

## Winter 2021 Remote Legal Licensing Exams: Information Session – 2/17/2021

A recap of questions and answers

This document represents a summary of the information discussed at the information session. For a comprehensive list of questions and answers please refer to either the [Remote UBE FAQ](#) or the [LPO/LLLT Remote Exam FAQ](#).

- Q. Can examinees wear earplugs?
- A. Earplugs are generally prohibited, but examinees may request permission to wear earplugs. Examinees for the UBE can use the special request tool through their online account. For this exam, however, the deadline to request permission has passed. The types of earplugs applicants can request to wear are those small, squishy ones—they are usually orange or yellow.
- Q. How do examinees get their passwords to login to the exams?
- A. ExamSoft will email notifications to UBE examinees with a link to a webpage with password information. The WSBA will email LLLT and LPO examinees with the passwords and will also post them on the ExamSoft WACertification page. The emails will come 15 minutes prior to the start of each exam session. Examinees testing on a non-standard schedule will receive an email with password information from WSBA staff.
- Q. How does the Internet connection work? Do you need an Internet connection for the entire exam?
- A. Examinees need an active Internet connection when they login for each session. When the exam launches, the platform actually disables any Wi-Fi/Internet connection. When completed, examinees will need an active Internet connection to upload their work. So an active Internet is required at the beginning of each session and the end of the exam, but not while taking the exam.
- Q. Is scratch paper allowed, and how do examinees prove it's blank?
- A. Scratch paper is allowed for the performance test session only. It should be blank (lined is OK, but no writing). Examinees can hold the paper up at the beginning of the performance test session to show the paper is blank.
- Q. What are prohibitions during the exam in terms of eating/drinking, wearing sweaters or sweatshirts, going to the restroom, and movement like stretching?
- A. Water is fine but should be in a clear bottle with no writing; the same for any snacks. Examinees can take an emergency restroom break; to do so, they should announce what they are doing before leaving the test area. Stretching and other movement is OK. As for attire, examinees can wear comfortable clothing, but no clothing with hoods, and no hats or scarves.
- Q. Is it OK to read questions out loud and/or talk to yourself?
- A. Talking during an examination session may lead to flagging for further review. Such a flag is likely to be cleared by a reviewer if an examinee is only reading the question out loud.
- Q. Can examinees leave the room during the 30 minute break?
- A. Yes. During breaks, examinees are free to move around. They are not being recorded.
- Q. Does WSBA have a contract with ExamSoft that states ExamSoft *must* delete examinee data when directed by WSBA?

- A. Yes, the contract states that ExamSoft will delete examinee data within a year following termination of the agreement or 90 days after termination of the agreement and within 30 days of when WSBA requests the data is deleted. WSBA will request deletion of the data sooner than a year, as soon as that information is no longer needed.
- Q. Are blue light blocking glasses allowed if the examinee was not wearing them in the picture you submitted? What about if the examinee is wearing different glasses than the ones in the picture they submitted?
- A. That should be fine. If it causes the software to flag the examinee, we will clear it upon review.
- Q. How will WSBA address the bias inherent even in human review, especially when we know we can expect people of color and people with disabilities to be subjected to more flags and, hence, more human review?
- A. We acknowledge no process is free from bias—we are cognizant of those biases and working to mitigate them. We are prepared to review many flags, and we are not going to look at anything beyond the very specific behavior flagged by the software. In most cases, the flags should be easily cleared (for example, as in the case of a dog barking in the background).
- Q. Will an examinee who receives more flags take longer to receive exam results due to the review process?
- A. No. The grading all takes place at the same time and the results are all released at the same time (April 9).
- Q. Will there be another similar information Q&A before the summer exam—this time, hopefully with a bit more lead time before the actual exams? Bar Q&A again prior to summer exam? Sooner than a week out?
- A. This is the first time, that we know of, that WSBA has held a pre-exam FAQ. It was specifically in response to questions about the remote format. However, it might make sense for all exams moving forward to give candidates and others a chance to ask logistical questions.
- Q. Is ExamSoft prohibited from using and sharing examinee information? Is that specifically outlined in the contract itself?
- A. ExamSoft may share data with its third-party vendors for the purposes of providing services to WSBA. ExamSoft may create anonymized, aggregate and/or de-identified information. Although ExamSoft has exclusive ownership of aggregate data, it is prohibited from distributing any aggregate data in a way which identifies examinees.
- Q. If we have problems with the platform, can we contact ExamSoft by phone?
- A. Yes. Examinees should have ExamSoft's phone number handy and their cell phones (turned off) in close proximity. If an examinee has a software issue, they should announce they are calling ExamSoft and then proceed to do so.
- Q. What is the process that examinees can use to lodge complaints with ExamSoft? Will WSBA report the number of complaints, especially those that involve facial recognition software?
- A. Examinees should contact ExamSoft to lodge any complaints about their products. WSBA has no specific information about whether/how we will receive any complaints from ExamSoft. However, we plan on being as transparent as possible; if there is a possibility that we will

continue with remote exams in the future, we want to be on the forefront of advocating for necessary solutions—and we will need to gather and use data to advocate. Please note: WSBA is tightly bound by Court rule to keep much data private, and we do not track examinee demographics.

Q. Is the online FAQ up to date as to what is required and what is not?

A. Yes. It is important that the software is able to get clear audio and visual. We have been updating the “what is allowed” information to be more lenient as we clear information with ExamSoft because we want examinees to be as comfortable as possible. However, please remember that any drinks or food should contain no wrapping with words, the wrapping and consumption should not be too loud, and be careful not to spill!

Q. When will the results be posted?

A. April 9. Information will be posted that morning in UBE examinees’ online accounts. The WSBA will email results to LLLT and LPO examinees.

Q. For the grading process, how does the scale work?

A. The National Counsel of Bar Examiners scales the scores within our state.

Q. What process/policies are in place for accommodations? And how will proctors know in real time what is allowed or not?

A. First, there are no real-time flags. ExamSoft’s artificial intelligence (AI) program will be applied to the recordings after the monitoring files have been uploaded to ExamSoft. All flags not resolved by ExamSoft’s proctors will be reviewed by WSBA staff. WSBA staff will be able to reconcile any approved accommodations with the examinee’s test behavior. For more information about requesting accommodations, see [Documentation for Accommodations Request](#).