



NEW YORK STATE SENATOR

Brad Hoylman-Sigal

## Senator Brad Hoylman and Assemblymember Jo Anne Simon Snapshot Survey of New York Online Bar Exam Finds Nearly Half of Respondents Experienced Technical Difficulties

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| ISSUE: **SENATOR BRAD HOYLMAN, SD 27, DIPLOMA PRIVILEGE, JUDICIARY, BAR EXAM**

NEW YORK -- Today, State Senator Brad Hoylman (D/WF-Manhattan) and Assemblymember Jo Anne Simon (D/WF-Brooklyn) released the results of their snapshot survey of law graduates who took the online New York State Bar Exam on October 5 and 6, 2020.

Of nearly 500 respondents, the snapshot survey results show nearly one-half of exam takers experienced serious issues, including:

- 74.7% described the experience as negative, while fewer than 8% of respondents reported their experience as positive;
- 41.1% of respondents reported internet or software disruptions during the exam;
- 71.5% of respondents were very or moderately concerned about other test takers cheating;
- 29.1% were concerned about the ExamSoft software accessing personal information on their computer.

**Senator Brad Hoylman said:** “Unfortunately, but not surprisingly, our snapshot survey of New York Bar Exam takers found a substantial number of issues with the administration of an online exam, including immunocompromised examinees having to choose between taking the test in person with accommodations or taking it remotely without needed accommodations, issues with facial recognition software not recognizing examinees’ faces, and the software itself repeatedly freezing or lagging for many examinees. As a result, I don’t think anyone can credibly describe the online bar exam as a success. We’ll be looking further into the issues raised by survey participants and continue to advocate for an alternate pathway to attorney admission during the COVID-19 pandemic.”

**Assemblymember Jo Anne Simon said:** “The profound lack of decency in this process and the unwillingness of the NYS BOLE to consider equitable solutions for NY bar examinees this month has been appalling. From those who were forced to use urinals, or suffer embarrassing accidents to avoid leaving camera frame, we saw an utter failure to provide safe, responsible, and fair testing conditions to law school grads taking the most important test of their careers. Those with disabilities too often were forced to forego key accommodations or risk their exposure to COVID by taking an in-person exam – the very situation the remote exam was created to protect against. Technology problems forced still others to withdraw before or during the test. Law school grads deserved better, and that starts with alternative pathways to licensure, such as proposed in our diploma privilege legislation. I thank the students for their hard work under untenable circumstances and my colleague Senator Brad Hoylman for working with me on this crucial legislation.”

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The New York Bar Exam is normally held twice a year, in February and July. This year, due to the COVID-19 pandemic, the two day, in-person exam originally scheduled for July was postponed until September, then cancelled and replaced with an online exam that was given

on October 5-6. This online bar was half as long as the traditional exam, leading some test takers to worry that fewer questions decreased the accuracy of the exam.

Senator Hoylman and Assemblymember Simon are sponsors of legislation ([S.8682-A/A.10794](#) and [S.8827-A/A.10846](#)) to create a form of diploma privilege during the COVID-19 State of Emergency to allow admission of law school graduates as attorneys in New York without having to take the Uniform Bar Examination (UBE).

**Full results of the snapshot survey:**

**Number of responses: 478 as of October 15, 2020**

**Did you experience any internet or software disruptions during the administration of the New York Online Bar Exam on October 5 and 6, 2020?**

Yes, internet disruption: 4.2%

Yes, software disruption: 32.1%

Yes, both internet and software disruptions: 4.8%

No: 58.8%

**Do you have reason to suspect that your personal information or data was improperly accessed as a result of installing or using ExamSoft software on your personal computer?**

Yes: 29.1%

No: 29.5%

Not sure: 41.5%

**How concerned are you about the possibility of others cheating on the New York Online Bar Exam by exploiting vulnerabilities in the ExamSoft software?**

Not at all concerned: 6.9%

A little concerned: 21.6%

Moderately concerned: 26.2%

Very concerned: 45.3%

**Did you apply to NYS Board of Law Examiners (BOLE) for accommodation for a disability?**

Yes, and I received one: 4.8%

Yes, but I did not receive one: 1.9%

No: 93.3%

**If you received an accommodation for a disability, did it require you to take the test in person?**

Yes: 0.7%

No: 7.7%

N/A: 91.6%

**If you applied for an accommodation for a disability, please rate your experience below.**

Extremely Positive: 2.1%

Positive: 12.8%

Neutral: 42.6%

Negative: 21.3%

Extremely Negative: 21.3%

**How would you rate the experience of taking the New York Online Bar Exam on October 5 and 6, 2020?**

Extremely Positive: 0.6%

Positive: 6.6%

Neutral: 18.0%

Negative: 38.0%

Extremely Negative: 36.7%