OCTOBER 2020 BAR EXAM FAQS

On July 16, 2020, the California Supreme Court directed the State Bar of California to administer the California Bar Examination online on October 5–6, 2020. The Court also asked the State Bar to provide a Frequently Asked Questions (FAQs) to applicants regarding the online administration of the exam. A separate FAQ will be posted related to the provisional licensure program. These FAQs are a living document and will be updated as additional questions come to the attention of the State Bar.

- Format of the Exam
- Technological Requirements
- Features of the Exam Software
- Exam Integrity
- Scoring, Scaling, and Grading
- In-Person Exam Administration
- Exam Logistics

FORMAT OF THE EXAM

1. What will the exam look like? What can I expect on the day(s) of the exam?
    - A full timed exam schedule for both days will be posted on the exam website with the timeframes included for your breaks and the log on periods.
    - Day one of the exam will be comprised of five one-hour essay questions with a one-hour lunch break.
    - Day two of the exam will be comprised of 100 multiple-choice questions (split into two 50-question sessions tested over 90 minutes each) and a 90-minute Performance Test after a one-hour lunch break.
    - You will have a 15-minute break between each session (essay question, PT, or multiple-choice), and then 10 minutes after the break to successfully log back into the next exam session.

Note: attorney applicants are now testing over two days; day one for the essay questions and the afternoon of day two for the Performance Test.

2. During the exam, may I go back and edit answers from prior questions?
    - **Essay and Performance Test (PT)–No**. To ensure the integrity of the exam, applicants will be given access to the questions one at a time. After each

San Francisco Office
180 Howard Street
San Francisco, CA 94105

www.calbar.ca.gov

Los Angeles Office
845 S. Figueroa Street
Los Angeles, CA 90017

one-hour essay is taken, you will no longer have access to that essay. The same is true for the PT. You will not be able to go back to prior questions and edit your answers.

- **Multistate Bar Examination (MBE)–Yes**. The exam is administered over two 90-minute sessions each comprised of 50 multiple-choice questions. You have the ability to flag multiple-choice questions that you would like to return to during that session. Once the session is over, you will not be allowed to return to those 50-questions.

3. What will it look like when I'm taking the PT? Will I be required to scroll through the entire PT Instructions/File and PT Library to get to the blank page where I begin typing my answer?
   - You will have the ability to have two side-by-side screens, the PT Instructions/File followed by the PT Library, and one that has the answer file. This will allow you to look at the PT File and PT Library and enter your answer to the question at the same time.

4. How many multiple-choice questions will there be?
   - The National Conference of Bar Examiners (NCBE) is providing 100 MBE questions for the remote/online exam.

5. Is there a break during the exam?
   - There will be a 15-minute break between each one-hour essay question session, a 15-minute break between each 90-minute multiple-choice session, and a break before the 90-minute Performance Test. There will also be one-hour lunch break. Other than scheduled breaks, you are not permitted to leave the view of the web camera, unless you finish the session early and proceed to upload your answers.

6. Is the examination open book?
   - No. Applicants are not permitted the use of unauthorized materials or equipment during the administration of the exam, including electronic equipment, notes, study aids/materials, or books. Applicants are expected, as future officers of the court, to follow the rules of conduct governing the administration of the exam. Violation of exam rules will result in a Notice of violation of exam rules (referred to as a Chapter 6 notice), which may be accompanied by sanctions and/or a negative moral character determination.

TECHNOLOGICAL REQUIREMENTS

1. What kind of computer, accessories, and internet access do I need to take the October 5–6 online bar exam?

> **Laptop**: Desktop computers are not allowed for security reasons**.**
>
> **Webcam**: An operable webcam is required for ExamID and ExamMonitor. You may not use any virtual camera software with ExamID or ExamMonitor.
>
> [ExamSoft system requirements](#):

> Microphone: Required for ExamMonitor
>
> Hard Drive Space: at least 2 GB Free HDD Space
>
> Memory: 8 GB (8 GB recommended, 4 GB required)
>
> Mac Operating System: 10.13, 10.14, or 10.15
>
> Windows Operating System: 10 (Version 1803, 1809, 1903, or 1909)
>
> Internet Speed/Bandwidth: Min 2.5 Mbps Upload speed

2. Can I use two monitors? Can I hook another monitor to my laptop?

- No, for exam security reasons, you will not be able to attach another monitor to your laptop, and the software will be able to detect if additional ports on your laptop computer were used during the exam.

3. What if I lose internet connectivity during the exam?

- Internet connectivity is not required throughout the exam. In fact, your internet will be blocked off once you are logged into an exam session. During the exam, you will need internet for the log-on period, (i.e., when you access the external website for the exam session password, and when you log back into the system to verify your identification and start the next session). You will also need an internet connection to upload your answer files, but that does not need to occur synchronously as you finish each exam session. You will be allowed to upload your answer files once the exam has concluded.
- If you lose internet connection when you need to log into an exam session, and are not able to verify your identification and get into the next session within the 10-minute log-on period, you will not be allowed to reenter the exam session and will be unable to complete the exam. You will also not be allowed to handwrite the remaining portion of the exam.

4. What part(s) of the exam require internet?
- You need internet at the beginning of each exam session (essay question, PT, or multiple-choice) to access the exam session password and to log into the system and verify your identification. You do not need connectivity throughout and are prohibited from connecting while you are in a session and answering the question(s).
- You also need an internet connection to upload your examination answer files and video files by the required date (typically by noon the day after the examination concludes).

5. I heard students had difficulty getting their passwords during the First-Year Law Students' Exam (Baby Bar). What are you doing to address that?
- The passwords will be posted on an external website and updated throughout the day(s) for each session. You will practice accessing the password and the website through the mock exam process so you will become extremely familiar with the website URL and where the passwords will be posted. We encourage applicants to bookmark the URL.

FEATURES OF THE EXAM SOFTWARE
1. Will digital scratch paper be available during the exam?
- Digital scratch paper will be available during all parts of the bar exam (including the MBE) and will be limited to approximately 70,000 characters, which is more than the 16 pages of physical scratch paper allowed at our in-person exams.
- The Notes section (digital scratch paper) can be closed at any time by clicking on 'Tool Kit' or 'Close Tool Kit'. It can be reopened by clicking on 'Tool Kit' again. Once closed, the entire window where the applicant can type and where the question text is displayed will be extended. Applicants can also hide the question text by clicking the down arrow next to question. This will enlarge the typing space as well.

2. Will we have access to physical scratch paper?
- You are prohibited from bringing in and using physical scratch paper during the exam for the essay questions on day one and the multiple-choice questions on day two. Digital scratch paper will be provided in the exam software.
- You **will** be allowed to have eight pages of physical scratch paper (both sides must be blank) for the **Performance Test** on the afternoon of day two of the exam. You will be required to hold up to the camera the front and back of each piece of scratch paper you are using for the PT session.

- Please be aware that the font size on the digital scratch paper cannot be enlarged. Any text pasted into the answer file will match the font used in the answer file. Those applicants granted certain testing accommodations and applicants who will not be taking the exam on a laptop computer will have access to scratch paper at the in-person test centers.

3. What editing and reviewing features are common to the essays, PT, and multiple-choice?
    - You may highlight words or phrases in the exam question or the PT.
    - You may cut and paste language from the digital scratch paper into your answer screen.
    - The software does not allow you to cut and paste from the essay question or PT into your answer or into the scratch paper.
    - You will not be able to print out exam question fact patterns or any part of the test.

4. What additional editing and reviewing features are available on the **multiple-choice portion** of the examination?
    - The software allows you to strike through answers you believe to be incorrect as you read over multiple-choice questions. However, please be aware that you must still select a **correct** answer, and not just strike through incorrect ones.
    - The software also allows you to flag multiple-choice questions that you wish to return to later (within the same examination session time period).

5. Will there be any ability to practice using the system so I can get used to the technology and the set-up?
    - Yes, you will be required to take a mock exam in order to practice with the software, practice accessing the landing page, and to establish your baseline photo ID for the exam day itself.
    - Additionally, actual past California essay and Performance Test questions will be loaded into the system so that you can practice taking the exam in this format.

6. If applicants are allowed to set timed reminders in the software, when may I set the timed reminder?
    - You will be able to set the timed reminder after you start the exam. Once you start the exam, you can set up to two reminders. A timer will automatically count down the allotted time for the session as well.

7. Will I be able to choose the order of the essays?
    - No. You will not be able to choose the order of the essays.

EXAM INTEGRITY

1. Will my webcam be recording me during the entire exam?
    - While you are logged into an exam session, the remote-proctored exam will be continuously recorded and monitored by artificial intelligence and human proctors, and any and all anomalies or suspicious behavior will be flagged accordingly.

2. What are common reasons an applicant might receive a Chapter 6 Notice for violating examination rules?
    - Having a prohibited item in the exam room.
    - Leaving the view of the webcam.
    - Not having the webcam centered on your face completely.
    - Using an unauthorized electronic device.
    - Exiting the exam room outside of scheduled breaks/lunch.
    - Having others (including pets) in the exam room while you are testing.
    - Suspected cheating on the exam.

This list is not inclusive; applicants must adhere to all examination rules and policies.

3. What do you do after I upload my examination video? Who reviews the video? What is the process?
    - Artificial Intelligence (AI) will initially review applicants' video logs. Any events flagged by the AI will then be screened by two additional rounds of human proctor review to determine if the video in fact shows a situation that may reveal a violation of exam rules, including suspected cheating, by the applicant.
    - Any determination of potential violations will be made by staff of the State Bar, in conjunction with the Committee of Bar Examiners.
    - Applicants suspected of violating exam rules will receive a Chapter 6 Notice specifying the exam breach and will be given the opportunity to respond within a specific timeline.
    - The applicant will be able to request a copy of the flagged video in order to respond to the alleged violation.

4. May I have books in the exam room?
    - During the essay questions on day one and the MBE questions in the morning of day two, you may not have books or papers of any kind within view or reach of your desk in the exam room. Notes, study aids, or other exam resources are

strictly prohibited throughout the exam. Physical scratch paper will be allowed for the Performance Test on the afternoon of day two of testing. This will be limited to eight pages of blank paper that you will show to the camera

5. May I bring drinks or food into the exam?
   - You may not have any food, water, coffee, or other drinks in the exam room.

6. May I bring a pillow or cushion into the exam room?
   - You may bring in one pillow or cushion into the exam room. However, the pillow or cushion may not be in a cover or case. There must not be any writing on the pillow or cushion.

7. If having a cell phone in the exam room is grounds for a Chapter 6 violation and possibly suspected cheating, what happens if I need to call ExamSoft for technical support?
   - If you need to call ExamSoft support during the log-on period for an exam session, you may leave the exam area, use your phone and call, as you are not in an active exam session and not logged into exam material.

8. If I need water to take medication, will water be allowed on the table?
   - No, you may not have any drinks in the exam room. There are multiple breaks built into the testing day which hopefully will coincide with any need to take medicine during the exam. If you need access to medicine outside of these break times, then you may need to take the exam in person.

9. Am I allowed to have an external keyboard or mouse?
   - External standard or ergonomic keyboards and equipment such as a mouse are allowed. These items may be wireless.

SCORING, SCALING, AND GRADING
1. How will the bar exam be scored?
   - General Bar applicants will have their pass/fail status based on equal weighting of the written portion (50 percent) and MBE portion (50 percent).
   - Applicants taking the Attorney's Exam are exempt from the MBE and will have their pass/fail status based solely on the written portion (100 percent).
   - The California Supreme Court has lowered the passing score for the October Bar Exam from 1440 to 1390. The new 1390 passing score will apply prospectively to future administrations of the California Bar Exam.

- The letter did not act to retroactively change the exam cut score. The Supreme Court is the only entity empowered to make such a change.

2. Why do we need the Multistate Bar Examination (MBE) anyway?
   - The multiple-choice questions are, in and of themselves, an important component of the bar exam, as they help to determine an examinee's competence to practice law.
   - The MBE is used to scale the bar exam, as the sum of all scores assigned by the Graders on the written portion of the exam are converted to the same units of measurement as that used for the MBE.
   - We have been assured by the National Conference of Bar Examiners (NCBE) that the 100 questions provided for the online exam have been formulated with the same standard and rigor as all prior administrations.

3. How does scaling work?
   - For the online administration, a 100-question MBE-like multiple-choice test provided by the NCBE will be given. The NCBE will neither score this exam nor equate it.
   - The State Bar is working with our psychometrician on a plan that strives to sustain high exam reliability while maintaining a standard that is reflective of past exams. The methodology centers on converting scores on the 100-item multiple-choice exam to an MBE-like score, by employing a raw-to-scale conversion plan that utilizes NCBE's historic MBE raw-to-equated scale score transformations.

4. What if I want to stop the exam part way through? Will I be deemed to have failed the exam?
   - To be considered as having taken the October California Bar Examination, you must be in attendance at all sessions of the exam and must upload a complete set of answer files and a complete set of video files.
   - If you miss any session of the exam, you will not be considered as having taken the exam and your responses will not be graded. You will also not be eligible for a refund.

5. When will results from the exam be released?
   - Currently, the State Bar of does not expect to deliver the exam results until mid-January 2021, but is actively working on shortening the grading timeline so that applicants receive their results on an expedited schedule.

6. If I am unsuccessful on the examination, when will my answer files be released?
   - Typically answer files are released within four weeks after posting the exam results; however, the State Bar is working on expediting that timeline.

IN-PERSON EXAM ADMINISTRATION

1. What are the safety precautions in place for those taking the exam at an in-person test center?
   - Those applicants coming to testing centers in-person will be required to sign a COVID-19 Code of Conduct and attest that they have not been symptomatic for the prior 14 days, exposed to any individuals who have tested positive in the prior 14 days, nor tested positive themselves.
   - In-person applicants will be physically distant from other applicants and staff, they will be required to wear a facial covering, and will have their temperature taken at the exam site.
   - Any applicants exhibiting symptoms of COVID-19 will be directed to immediately leave the testing location.

2. Will those approved for testing accommodations be required to take the fall bar exam in person?
   - The answer depends on the accommodations granted and will be determined on a case-by-case basis. If a determination is made to grant one or more accommodations, it will also be determined whether the accommodations can be effectively provided and securely administered in a remote environment. If the accommodation can be effectively provided remotely, the applicant will not be required to take the exam in-person. For example, applicants granted extra time up to time and one-half for each session of the exam may be able to test remotely, so long as any other accommodations granted meet the criteria stated above. However, applicants granted more than time and one-half for each session of the exam will not be able to take the exam remotely, since the allotted time per exam session would be too lengthy to remain in view of the webcam without a break. In addition, applicants who are granted extra time that differs from session to session of the exam (e.g., time and one-half for one session and time and one-quarter for another) cannot take the exam remotely, as the remote proctoring program does not allow for such a situation.

3. If I do not have a quiet place to take the exam, can I take the exam in person?
   - Yes, so long as you are determined to have extenuating circumstances justifying an in-person exam. A form will be sent for you to acknowledge that you have

> read all of the testing conditions and to describe your extenuating circumstances, which you must sign under penalty of perjury. If your extenuating circumstances provide sufficient justification, you will be provided with an in-person testing space.
>
> - The Supreme Court, in its letter dated July 16, 2020, urged "law schools to assist those graduates who lack internet access at home, or who have home environments not amenable to two days of uninterrupted examination, by employing the same and similar measures, including the use of school facilities and equipment, that schools have utilized to allow students to complete the Spring 2020 semester."

4. If I have registered as a hand-writer, what happens to me?
   - You will have the option to convert to a remote test taker, and if you have extenuating circumstances, or lack access to technology entirely, you can apply for in-person testing space.
   - All laptop users must pay the required laptop fee.

5. Are applicants allowed to take the exam in a room with other people or bar examinees?
   - To maintain the security of the exam, you must be alone in the exam room during the administration of the October 2020 examination. No other individuals may be present in the room in which you elect to take the exam.

EXAM LOGISTICS

1. What are the application deadlines, refund deadlines, testing accommodations deadlines?
   - The final deadline to register for the October Bar Examination is Friday, July 24 (at 11:59 p.m.).
   - Additional deadlines have been posted [here](#).

2. Can foreign applicants take the online exam?
   - Eligibility for who may sit for this exam has not changed. If you have been deemed eligible for the October bar exam and can meet all the outlined testing conditions for a remote exam, you can take the test from any location. All test takers, regardless of location, will be taking the exam at the same time. All times identified for the exam are Pacific Daylight Time. Depending on your location, the actual time of day for you may vary.

3. If I have been granted a testing accommodation which would require that I take the exam in person, but would rather waive that accommodation to test remotely, is that allowed?
    - Applicants can choose to waive their accommodations and take the online remote exam without the accommodations. They don't have to withdraw from the exam.

4. I am no longer interested in taking the October 2020 California Bar Examination. How do I request a refund?
    - Refund requests must be made by September 8, 2020, through a General Request in the Applicant Portal. Please use the subject line: **Request for refund for the Fall 2020 Bar Exam**.

5. Can you please verify what California's eligibility guidelines will be on whether a student may take California's Bar Exam on October 5–6 if the student also sat for another state's July 28–29 or September 30–October 1 exam?
    - NCBE is offering bar exam materials to jurisdictions for two additional administration dates so that as many people as possible have at least one opportunity to test in 2020. The multiple dates are intended to enable jurisdictions to offer a bar exam during the remainder of 2020 while also observing federal, state, and local health guidelines regarding COVID-19. While each jurisdiction determines its own rules for eligibility to sit for the bar exam, we anticipate that adherence to federal, state, and local health guidelines will place pressure on a jurisdiction's ability to provide seating for candidates. **Therefore, candidates should not view the additional dates as an opportunity to test in multiple jurisdictions or to test multiple times in a single jurisdiction.**
    - Candidates shall affirm that they do not, and will not, plan to sit for any other jurisdiction's bar exam administration in July, September, or October 2020 during which NCBE tests are used. Jurisdictions should prohibit candidates from participating in the remotely administered test if they will sit for any of these in-person administrations of the bar exam, as such participation may provide an opportunity for nonbona fide candidates to gain access to NCBE's copyright-protected test material.

6. Will the State Bar still be charging late fees with the final filing deadline change?
    - No, we are in fact going through the process of refunding ALL late fees previously charged. Please make sure your email and mailing address are up to date in the applicant portal in case we need to mail a check.

7. Is there any way to expedite the review of my moral character application?
   - No, moral character applications are processed in the order in which they are submitted and received. The duration of a moral character investigation varies due to factors such as the volume of applications received in a given period and whether timely responses to requests for information are received from the applicant or others. Generally, it takes a minimum of approximately 180 days, or six months, to process a moral character application.

For technical support, contact ExamSoft tech at 866-429-8889, ext. 1.