PRESS RELEASE

August 24, 2020

UNITED FOR DIPLOMA PRIVILEGE, a national movement of law students, graduates, professors, and lawyers mobilizing for diploma privilege, is dismayed at the lack of transparency that exam software vendors have displayed as they prepare for the September and October 2020 bar examinations.

As of August 24, 2020, ExamSoft Worldwide, Inc., appears to be the primary vendor for the October 2020 remote administration of the bar exam in at least 15 jurisdictions, with an estimated 30,000 to 40,000 applicants expected to take an online bar examination simultaneously using ExamSoft’s software. ExamSoft has provided almost no details on how it plans on administering these bar exams.

Consequently, we have almost no evidence to believe, and therefore do not believe, that the bar exam administrators, boards and/or courts in these jurisdictions have practiced reasonable due diligence in seeking answers to basic questions.

Accordingly, we hereby provide a list of requests for detailed information. We respectfully request that ExamSoft provide a responsive statement for each of the below items by noon Eastern time on September 1, 2020, and that in order to make this information available to all who need to see it, ExamSoft should post the responses through its official Twitter account.

Requests for Detailed Information

1. The test that ExamSoft cites as evidence of successful implementation of a "high-stakes" exam occurred in Saudi Arabia on June 20, 2020, and had a documented 8% failure rate, according to the Education & Training Evaluation Commission of Saudi Arabia ("ETEC"). Confirm this is the exam to which ExamSoft has been referring, and that the ETEC report is accurate. Provide details about the failures, describing what exactly failed.

2. Provide detailed information about the sequence and schedule of the ETEC exam including the dates when students took the exam, the number of students using the software simultaneously each day, the length of each simultaneous test segment, the type of exam (essay, multiple choice, etc.), the average length of essay answers, how many exam segments were administered each day, and the time between exam segments.

3. ExamSoft released a new version of its software (Version 2.4.0) on July 24, 2020, just 4 days before the Michigan Bar Exam on July 28. List the changes made to the software for this update. Describe in detail how the software was beta tested prior to its use on the Michigan Bar Exam.

4. Test-takers in both Saudi Arabia and Michigan could not properly log into the exam. Describe in detail what caused the inability to log in.

5. Test-takers in both Saudi Arabia and Michigan reported customer service and technical support was unavailable. Considering that applicants will fail the bar exam if they are unable to complete any of the test segments, describe in detail the types of customer service and technical support that will be available for the October remote bar exam, how many people can be served simultaneously, how long average customer support and technical support
sessions are expected to last, and, generally, how ExamSoft plans to respond in case of an issue involving more test-takers than it can provide customer service or technical support for during the exam.

6. Regarding the July administration of the Michigan Bar Exam, the day culminated with ExamSoft claiming that it had been the victim of a “sophisticated” cyber-attack. No further information about this attack has been released. Provide all details that can be provided about the investigations being conducted by the FBI and DHS, including but not limited to: case numbers, case names, and status of each investigation. A number of applicants have raised concerns about protection of personal information that may have been obtained by the attackers. Provide a statement about the security of the personal information.

7. Other exam software was reported to cause laptops to overheat due to excessive load on the CPU required for video streaming. Provide a well-supported statement regarding the load on the CPU that will be caused by the continuous recording ExamSoft requires as compared to video streaming. With only a 30-minute gap between exam segments, and considering the file size of the video recordings, it seems unlikely that most of the 30,000 to 40,000 examinees will be able to complete the upload before the next exam segment starts. This means they will be both typing and video recording the second exam segment while the first one is still uploading. Provide a detailed explanation regarding how this additional load on the CPU is managed.

8. We are very concerned that the ETEC exam ExamSoft is citing as evidence of their ability to successfully administer the October bar exams is not comparable to a bar exam. Provide detailed proof that ExamSoft has hosted a comparable exam to 40,000+ individuals over a two-day period. Specifically, we request proof that ExamSoft has administered an exam with two sessions on the same day, where exam files and video files the size of the ones we will be creating had been uploaded at the same time.

9. In the absence of item 7 above, provide proof that ExamSoft has beta tested Version 2.4.0 (latest version of software), and details of that beta testing, which should have included at least these elements:

   a. Description of where a meaningful proportion of 40,000 beta testers were sourced.

   b. Each test segment started simultaneously worldwide, matching what will occur on the bar exam.

   c. Required beta testers to complete all steps of the process for two consecutive essay exams, 30 minutes apart, as will occur on the bar exam.

   d. Required beta testers to create full-sized exam and video files, and uploading all files at the end of the test time, as will occur on the bar exam.

10. If testing has already been completed and deemed successful, affirmation that it will lock Version 2.4.0 that is set to expire on August 31, 2020.