

# Bar Exam FAQs

## **When is the July bar exam?**

The exam is July 27<sup>th</sup> and 28<sup>th</sup>. Applicants who are granted accommodations will test on additional days. Please see additional information, including the general format and schedule of the exam here:

<https://www.dccourts.gov/sites/default/files/divisionspdfs/committee%20on%20admissions%20pdf/Notice%20Regarding%20July%202021%20Bar%20Exam.pdf>

## **What documents will I need to gather from third parties for my application to the bar exam?**

The documents that applicants need from third parties or other sources will be determined by your responses to specific questions. Applicants who reply “yes” to questions regarding the following will need to provide additional documentation: arrests, civil litigation, academic disciplinary action, unauthorized practice of law, law school discipline, college/university discipline, military service, alcohol or drug related traffic violation and tax debt. Note: The analyst performing the background investigation may ask for other information after your application is submitted.

## **What kind of historical information will I need to provide on my bar exam application?**

You can find a sample of the character and fitness questions here:

<https://www.dccourts.gov/sites/default/files/divisionspdfs/committee%20on%20admissions%20pdf/NCBE-Character-and-Fitness-Sample-Application-3.pdf>

## **I've heard you will be using a new online system for the application. Will the background investigation be performed by NCBE after you transition to the new system?**

Yes. The NCBE will continue to perform the background investigation. If you are a re-taker or previously completed the D.C. character and fitness application on the NCBE website, a report that was generated on after May 1, 2018 is still valid.

## **I already completed my character and fitness questionnaire on the NCBE website, how will this affect my application for the bar exam?**

You will not be charged the character and fitness fee again, however all bar exam applicants are required to complete the online bar exam application in the new system.

## **What are the exam fees?**

Exam fees are: <https://www.dccourts.gov/sites/default/files/2021-04/JULY%202021%20BAR%20EXAM%20FEES.pdf>

**Do applicants have the option of taking the exam in person?**

The D.C. Court of Appeals issued an Order requiring a remote administration of the July Bar Exam because of the ongoing pandemic. Therefore, there will not be an in person *standard administration* of the exam. However, if an applicant requests an in person exam as an ADA accommodation, the request will be evaluated by independent medical experts with subject matter expertise to assist the COA in determining whether to administer the exam in person for that individual as an accommodation. For the prior administrations of the remote exam, the Committee on Admissions has been able to provide reasonable accommodations to all applicants remotely.

**I will be taking the exam in California. Can I take the bar exam according to the time in my time zone or do I have to follow D.C. time?**

All times listed on the bar exam schedule are in Eastern Time. You must take the exam according to Eastern Time. An applicant who enters the exam more than 15 minutes after the exam begins must send an email explaining the reason for the late entry to the exam immediately following the exam to: [dcbarexam@dcappeals.gov](mailto:dcbarexam@dcappeals.gov). Applicants are expected to get back on schedule.

**Does D.C. have a limit on how many people can take the exam?**

No, D.C. does not have a limit.

**I will not graduate until August. Can I still take the exam?**

As long as you have completed all credits necessary for graduation by July 27<sup>th</sup> you may take the exam.

**What happens if I miss a deadline? I heard that some people did not get to take the exam because they missed one of the download deadlines.**

All deadlines are hard deadlines. There is no late period to apply for the exam. Missing the software download deadlines will cause an applicant to forfeit taking the exam. See the exam information regarding deadlines here:

<https://www.dccourts.gov/sites/default/files/divisionspdfs/committee%20on%20admissions%20pdf/Notice%20Regarding%20July%202021%20Bar%20Exam.pdf>

**What company will be providing the software for the July exam?**

Examsoft is the vendor for the July exam. For more information, you may refer to their website: [www.examsoft.com](http://www.examsoft.com). Applicants are advised to pay close attention to the minimum system requirements for the device they will use to take the exam:

<https://examsoft.com/resources/examplify-minimum-system-requirements>

**I was told that February applicants were given their NCBE number to register with Examsoft. Why are we using this number?**

This exam is a full UBE and scoring and scaling will be performed by NCBE psychometricians. Scores will be reported by NCBE. Your NCBE number will be automatically entered for you on your exams based on your registration. Your NCBE number will be associated with all of your exam transactions, your exam and your exam results.

**I have taken the exam before and we were assigned an Exam ID. Will we have an Exam ID this time?**

Yes. For jurisdictional administrative purposes you will also be assigned a five-digit exam ID number. This number will be uploaded to your ExamSoft account and you will receive it by email from the COA before the exam. You will use this number to look up your unofficial pass/fail results that will be posted on the COA webpage on or before October 15, 2021.

**When is the deadline to receive a refund or to transfer my application fees if I decide not to take the July 2021 exam?**

***Fees for the July 2021 are not refundable or transferrable unless you have “extraordinary circumstances”.*** If you wish to request a refund based on extraordinary circumstances you may send an email, with documentation that supports your claim of extraordinary circumstances to the COA Director at: [sshanks@dcappeals.gov](mailto:sshanks@dcappeals.gov) no later than August 4, 2021. ***Requests made after August 4<sup>th</sup> will not be considered.***

**If I withdraw from the exam does it count as an attempt?**

An attempt is defined as sitting for the exam and completing at least one exam session. Withdrawals are not counted as attempts.

**If I get sick on the first day of the exam and decide not to take it will I be penalized?**

No, there is no penalty for not taking the exam. However, if you miss taking a session of the exam you are prohibited from sitting for any subsequent session of the exam. Attempting to log in and take a portion of an exam after missing a prior section is an automatic exam conduct violation.

**What are exam conduct violations?**

Applicants will receive a copy of a code of conduct prior to the exam. Examples of conduct violations include discussing the exam with other applicants during testing period, copying exam material, posting exam material on the internet, consulting study aids during the exam, wearing or using watches, fitness bands or any other electronic device during the exam, manipulation of the exam software to facilitate cheating and interfering with the exam in any manner.

**What will happen if an applicant is accused of cheating?**

The incident will be thoroughly investigated by the COA and the applicant may be required to appear before the Committee for an informal hearing on character and fitness. The procedures set forth in App. Ct. Rule 46(i), (j) provide:

(i) Hearing by the Committee

- (1) In determining the moral character and general fitness of an applicant for admission to the Bar, the Committee may act without requiring the applicant to appear before it to be sworn and interrogated or may require the applicant to appear for an informal hearing. If the Committee is unwilling to certify an applicant after an informal hearing, it shall notify the applicant of (A) the adverse matters on which the Committee relied in denying certification, and (B) the choice of withdrawing the application or requesting a formal hearing. Notice shall be given by certified mail at the address appearing on the application. Within 30 days from receipt of the notice, the applicant may file with the

Committee a written request for a formal hearing. If the applicant fails to file a timely request for a formal hearing, the applicant's application shall be deemed withdrawn. If the applicant requests a formal hearing within the 30-day period, the request shall be granted and the formal hearing shall be conducted by the Committee under the following rules of procedure:

- (2) The Director shall give the applicant no less than 10 days' notice of:
  - (A) The date, time, and place of the formal hearing;
  - (B) The adverse matters upon which the Committee relied in denying admission;
  - (C) The applicant's right to review in the office of the Director those matters in the Committee file pertaining to the applicant's character and fitness upon which the Committee may rely at the hearing; and
  - (D) The applicant's right to be represented by counsel at the hearing, to examine and cross-examine witnesses, to adduce evidence bearing on moral character and general fitness to practice law and, for such purpose, to make reasonable use of the court's subpoena power.
- (3) The hearing before the Committee shall be private unless the applicant requests that it be public. The hearing shall be conducted in a formal manner; however, the Committee shall not be bound by the formal rules of evidence. It may, in its discretion, take evidence in other than testimonial form and determine whether evidence to be taken in testimonial form shall be taken in person at the hearing or by deposition. The proceedings shall be recorded and the applicant may order a transcript at the applicant's expense.
- (4) If after the hearing the Committee is of the opinion that an adverse report should be made, it shall serve on the applicant a copy of the report of its findings and conclusions and permit the applicant to withdraw an application within 15 days after the date of the notice. The Committee may, in its discretion, extend this time. If the applicant elects not to withdraw, the Committee shall deliver a report of its findings and conclusions to the court with service on the applicant.

(j) Review by the Court.

- (1) The Committee shall deliver a report of its findings and conclusions to the court for its approval in the case of any applicant for admission after a formal hearing.
- (2) After receipt of a Committee report, if the court proposes to deny admission, the court shall issue an order to the applicant to show cause why the application should not be denied. Proceedings under this Rule shall be heard by the court on the record made by the Committee on Admissions.

- (3) Except for the review by the court provided in this paragraph (j), no other review by the court of actions by or proceedings before the Committee shall be had except upon a showing
- (A) of extraordinary circumstances for instituting such review and
  - (B) that an application for relief has previously been made in the first instance to the Committee and been denied by the Committee, or that an application to the Committee for the relief is not practicable.

**I am still registered to take the exam in another jurisdiction, is that a problem?**

COA will submit an exam roster to NCBE for comparison with exam rosters from other jurisdictions. Applicants who are registered in another jurisdiction will not be permitted to download the DC exam unless they withdraw from the other jurisdiction.

**At the beginning of the online exam, may I have a sheet of paper next to me that states my applicant ID and individual password so that I can enter it correctly?**

For the MEE and Multiple choice sessions you may store your ExamSoft credentials on your cellphone and use it to sign in to retrieve the password to unlock your exam. When you retrieve the password you may take a picture of the password with your cellphone. **Similar to the MOCK EXAM, the camera does not start monitoring until AFTER you enter the password.** Once you enter the password you may take your phone and place it outside your exam testing space before you begin the exam. You will be given a different password for each session of the exam. For the MPT exam you are allowed 10 sheets of paper. You may use your paper to write down your password for the MPT exam.

**Can we use our cell phones in the event that a technical problem or question arises during the exam to contact ExamSoft?**

Yes. You may. Leave your phone at the door just outside your testing room. In the event of a technical issue you may announce to the camera that you are retrieving your phone to call ExamSoft for a technical issue. There will be a record of your call that COA will use to verify why your video has a “cellphone flag” when your video is reviewed.

**Will I be able to get technical help during the exam?**

For technical support during the exam, all applicants must contact ExamSoft support at 888-816-3065. Save this number in your cellphone so you will have it available.

**What does it mean that a video may be “flagged”?**

All exam sessions will be recorded on video. A video is flagged by artificial intelligence where there is behavior that potentially indicates improper conduct during the exam. Flagging **does not** have automatic consequences to the test taker. All flagged videos will be reviewed by a human proctor who will determine whether the flagged incident is a violation.

**What will cause my video to be “flagged” for a potential exam conduct violation?**

A conduct violation occurs where the applicant engages in behavior that is may be interpreted as cheating. Any suspected cheating will be thoroughly investigated and may impact admission based on character and fitness.

Examples:

- Study materials in the testing room
- A cellphone or other digital device in the testing room
- Speaking on a cellphone other than with ExamSoft or COA
- Interacting with other people in the testing room
- Using an additional computer or monitor
- Using paper materials other than for the MPT portion of the exam
- In the event of an emergency test takers may announce the emergency to the camera and leave the camera view. Extended and / or numerous absences from the camera view that are not within the parameters of an accommodations grant will be interpreted as suspicious. Applicants are strongly encouraged to go to the restroom immediately preceding the exam to help avoid an emergency restroom break. (Please note that some of the reciprocity jurisdictions require notification if a test taker was not in view of the camera throughout an entire exam session. Absence from the video in those situations will be interpreted by those jurisdictions.)
- Containers of any kind in the testing environment that are not transparent, water, snacks, medication and other personal products must be in transparent containers (e.g. Ziploc bags)
- Prolonged periods looking away from the computer where the test taker appears to be consulting other materials

### **What happens if my video is flagged?**

Flagging **does not** have automatic consequences to the test taker. All flagged videos will be reviewed by a human proctor who will determine the cause of the flag. The human proctor will be able to identify innocuous environmental noise that may be present in a home testing environment (children, pets, traffic noise, etc.).

### **Will the subject matter coverage on the remote UBE differ from what is covered on the standard bar exam?**

The remote UBE will not differ at all from the in person bar exam.

### **How do the breaks between exam sessions work if you finish a session early? For example, if you finish the first portion of MBE questions early and minutes remaining in the session but you submit your exam do you have to remain monitored with your exam open until the end time that is on the schedule?**

Once you finish a section of the exam, if there is time remaining, you may select “finish” and submit the exam. Similar to the MOCK Exam, you will be required to indicate that you have completed the exam. Once you submit your exam the video monitoring **stops and you may take a break away from the camera until the next section of the exam.**

### **Will the Mock Exam be reviewed by COA?**

No. The Mock Exams are solely for the purpose of practicing with the exam software and making sure that it functions on your device.

**I understand that earbuds and headphones are not permitted. What can I use to block out noise during the exam?**

You may use foam or silicone earplugs during the exam.

**Is anyone watching me during the exam on the exam monitor?**

No. A video is being recorded and will be analyzed by artificial intelligence. However, all videos will be reviewed by a human proctor. **Do not do anything on camera that you would not do with a proctor physically present.**

**What happens if my internet stops working during the exam?**

You need the internet to retrieve the password before beginning the exam. You will not be on the internet during the exam. You will need internet to retrieve your password, however once you have your password you will not be online. At the conclusion of the exam you need internet access to upload your responses and the video of your session. This process begins automatically after your exam is submitted.

**I have already been admitted by Rule 46-A Emergency Exam Waiver Admission. Can I take the bar exam? What happens if I am unsuccessful?**

Yes, you may take the bar exam. If you are successful, you will not be required to fulfill the admission requirements under Rule 46-A. If you are unsuccessful you will not lose your admission status under Rule 46-A.

**If I decide to wait to withdraw and take the February 2022 exam, do I have to apply all over again?** Yes, you must reapply each time you want to take the exam.

**Will the February 2022 exam be an in-person exam?**

We do not know at this time when the Covid 19 health emergency will be lifted, and will update our website as we have information.

**COA has said that the exam results will be posted by October 15th. If I am unsuccessful how when can I to apply for the February 2022 exam?**

The application period for the February 2022 exam opens in November 2021. You will have ample time to apply.