam password on exam day?

No. After downloading the exam files (available July 20, 2021 until July 22, 2021 at 5:00

p.m. Eastern time), you will not need to enter your ExamSoft information (unique Applicant ID and user password) to begin each module of the exam. You will only need to enter the exam day password for each module. The exam module passwords are short phrases and easy to remember, for example, MarketOrangeTwelve293.

2.   **What if I lose my internet connection when taking the exam?**

An internet connection is required to download each exam module and to upload your answers and video. During the exam itself, internet access is blocked. It is advisable to have a back-up plan in the event your internet is down for an extended period on the days of the exam.

3.   **What if I have difficulty uploading my answer and video files or the ExamSoft site crashes due to people uploading?**

ExamSoft's support number to contact them for assistance <u>before and after</u> the exam is **866.429.8889.** In the event of a difficulty with the ExamSoft site, ExamSoft is pre-authorized to extend the upload deadline by 24 hours. Applicants will not be penalized in the event of a failure of the ExamSoft site. Applicants will be contacted via email and updated with instructions if the site were to be down beyond the pre-authorized 24-hour extension.

As stated elsewhere, **do not** call the ExamSoft support line on exam days to verify that your videos and answer files uploaded. On the two exam days, the support line is for examinees experiencing technical issues, and unrelated calls will only cause those applicants to be delayed. The extension of the upload deadline to Thursday, July 29, 2021 at 5:00 p.m. is to allow applicants ample time to contact ExamSoft regarding uploads if anyone experiences difficulty or has questions.

Miscellaneous

1.   **Can I have tissue by my workstation in the event I need to blow my nose?**

Yes. Tissue is allowed within in arm's reach at your workstation.

2.   **I am taking the exam in an office where there are books and other things on the shelves, do I have to remove or cover these?**

No. As long as books and other items are outside of the applicant's immediate workspace, closed items such as books on shelves do not have to be removed from the testing room. No study aids or materials should be open and within view of applicants.

3.   **I am not a great typist and look at the keyboard a lot, will this create problems with the remote proctoring and artificial intelligence within the software?**

Eye movements are tracked, however, an in-person review of the video and audio will be conducted for any "flags" that are raised. If someone is simply glancing at their keyboard to determine which keys they are hitting, this should be apparent during the in-person review of the footage.

4. **My driver's license photo is very old and does not really resemble my current appearance, what should I do so that upon review of my identification and facial recognition photo the Board knows it is me?**

   If your appearance has changed and you do not think you currently appear like your driver's license photo, please send to the Board along with your driver's license photo a more current form of photo identification such as your law school ID or employee ID.

5. **Will there be timing adjustments or accommodations for those testing at home with children or other possible distractions?**

   No. Due to the nature of the exam, all applicants will start each module at the same time. Childcare and arrangements for other potential distractions should be made the same as would be required if you were testing in person.

6. **I live with another person who will also be taking the bar exam, is this an issue**?

   As long as each person is in their own private room to take the exam, it is not an issue that two people residing together are taking the exam. The audio and video will verify that no collaboration took place.

7. **Can I ask for clarification if I do not understand the exam instructions and information?**

   Yes. Applicants are encouraged to contact the BLE at BLE-Info@courts.mi.gov if they are uncertain about any of the exam day instructions and information so that clarification can be provided. If there are multiple questions on the same topic, the FAQs will be updated.

8. **When and how will I receive the exam day information on the rules and other information about exam day?**

   All applicants will receive their "exam packet" information via email the first full week of July. This information will also include the specific timing of the modules, breaks and lunch period. The Board's website will continue to be updated with any additional pertinent information on an ongoing basis as needed. Applicants have the affirmative obligation to check the Board's website for updates, instructions, and other vital information as not everything on the website will be included in the exam day packet.

Direct Links to ExamSoft Resources

- Minimum System Requirements: https://examsoft.com/resources/examplify-minimum-system-requirements

- Description of the checks that Examplify performs for Minimum System Requirements at startup and additional checks that can be performed before downloading an exam: https://community.examsoft.com/s/article/Examplify-Checks-for-Minimum-System-Requirements

- Tips for Viewing/Highlighting a PDF Attachment:
  - Article: https://help.examsoft.com/s/article/Examplify-Tips-for-PDF-Attachments
  - Video:https://help.examsoft.com/s/article/Examplify-Get-Started-with-Examplify-Video-Guide#highlight

- Applicant FAQ: https://bar.examsoft.com/remote-faq/ (will be updated for July 2021 as needed)

- Exam Taking process and best practices:
  - https://help.examsoft.com/s/article/Examplify-Take-an-Exam-with-ExamID-and-ExamMonitor
  - https://examsoft.com/resources/proctoring-invigilation-exam-day-guide

- Privacy Policy: https://examsoft.com/privacy-policy

- Notice and Consent Request For Collection Of Biometric And Other Personal Data: https://examsoft.com/es/biometric-consent

- This End User License Agreement for ExamSoft Worldwide LLC: https://examsoft.com/es/eula

- Adjusting Text Size Directions: https://help.examsoft.com/s/article/Accessibility-Tips-for-Exam-Takers#ExamplifyOptions

This document will be updated as needed on an ongoing basis. Additional updates will appear at the top of this document with the date of the new the information.