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Re: In Response to the State Board of Law Examiners' October Exam Administration Plan

Dear Chief Judge Barbera and Associate Judges:

Thank you for giving us and other members of the community—both legal and not—an opportunity to comment on the State Board of Law Examiners' ("SBLE") Examination Administration Plan for the October 2020 Remote Bar Examination. While we understand that the SBLE concludes that it should administer the October 2020 remote bar exam using materials supplied by the National Conference of Bar Examiners ("NCBE") and software provided by ExamSoft, we strongly urge the Court to, instead, grant Diploma Privilege Plus to all July 2020 Maryland bar applicants. Diploma Privilege Plus is the only option for successfully admitting July 2020 Maryland bar applicants to the bar because there is no evidence to suggest that: (1) ExamSoft software can successfully and securely administer the remote exam; and (2) barring attorneys via Diploma Privilege creates a greater danger to the public.

I. ExamSoft is not equipped to simultaneously and securely administer the online-remotely proctored bar exam to over 30,000 applicants.

When DP4MD filed its July 31, 2020 Petition *In Re: Emergency Petition for Temporary Suspension of UBE Requirement and Order Granting Emergency Diploma Privilege Plus*, the SBLE had not yet announced which software vendor was going to administer the remote Maryland bar exam.[1] On August 7, 2020, the SBLE notified Maryland bar applicants via email that it would be contracting with ExamSoft to administer the online-remotely proctored bar exam. However, the "Frequently Asked Questions" page ("FAQ"), provided by the SBLE, did not mention how ExamSoft plans to update and adapt its software to ensure there is not a repeat of what happened during the Michigan bar exam administration. While the Michigan bar exam was only administered to about 800 applicants, NCBE President Judith Gundersen revealed, while speaking at a University of Miami Zoom Panel, that there will be around 30,000 bar applicants taking the remotely proctored October 5th and 6th exam—at the same time and using the same

[1] In Re Emergency Pet. for Temporary Suspension of UBE Requirement and Order Granting Emergency Diploma Privilege Plus 2 (July 31, 2020), https://0a3f1d66-a0d3-4adc-8bfd-f29f8a8a9bf7.filesusr.com/ugd/d63a6c_9f2f9b816c874de4a0b2e88ac6e20b01.pdf.

software.[2] As of August 22, 2020, 16 jurisdictions are planning[3] to use ExamSoft software[4]: California, Connecticut, D.C., Georgia, Idaho, Illinois, Kentucky, Maryland, Massachusetts, New Hampshire, New York, New Jersey, Ohio, Pennsylvania, Tennessee, and Texas.[5] If ExamSoft could not successfully administer a remote exam to 800 Michigan bar applicants, how can it possibly provide for and protect the 30,000 applicants using its software for the October exam?

On July 28, Michigan administered its remote bar exam using ExamSoft.[6] While exam takers were eventually able to complete the exam, it was not without major complications, software failings, and undue stress.[7] ExamSoft initially reported that bar applicants experienced "a temporary 30-minute inability to login" to the modules of the exam.[8] However, ExamSoft later reported that the Michigan Bar exam was subjected to a "sophisticated" cyber attack.[9] On August 5, 2020, ExamSoft issued a statement in "response to the DDOS cyberattack."[10] ExamSoft stated that it and its "impact network vendor [] requested the FBI and the Department of Homeland security open an official investigation into the [cyberattack]."[11] ExamSoft stated "security is very important" to them and they intend to "preclude future attacks"—our question is how?[12]

We are 42 days from the October bar exam and ExamSoft just requested that the FBI and the Department of Homeland Security open an investigation. In its response, the SBLE wrote that the Michigan Board of Bar Examiners were "generally satisfied with the performance of ExamSoft's software".[13] The SBLE also reported that "ExamSoft's internet service provider fought off the DDOS attack" without providing any source for this statement.[14] The SBLE further stated that assertions stating ExamSoft's software was hacked or compromised are "false" and that "there appears to be no credible threat that the use of ExamSoft's platform to remotely deliver the October 2020 bar exam to applicants presents any

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[2] University of Miami School of Law, *Miami Law/AALS JLE Online Legal Ed. Symposium: Panel 3 - Regulatory Views*,Youtube (Aug. 12, 2020), https://www.youtube.com/watch?v=5pujygn3o4g&feature=youtu.be (Minute 26 Judith Gunderson begins speaking).

[3] Excluding Michigan, which has already administered using ExamSoft.

[4] Two states' software vendors are unknown: Arizona, and Vermont. Oregon is still currently scheduled to use ILG technologies.https://www.youtube.com/watch?v=5pujygn3o4g&feature=youtu.be

[5] Tracking Bar Exam Software Use, https://docs.google.com/spreadsheets/d/1t09gL-jMkGXt4gCE78k85nd94GuuZXrbMJKBgxKW3Ik/edit#gid=0 (listing the vendors and bar exam dates for 2020) ; Melanie K. Blair (@Melanie_K_Blair), Twitter (Aug. 22, 2020, 10:41AM), https://twitter.com/Melanie_K_Blair/status/1297182100869844995

[6] Allie Reed, *Cyber Attack Said to Disrupt Michigan's Online Bar Exam*, Bloomberg Law (July 28, 2020) https://news.bloomberglaw.com/business-and-practice/cyber-attack-locks-michigan-bar-exam-takers-out-of- online-test.

[7] *See supra* notes 18-20.

[8] *See*, Exam Soft (@ExamSoft), Twitter (Jul. 28, 2020, 1:05 PM) https://twitter.com/ExamSoft/status/1288158760444334081.

[9] Allie Reed, *Cyber Attack Said to Disrupt Michigan's Online Bar Exam*, Bloomberg Law (July 28, 2020) https://news.bloomberglaw.com/business-and-practice/cyber-attack-locks-michigan-bar-exam-takers-out-of- online-test.

[10] Examsoft (@ExamSoft), Twitter (Aug. 5, 2020, 9:26 AM), https://twitter.com/ExamSoft/status/1291002698792341504.

[11] *Id.*

[12] *Id.*

[13] October 2020 Remote Bar Examination Update, State Board of Law Examiners 4 (Aug. 18, 2020), https://mdcourts.gov/sites/default/files/import/coappeals/pdfs/remotebarexamreport202008.pdf.

[14] *Id.*

greater risk of compromise to applicants' personal data than any other online transaction."[15] These statements are puzzling because the most recent news reports indicate the Michigan Board of Bar Examiners have not closed their own investigation into the software failures with the Michigan Bar *and* ExamSoft has not provided further updates regarding their call to the FBI and Department of Homeland Security to investigate the DDOS attack.[16] The SBLE did not provide its source for any of those statements, so there is no way to further confirm or deny their accuracy. Accordingly, it is premature to declare that the cyberattack on Michigan's Bar was not a hack and did not leave examinees vulnerable to their data being stolen while investigations remain ongoing.

In addition, the SBLE's characterization of what happened during the Michigan Bar exam is misleading. After Michigan examinees had completed the first Module (of five), ExamSoft's website that contained the private passwords crashed.[17] As a result, examinees scrambled to contact ExamSoft and obtain the passwords. Some examinees were unsuccessful in reaching ExamSoft's IT department.[18] Examinees that were successful in reaching ExamSoft's IT department were put on hold.[19] After being unable to get in touch with ExamSoft, examinees took to Facebook, Twitter, and Reddit to obtain the passwords to begin Module 2.[20] Examinees shared the passwords with one another on these social media platforms.[21] Eventually, ExamSoft was forced to forgo keeping the Module passwords private and publicly published them on their website.[22]

The SBLE further states that the concerns expressed in the July 31 Petition "regarding the delivery of the Michigan bar exam via ExamSoft would be of great concern if they were factual and not subject to procedural mitigation."[23] The SBLE has provided no evidence to suggest the concerns raised in the July 31 Petition are not factual. Furthermore, there are no news reports to believe the concerns are not factual. The

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[15] *Id.* at 4-5; *see also* AST (@AST_News),Twitter (Aug. 22, 2020, 11:51AM), https://twitter.com/AST_News/status/1297199793547010053.

[16] Stephanie Francis Ward, *Software Provider Pulls Out of Remotely Proctored Bar Exams Because of Technology Concerns*, ABA Journal (Aug. 18, 2020, 2:41 PM), https://www.abajournal.com/web/article/due-to-technology-concerns-software-provider-pulls-out-of-remotely-proctored-bar-exams

[17] Kerry Martin (@KerryWMartin), Twitter (July 28, 2020, 10:10AM), https://twitter.com/KerryWMartin/status/1288114504123871237; Allie Reed (@Alliereedwrites), Twitter (July 28, 2020, 12:52PM), https://twitter.com/alliereedwrites/status/1288155313506586642 (explaining that Michigan test takers were unable to receive passwords they needed to get into the second module of the test. The glitch added stress to an already high stakes day.").

[18] MI Bar Exam - barexam, Reddit (July 28, 2020), https://www.reddit.com/r/barexam/comments/hzf9so/mi_bar_exam/ (showing a thread of Michigan bar exam takers commenting on a thread related to the Michigan Bar Exam and Examsoft malfunction). The original commenter on the cited thread has since deleted their post but an image has been preserved of the original content as then-existing on July 28, 2020. *See*, App. D.; Jonathan Korn (@jkornjkorn), Twitter (July 28, 2020, 10:38AM), https://twitter.com/jkornjkorn/status/1288121697925656578.

[19] Jonathan Korn (@jkornjkorn), Twitter (July 28, 2020, 10:38AM), https://twitter.com/jkornjkorn/status/1288121697925656578; *see also* App. D (identifying images from Reddit and Facebook where Michigan examinees discussed Examsoft's malfunction).

[20] Jonathan Korn (@jkornjkorn), Twitter (July 28, 2020, 10:52AM), https://twitter.com/jkornjkorn/status/1288125261616050177.

[21] Jonathan Korn (@jkornjkorn), Twitter (July 28, 2020, 10:52AM), https://twitter.com/jkornjkorn/status/1288125261616050177; *see also* App. D (identifying images from Reddit and Facebook where Michigan examinees discussed Examsoft's malfunction).

[22] Diploma privilege (@diplomaprivileg), Twitter, (July 28, 2020, 12:55 PM), https://twitter.com/diplomaprivileg/status/1288165230946787330.

[23] October 2020 Remote Bar Examination Update, State Board of Law Examiners 5 (Aug. 18, 2020), https://mdcourts.gov/sites/default/files/import/coappeals/pdfs/remotebarexamreport202008.pdf.

SBLE does state they intend to mitigate the problems seen during the Michigan exam by publishing passwords on ExamSoft web pages, the Maryland judiciary webpage, and by separate emails.[24] The SBLE explains that "ExamSoft's technical support staff and the SBLE's office staff will also have the passwords to be provided by telephone (and potentially text)."[25] This mitigation strategy would be helpful were it not for the fact that the SBLE's own FAQ page declares that examinees are not permitted to have their phones in the exam taking room.[26] Even if examinees were permitted to have their phones, ExamSoft's IT department has proven itself unreliable in addressing the immediate needs of examinees, should a problem arise for the over 30,000 exam takers.[27]

It is worth noting that the SBLE mentions the June 23, 2020, administration of the California First Year Law Students Exam.[28] Without providing citations, the SBLE attributes the problems with that exam to the applicants when it stated "[o]fficials did report that the start of the exam was delayed for some applicants because those applicants did not promptly locate the start-up password required to access the exam."[29] The SBLE noted that "some applicants overlooked th[e] announcement [stating where ExamSoft would publish the passwords] and did not have the passwords at hand for the start of the exam."[30] The SBLE further stated that California bar exam admissions officials reported being "generally satisfied" with the performance of ExamSoft.[31]

However, Deans from University of California, Berkeley, UC Hastings, UC Irvine, UCLA and other law schools said "the experience of the 280 applicants who took [California's] first-year bar examination, also known as the baby bar, was 'indeterminate.'"[32] UC Hastings Dean David Faigman explained that "bar officials did not offer much information about the administration of the test" and further noted that he knew of one test-taker who "experienced technical problems and was placed on hold during a help-center call."[33]

Even if we were to assume that bar admissions officials of Michigan and California were satisfied with the admission of their respective bar exams, those two exams are not comparable to the October exam structure. In both Michigan and California, the exams were one-day essay only exams administered to a few hundred examinees.[34] Contrastingly, the October bar exam is a two-day exam consisting of both essays and 100 multiple choice questions and will be simultaneously administered to over 30,000 examinees.[35]

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[24] *Id.*
[25] *Id.*
[26] *FAQs for October 2020 Remote Bar Exam in Maryland*, State Board of Law Examiners 2 (Aug. 7, 2020), https://www.mdcourts.gov/sites/default/files/import/ble/pdfs/october2020remotebarexamfaqs.pdf
[27] *See, supra* notes 18-20, 33.
[28] October 2020 Remote Bar Examination Update, State Board of Law Examiners 4 (Aug. 18, 2020), https://mdcourts.gov/sites/default/files/import/coappeals/pdfs/remotebarexamreport202008.pdf.
[29] *Id.*
[30] *Id.*
[31] *Id.*
[32] Cheryl Miller, *Law School Deans Lobby California Court for Diploma Privilege in Virus Era*, Law.com (July 2, 2020), https://www.law.com/therecorder/2020/07/02/law-school-deans-lobby-california-court-for-diploma-privilege-in-virus-era/.
[33] *Id.*
[34] Administrative Order No. 2020-15, Mich. S. Ct. (May 18, 2020), https://courts.michigan.gov/Courts/MichiganSupremeCourt/BLE/Documents/2020-08_2020-05-18_FormattedOrder_AO2020-15.pdf (explaining that the exam would be online and consist only of essay questions); *First-Year Law Students' Examination Information*, State Bar of California, http://www.calbar.ca.gov/Admissions/Examinations/First-Year-Law-Students-Examination/First-Year-Exam-Information (last visited Aug. 22, 2020) (describing the procedure for the one-day exam).
[35] *NCBE Update*, Nat'l Conference Bar Examiners (June 1, 2020), https://www.ncbex.org/ncbe-covid-19-updates/.

ExamSoft could not successfully administer an exam under less stressful conditions, how will the software fair when it is challenged for a longer period of time involving a more extensive exam structure with thousands of additional applicants? As of now, there is no evidence to suggest that ExamSoft can handle such an administration to over 30,000 applicants. While Boards of Bar Examiners across the nation have expressed the idea that "absence of proof is not proof of absence", it is concerning to take such an approach with an untested exam that will determine the futures of thousands of applicants.

The SBLE noted that examinees will be required to participate in two mock exams.[36] There has been no information regarding when these mock exams will occur or whether the testing of the software will be synced with the over 30,000 applicants who will also be taking the same exam, using the same software, and at the same time. If the testing is not coordinated with all other jurisdictions using ExamSoft for the October remote bar exam, it is not an accurate representation of how the software will function under the server stress demanded on the days of the exam. Furthermore, ExamSoft's assurances that the "software solutions are fully tested" is inadequate because an internal run is not the same as an accurate stress test.[37]

II. ExamSoft poses a significant risk to examinees' privacy.

Under ExamSoft's privacy policy, it may appropriate test taker data for marketing purposes, to give to the government, and to share with third parties affiliated with ExamSoft (called "group companies" who have not been disclosed to test takers and may not adhere to stringent security standards).[38]

While ExamSoft may not sell test taker data, ExamSoft has not disclosed any of its "group companies" that will also have access to test taker data.[39] ExamSoft's privacy policy includes a loophole where ExamSoft may share Maryland bar test taker data, including facial biometric data, to group companies that may or may not have stringent privacy policies of their own.[40] Since these group companies are unknown, their privacy policies are similarly unknown, so test takers may be unknowingly sharing their data with companies who do not have stringent privacy policies or who plan to use the data fraudulently. Without clear and full disclosure of ExamSoft's group companies, Maryland bar test takers are at a heightened and real risk of privacy violations. Without additional information, test takers are being asked to give up their personal information and biometric information to unknown organizations.[41]

The Maryland Legislature has taken actionable steps to curb such loopholes through section 14-3503 of the Annotated Code of Maryland, Commercial Law Article, which states:

> "A business that uses a nonaffiliated third party as a service provider to perform services for the business and discloses personal information about an individual residing in the State under a written contract with the third party shall require by contract that the third party implement and maintain reasonable security procedures and practices that: (i) Are appropriate to the nature of the personal information disclosed to the nonaffiliated third party; and (ii) Are reasonably designed to help

[36] October 2020 Remote Bar Examination Update, State Board of Law Examiners 6 (Aug. 18, 2020), https://mdcourts.gov/sites/default/files/import/coappeals/pdfs/remotebarexamreport202008.pdf.
[37] Bar Exam Tracker (@BarExamTracker), Twitter (Aug. 20, 2020, 8:48PM), https://twitter.com/BarExamTracker/status/1296610031601881088.
[38] *Privacy Policy*, ExamSoft (May 15, 2020), https://examsoft.com/privacy-policy.
[39] *Id.*
[40] *Id.*
[41] *Id.*

protect the personal information from unauthorized access, use, modification, disclosure, or destruction."[42]

The Maryland legislature enacted this law to prevent companies from sharing the data of Marylanders with unknown entities like ExamSoft's "group companies."[43] Without knowing the identities of the "group companies" and their personal privacy policies, Maryland bar applicants are unable to accurately assess the risk associated with agreeing to use ExamSoft.

ExamSoft's privacy policy states that it can use collected data for marketing purposes.[44] While ExamSoft's policy states that data used for marketing purposes must be "permitted," it does not clarify whether the permission process is opt-in or opt-out.[45] Without further guidance, test takers may be automatically opted-in and at risk for a personal data breach. This would be speculative if we had not already seen data breaches reported both in the ExamSoft exam administered in Michigan and in ILG's most recent failed Florida test.[46] ExamSoft also uses examinees' biometric, keystroke, and personal data to "provide and improve its exam-related services... and to develop new services for our customers."[47] As written, the video and audio recording of test takers in their personal spaces, taking a test, could be re-watched as data for product designers. Neither Examsoft nor the SBLE describe if and what actions will be taken to ensure that the faces, video, audio and other collected information of test takers are protected and not used to create new ExamSoft products.

Moreover, ExamSoft's privacy policy does not include a retention expiration and/or retention policy.[48] Rather, ExamSoft reserves the right to retain examinees' personal data "so long as [they] have an ongoing legitimate business need to retain it…"[49] Further, ExamSoft provides no definition for "ongoing legitimate business need" suggesting that data could potentially be stored forever as ExamSoft's privacy policy contains numerous examples of "business needs."[50] This is a concerning amount of leeway given to any company with one's personal data. As one applicant for the District of Columbia Bar explained, these privacy policies "ha[ve] been sprung on us at the last possible second, materially changing the privacy considerations of the attorney licensing process."[51] It is unreasonable to expect examinees to grant this level of access to a company whose live bar exam administration this year had only 775 applicants, crashed for

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[42] Md. Code Ann., Com. L. § 14-3503(b)(1) (West 2008).

[43] *Guidelines for Businesses to Comply with the Maryland Personal Information Protection Act*, Md Att'y General (last visited Aug. 22, 2020), https://www.marylandattorneygeneral.gov/Pages/IdentityTheft/businessGL.aspx#:~:text=The%20Personal%20Information%20Protection%20Act%20(PIPA)%2C%20Md.,take%20steps%20to%20protect%20themselves (explaining that the purpose of the law is to ensure the "personal identifying information" of Marylanders "is reasonably protected"); *see also Maryland Privacy Act Amendments Impact Businesses That Maintain Computerized Personal Information*, Nat'l Law Review (June 20, 2019), https://www.natlawreview.com/article/maryland-privacy-act-amendments-impact-businesses-maintain-computerized-personal (detailing the expanded obligations for businesses under the 2019 privacy act amendments).

[44] *Privacy Policy*, ExamSoft (May 15, 2020), https://examsoft.com/privacy-policy.

[45] *Id.*

[46] *See*, infra Section IV.

[47] *Privacy Policy*, ExamSoft (May 15, 2020), https://examsoft.com/privacy-policy.

[48] *Id.* (providing no information on any length of time for data storage).

[49] *Id.*

[50] *Id.* (explaining that data is shared for marketing purposes and with law enforcement, government and regulatory authorities as well as various group companies and third parties).

[51] Amanda Catherine (@acpesco), Twitter (Aug. 21, 2020 4:36PM), https://mobile.twitter.com/acpesco/status/1296909096419983360.

half an hour mid-exam, and is being investigated by the Federal Bureau of Investigation ("FBI") and the Department of Homeland Security ("DHS") for a cyberattack.[52]

III. Examinees do not have access to required accommodations to take the exam.

The SBLE "believes that applicants have adequate opportunity to secure a quiet space to prepare for and take the online exam" but the SBLE has yet to poll applicants on whether they can actually satisfy the exam testing requirements.[53] In its response, the SBLE noted that the link to one of the footnotes in the July 31 Petition was broken, which left SBLE unable to access the survey results.[54] In order to ensure that does not happen again, we have attached the data results as Appendix F. The SBLE also claimed that it "cannot independently determine whether the petitioners' characterization of the population of applicants lacking internet access or suitable exam space as 'many' is an appropriate one."[55] Why not? Maryland bar applicants, who are juggling full-time and part-time jobs and caring for family during a pandemic while simultaneously studying for the bar exam for the last four months, organized a survey that garnered nearly 200 responses from Maryland bar applicants. Why is the SBLE unable to send out a similar survey to all Maryland bar applicants?

The SBLE also claims that it has received "only a handful of emails from applicants expressing concerns over exam space and access to technology".[56] One of the reasons for this is that the SBLE does not respond to examinees' inquiries.[57] For example, one examinee emailed inquiries to the SBLE on four separate occasions and never received a single response back.[58] Bar applicants thought their time was better spent submitting responses to the Impact Surveys DP4MD published, writing comments to the Maryland Court of Appeals, giving comments to reporters, and writing advocacy pieces for publication.

While it is true that both University of Maryland School of Law (UMB) and University of Baltimore School of Law would aid examinees by providing them with spaces to sit for the exam, the number of applicants that could sit in those locations is likely to be small. First, the SBLE requires no one else in the exam room; this severely limits the number of examinees the schools can host. Second, according to UMB's policy, examinees would be required to wear masks during the exam which would likely violate the SBLE's exam policy because half the examinees' face would be covered.[59] Given the fact that only 16.38% of examinees have reliable internet and only 15.34% of examinees have a space in which they can take the bar exam uninterrupted, it is impossible for the law schools to accommodate the need.[60]

In an attempt to find suitable spaces for examinees to take the bar exam, DP4MD developed a form asking community members with open office conference rooms or spaces to sign up to host examinee(s).[61]

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[52] *See*, supra Section I.
[53] October 2020 Remote Bar Examination Update, State Board of Law Examiners 8 (Aug. 18, 2020), https://mdcourts.gov/sites/default/files/import/coappeals/pdfs/remotebarexamreport202008.pdf.
[54] *Id.* at 7.
[55] *Id.*
[56] *Id.*
[57] App. B (providing images of all the times individuals have reached out to SBLE and received no response).
[58] *Id.*
[59] See App. E.
[60] See App. F. Diploma Privilege for Maryland, *Online Bar Examination Hardship Survey Data Summation and Analysis*, August 2020 https://0a3f1d66-a0d3-4adc-8bfd-f29f8a8a9bf7.filesusr.com/ugd/d63a6c_643b178003d24cbe8646a75fbc14ab88.pdf
[61] Finding Quiet Places with Reliable Wifi for Maryland Bar Examinees to Take the Bar Exam, https://docs.google.com/forms/d/1Okc2ljXyW2j1cmHeOzkNgcWGMQVAu1vZTKkHgJpy-

The Maryland Bar Association kindly sent the form to all of its members last week. As of Sunday, August 23, 2020, the form only has two responses which could host a maximum of five examinees.[62] Accordingly, there will still be a significant portion of examinees without access to a proper exam-taking environment.

IV. The other two software vendors, Extegrity and ILG, are not capable of administering the online-remotely proctored bar exam and their experiences should not be overlooked.

In its announcement of the online-remotely proctored October bar exam, NCBE permitted states to choose from only three vendors to administer the exam: Extegrity, ILG Technologies, and ExamSoft.[63] While the SBLE announced Maryland will be contracting with ExamSoft to administer the bar exam it is important to discuss the two other potential software vendors. It is especially important to note: (1) that Extegrity is no longer administering any remote bar exam for 2020; and (2) the most recent failings of ILG Technologies.

On July 27, Extegrity[64] notified interested State Board of Law Examiners that, after "diligent consultation with leading remote proctoring providers, other technology experts, and present and former bar exam administrators", it "will not participate in administration of the remote proctored bar exam[]" because of the "undue risk" of remote proctoring.[65] Extegrity's CEO, Greg Sarab, explained that his "assessment of the risk was that [he] couldn't advocate for [the remote bar exam]."[66] Extegrity further stated that "it is plain that remote proctoring was not envisioned for use on large-scale, simultaneous-start 'event' exams"—which is exactly what the remote bar exam will be.[67] In maintaining transparency, Extegrity revealed that "[w]ith four synchronized starts, thousands of examinees, and very-high stakes, [it] believe[s] remote proctoring carries undue risk for the October exam."[68]

While Extegrity notified State Board of Law Examiners across the nation of their inability to provide proctoring services for the bar exam in July, applicants were not made aware of this until the Twitter account, @BarExamTracker, posted, on August 6, a portion of the statement Extegrity sent to State Boards of Law Examiners.[69] An applicant whose state was scheduled to use Extegrity became curious when their exam fee was suddenly refunded to their bank account. As such, they reached out to Extegrity to inquire about the recent refund. Extegrity confirmed, on August 6, that "[it] will not be providing software for

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r4/viewform?edit_requested=true (a google form allowing attorneys and other professionals to offer potential office space).

[62] *Id.*

[63] Maggie Miller, *Law School Graduates Worries About Security, Privacy of Online Bar Exam*, The Hill (July 14, 2020) https://thehill.com/policy/technology/507381-law-school-graduates-worried-about-security-privacy- of-online-bar-exam.

[64] Of importance is the fact that Extegrity's founder, Greg Sarab, is also co-found ExamSoft, formerly SWA Software. Stephanie Francis Ward, *Software Provider Pulls Out of Remotely Proctored Bar Exams Because of Technology Concerns*, ABA Journal (Aug. 18, 2020, 2:41 PM), https://www.abajournal.com/web/article/due-to-technology-concerns-software-provider-pulls-out-of-remotely-proctored-bar-exams.

[65] Bar Exam Tracker (@BarExamTracker), Twitter (Aug. 6, 2020, 4:59 PM), https://twitter.com/BarExamTracker/status/1291478956055629824.

[66] Stephanie Francis Ward, *Software Provider Pulls Out of Remotely Proctored Bar Exams Because of Technology Concerns*, ABA Journal (Aug. 18, 2020, 2:41 PM), https://www.abajournal.com/web/article/due-to-technology-concerns-software-provider-pulls-out-of-remotely-proctored-bar-exams.

[67] *Id.*

[68] *Id.*

[69] Bar Exam Tracker (@BarExamTracker), Twitter (Aug. 6, 2020, 4:59 PM), https://twitter.com/BarExamTracker/status/1291478956055629824.

online bar exams" and also that Extegrity is "working with [@]BarExamTracker to convey the information" about Extegrity's position.[70]

Over the last few weeks, ILG Technologies has continued to fail to provide a functioning software that can administer the remote bar exam.[71] The SBLE would like the Court to forego considering ILG's failings in its consideration of the feasibility of the remote bar exam.[72] The SBLE stated it "never considered using ILG's software solution due to its own concerns about the viability of live remote proctoring."[73] The SBLE further stated the Court should "set aside" concerns that are "specific to the ILG platform".[74] In their statement, the SBLE assumes that the live proctoring feature was what made the ILG platform fail and not some other feature associated with the software that may or may not exist in ExamSoft's technology. The SBLE did not provide a citation to this assertion and as a result we are unable to respond to it directly. However, both Extegrity and ExamSoft utilize the "record and review proctoring" method.[75] Seeing that Extegrity pulled itself from administering the remote bar exam, due to its inability to provide a reliable software, gives great concern that ExamSoft's similarly structured software will be unable to deliver.[76] Conversations between software experts lead us to believe that ILG's failings are not solely due to its live proctoring feature.[77]

V. Facial recognition algorithmic bias disproportionately affects Black and female faces.

Notably missing from the SBLE's response is how they plan to combat the inherent racism and sexism in artificial intelligence algorithms. ExamSoft will utilize facial recognition technology to monitor examinees and "flag" anomalies or unusual behavior.[78] While ExamSoft "does not believe that [its] product disproportionately harms individuals of color," it is impossible to understand the potential biases of the algorithm without large-scale commercial testing or transparency regarding how the algorithm was

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[70] Diploma Privilege for Maryland (@Dp4Md), Twitter (Aug. 6, 2020, 8:23 PM), https://twitter.com/Dp4Md/status/1291530340805365760.

[71] In Re Emergency Pet. for Temporary Suspension of UBE Requirement and Order Granting Emergency Diploma Privilege Plus 5-10, Section II.1 (July 31, 2020), https://0a3f1d66-a0d3-4adc-8bfd-f29f8a8a9bf7.filesusr.com/ugd/d63a6c_9f2f9b816c874de4a0b2e88ac6e20b01.pdf; October 2020 Remote Bar Examination Update, State Board of Law Examiners 3-4 (Aug. 18, 2020), https://mdcourts.gov/sites/default/files/import/coappeals/pdfs/remotebarexamreport202008.pdf.

[72] October 2020 Remote Bar Examination Update, State Board of Law Examiners 5 (Aug. 18, 2020), https://mdcourts.gov/sites/default/files/import/coappeals/pdfs/remotebarexamreport202008.pdf.

[73] *Id.*

[74] *Id.*

[75] *Id.* at 3.

[76] *Id.* at 3.

[77] Tom McMasters, *Feasibility of a Mass Online California Bar Exam: 1. Cybersecurity* (July 23, 2020) https://docs.google.com/document/d/1wpo5Mz9iZr003FUpXNMezGO2NNpH-Bbf9T2x4l7qHyQ/edit; Tom McMasters, *Feasibility of a Mass Online California Bar Exam: Part 2: Technical Feasibility* (July 28, 2020), https://docs.google.com/document/d/1xfNmDsP0fnHqk6se2vUF54T9ZSf9bNr8oisR9aDjVwg/edit.

[78] October 2020 Remote Bar Examination Update, State Board of Law Examiners 2 (Aug. 18, 2020), https://mdcourts.gov/sites/default/files/import/coappeals/pdfs/remotebarexamreport202008.pdf.

written.[79] Facial recognition algorithms adopt the implicit biases of the people writing the code.[80] Only more representative algorithm training data and regular audits for disparate impact and unintended bias can reduce, not eliminate, the human bias coded into facial recognition software.[81]

Facial recognition tools have consistently demonstrated bias against Black and female faces.[82] In July 2019, the National Institute of Standards and Technology found that facial recognition software attributes the highest false match rate (FMR) to Black females.[83] White males show the lowest FMR.[84] The Department of Homeland Security also published similar data showing "darker skin challenges commercial facial recognition."[85]

As of the present date, ExamSoft has failed to provide examinees with information regarding commercial testing or how its algorithm was written. ExamSoft's only public safeguard to protect Black and female test takers is a "checks and balances" system to correct any erroneous "technology partiality."[86] Even under this system, Examsoft's algorithm will erroneously flag the exam videos of Black and female students and subject them to a higher rate of heightened scrutiny than that of white men. In response, applicants are readjusting their study tactics to minimize their chances of having their score invalidated.[87] For example, Hannah Taylor, a Black 2020 University of Michigan Law School Graduate said she plans to practice for her state's exam in "different conditions such as foregoing glasses for contacts, practicing under perfect lighting and other scenarios."[88]

VI. An online bar examination imposes further hardships on all applicants during a pandemic, while disproportionately harming applicants of color.

In the interim between our July 31, 2020, filing with this Court, and this current filing, DP4MD conducted a second survey, seeking to evaluate the hardships and challenges an online bar exam will impose on Maryland Bar applicants. A report, containing a summation and analysis of the survey's findings, as well as all the raw data collected by the survey, is attached as Appendix F.[89]

DP4MD's Online Bar Examination Hardship Survey indicates that bar exam takers are facing exam-result threatening challenges that are specific to online exams:

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[79] Rebecca Heilwel, *Why Algorithms can be Racist and Sexist*, Vox (Feb. 18, 2020), https://www.vox.com/recode/2020/2/18/21121286/algorithms-bias-discrimination-facial-recognition-transparency.
[80] *Id*.
[81] *Id.*

[82] Allie Reed, *Online Bar Exams Come with Face Scans, Bias Concerns*, Bloomberg Law (July 28, 2020), https://news.bloomberglaw.com/business-and-practice/online-bar-exams-come-with-face-scans-discrimination-concerns.

[83] Tom Simonite, *The Best Algorithms Struggle to Recognize Black Faces Equally*, Wired (July 22, 2018), https://www.wired.com/story/best-algorithms-struggle-recognize-black-faces-equally/.
[84] *Id.*
[85] *Id.*
[86] Victoria Hudgins, *Bar Exams' Facial Recognition Deployment is Heightening Test Takers' Anxiety*, Law.Com (Aug. 5, 2020), https://www.law.com/legaltechnews/2020/08/05/bar-exams-facial-recognition-deployment-is-heightening-test-takers-anxiety/.
[87] *Id.*
[88] *Id.*
[89] Also accessible at https://0a3f1d66-a0d3-4adc-8bfd-f29f8a8a9bf7.filesusr.com/ugd/d63a6c_643b178003d24cbe8646a75fbc14ab88.pdf

- 41.48% of respondents reported they do not have a space in which they can take the bar examination uninterrupted, 39.3% reported they "may" have a place to take the bar examination uninterrupted, and only 13.1% of respondents answered "yes," they would have a place to take the bar examination uninterrupted.[90]
- 38.29% of respondents report they only have a one room in which they could work while shutting out all other humans, pets, and noise-making distractions.[91] 46.86% of respondents indicated they have no room in their residence fitting the above description.[92] 63.58% of respondents have roommates they will have to relocate to avoid being flagged for cheating and 64.16% of respondents have pets they will have to relocate to avoid being flagged for cheating.[93] Only 15.34% of respondents answered yes when asked if they had a space in which they could take the bar examination uninterrupted for the entirety of its duration.[94]

Beyond problems with the layouts of their residences, respondents face technological difficulties. Only 16.38% of respondents answered "yes" when asked if they had a reliable and stable internet connection.[95] Access to a reliable power source is better, with 64.97% of respondents answering "yes," they have a stable and reliable power supply.[96] But that leaves roughly a third of respondents on dubious electrical footing: a quarter of respondents (24.29%) answered "maybe/unsure" and 10.73% of respondents answered no.[97]As a result, 37.29% of respondents are planning to pay to access a quiet space to take the October bar examination.[98] Another 29.38% of respondents think they "may" need to pay for an examination taking space.[99] Of the respondents who answered a follow up question asking how much money they anticipate spending on such a space, 22.83% of respondents reported planning to spend between $100 and $250, while another 28.35% of the respondents anticipate spending between $250 and $500.[100]

Furthermore, the potential restrictions for taking the online bar examination prejudice applicants' success. For example, 66.67% of respondents anticipate wishing to wear earplugs during an exam, 94.35% of respondents do not believe they can take the exam without fidgeting or touching their face or hair, and 85.31% do not they think they will be able to reliably get right answers on questions requiring them to draw or diagram—which is particularly disconcerting because 92.09% of respondents indicated their bar

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[90] Diploma Privilege for Maryland, *Online Bar Examination Hardship Survey Data Summation and Analysis*, August 2020. Accessible at: http://f29f8a8a9bf7.filesusr.com/ugd/d63a6c_643b178003d24cbe8646a75fbc14ab88.pdf

[91] *Id.*
[92] *Id.*
[93] *Id.*
[94] *Id.*

[95] Diploma Privilege for Maryland, *Online Bar Examination Hardship Survey Data Summation and Analysis*, August 2020. Accessible at: http://f29f8a8a9bf7.filesusr.com/ugd/d63a6c_643b178003d24cbe8646a75fbc14ab88.pdf

[96] *Id.*
[97] *Id.*
[98] *Id.*
[99] *Id.*
[100] *Id.*; 127 respondents answered this question.

preparation course teaches exam skills that include diagramming.[101] The risk posed by these and other online bar exam restrictions is that they threaten to make the bar exam not a test of knowledge, but of who can adjust to the online format the best. It is foreseeable that some applicants will fail questions which naturally lend themselves to diagraming because they are unable to diagram, while other applicants will pass the questions not because of their superior knowledge or preparation, but because of an innate ability to mentally visualize such problems without recourse to diagramming. That kind of test taking arms race is possibly why 44.70% of respondents anticipate spending additional money preparing for the online bar exam.[102]

The survey results also indicate that the online bar exam will disproportionately harm applicants of color in several ways. First, respondents of color report disproportionate financial hardship. Respondents of color were disproportionately likely to anticipate paying some additional amount of money, having a population share 6.36% higher than expected.[103] Respondents of color make 37.06% of respondents answering a question asking if they anticipate spending additional money preparing for the remote exam, but are 43.42% of the respondents saying they will spend some amount of additional money.[104] Respondents of color were also disproportionately represented amongst respondents saying they would need to pay for a space to take the bar exam, 7.60% higher than their population share, and respondents saying they anticipated paying $100 or more for that space, 7.44% higher than their population share.[105]

Another cost disproportionately affecting respondents of color is having to obtain alternative health insurance because of the bar exam date's pushback. Despite comprising 37.85% of all respondents, respondents of color are 40.98% of the respondents having to obtain alternative insurance (a disproportionality of 3.13%).[106] Similarly, respondents of color make up only 34.48% of respondents that reported not needing to obtain alternative insurance, 3.37% below their expected population share.[107]

Disproportionately increased costs to applicants of color are particularly alarming because those applicants are already disproportionately likely to have law school debt over $50,000. Diploma Privilege for Maryland's first hardship survey found that respondents of color made up 32.80% of the respondents reporting debt over $50,000, while making up only 30.00% of the overall question respondents—a population share 2.80% higher than proportional.[108]

Exam day itself poses disproportionate challenges to applicants of color. First, applicants of color are disproportionately likely have children who they will have at home unless they can obtain childcare (4.14% above their population share).[109] Applicants of color will be disproportionately harmed by bans on

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[101] *Id.*
[102] *Id.*
[103] *Id.*
[104] *Id.*
[105] *Id.*

[106] Diploma Privilege for Maryland, *Online Bar Examination Hardship Survey Data Summation and Analysis*, August 2020. Accessible at: http://f29f8a8a9bf7.filesusr.com/ugd/d63a6c_643b178003d24cbe8646a75fbc14ab88.pdf

[107] *Id.*
[108] Accessible at: https://0a3f1d66-a0d3-4adc-8bfd-f29f8a8a9bf7.filesusr.com/ugd/d63a6c_26595bc5f36b45809c9d08a30babc6a8.pdf
[109] Diploma Privilege for Maryland, *Online Bar Examination Hardship Survey Data Summation and Analysis*, August 2020. Accessible at: http://f29f8a8a9bf7.filesusr.com/ugd/d63a6c_643b178003d24cbe8646a75fbc14ab88.pdf

wearing earplugs—respondents of color answered "yes" to anticipating wanting to wear earplugs 4.53% higher than their population share.[110] They also made up 30.77% of the population answering "no," 7.08% lower than their overall population share.[111]

Applicants of color may also be facing an uphill battle on access to reliable power sources and internet. They made up 33.91% of the population answering "yes" to having a stable and reliable power supply, 3.94% below their share of the overall population.[112] At the same time, they made up 63.16% of the population saying they did not have access to a stable and reliable power supply, 25.30% above their share of the overall population.[113] Applicants of color also make up an outsized share of those reporting that they do not have stable and reliable internet: their 42.31% of "no" answers is 4.45% higher than their overall population share.[114]

The remote bar exam poses myriad challenges to all applicants. These challenges arise both in preparing for the exam and taking the exam. But a subset of applicants will be harmed even more deeply by the remote exam. Applicants of color will experience disproportionate financial burdens and disproportionate test-day obstacles under a remote exam structure.

VII. Not even the NCBE has confidence in the accurate testing of the remote bar exam.

The NCBE has made it clear that jurisdictions are responsible for "scoring the tests and interpreting candidate performance."[115] NCBE will "not equate the MBE portion or scale scores from the written portion of the test to the standardized MBE portion as [they] would do for the standard, full-length bar exam."[116] NCBE explains that "[w]ithout further research, scores from an abbreviated version of the MBE administered by remote testing cannot be considered comparable to the standard, paper-based, full-length MBE administration, such comparability being an essential requirement for equating and scaling."[117] This means that jurisdictions will receive raw scores and must figure out scaling on their own. This novel instruction is of grave concern. The SBLE has no experience in scaling UBE scores. Examinees have not received any information on how the SBLE intends to scale scores. While examinees speculate that every jurisdiction that has entered a reciprocal agreement will have the same scaling procedures, no one is certain. In fact, the only certainty examinees have is that they must receive at a minimum the same score that they would have needed to achieve on a full-UBE exam with no further information on how scaling will be done to reach that figure.[118]

Perhaps even more concerning is the fact that last week the NCBE sent a post-exam survey to all July in-person bar examinees. While a few questions asked how examinees felt about the in-person exam,

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[110] *Id.*
[111] *Id.*
[112] *Id.*
[113] *Id.*
[114] *Id.*
[115] *NCBE Update*, Nat'l Conference of Bar Examiners (June 1, 2020), https://www.ncbex.org/ncbe-covid-19-updates/.
[116] *Id.*
[117] *Id.*
[118] *FAQs for October 2020 Remote Bar Exam in Maryland*, State Board of Law Examiners (Aug. 7, 2020), https://www.mdcourts.gov/sites/default/files/import/ble/pdfs/october2020remotebarexamfaqs.pdf ("Examinees must achieve a total scaled score of 266 or higher in order to seek admission to the Maryland Bar.").

notably, questions also asked in-person examinees about the remote bar exam.[119] The NCBE asked, "4.3 Compared to an in-person test, how likely to cheat do you think examinees are who take the test remotely?"[120] To which respondents are to pick "Much less likely" to "Much more likely" on a five point scale.[121] In addition, examinees were also asked, "4.4 How confident are you that examinees who take the test remotely and get a passing score are competent to be licensed attorneys?"[122] To which respondents are to pick "Not at all confident" to "Extremely confident" on a five point scale.[123] The NCBE's decision to ask in-person examinees about hypothetical scenarios, such as online cheating, is interesting given that these individuals will not be impacted by the remote exam.[124] Additionally, the decision to ask about the apparent credibility and later competency of an individual who passes a remote exam is concerning. Should examinees be worried that even if they pass the remote exam they may not be deemed "competent" to practice?

VIII. Diploma Privilege Plus is the only solution to the inability to administer the July 2020 in-person bar exam.

We will not exhaust this Court much further by restating the arguments made in our July 31 Petition. We will, however, address the SBLE's comments on Diploma Privilege. While the SBLE lists the Diploma Privilege variations undertaken by Utah, Oregon, Louisiana, and Washington, the SBLE failed to address the suggested version of Diploma Privilege Plus described in our Petition.[125] We agree with the SBLE that the four variations of Diploma Privilege adopted each leave out a significant portion of bar applicants. In an attempt to solve that problem, Petitioners suggested "Diploma Privilege Plus" in which the Court would only waive the UBE requirement of the Maryland rules.

If Diploma Privilege Plus were adopted, bar applicants would still be required to have: (1) completed the pre-legal education requirements for admission to a law school approved by the American Bar Association; (2) graduated with a juris doctor or equivalent degree from a law school located in a state and approved by the ABA; (3) achieved a qualifying MPRE score; (4) successfully completed the Maryland Law Component of the admissions requirements; and (5) established good moral character and fitness for admission to the Bar.[126] In adopting this proposed solution, all of the problems the SBLE highlighted with Diploma Privilege would be alleviated.

Furthermore, evidence does not suggest that barring applicants via diploma privilege puts the public at greater risk for receiving incompetent representation than barring applicants via the bar exam does. In fact, comparing Maryland disciplinary data from January to June of 2019 to Wisconsin (where attorneys are barred via diploma privilege) disciplinary data from the same time period revealed that Maryland

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[119] BarExam Tracker (@BarExamTracker), Twitter Aug. 21, 2020, 9:02AM), https://twitter.com/BarExamTracker/status/1296794829020692480.; See App. C.
[120] *Id.*
[121] *Id.*
[122] *Id*
[123] *Id.*
[124] *NCBE Update*, Nat'l Conference of Bar Examiners (June 1, 2020), https://www.ncbex.org/ncbe-covid-19-updates/ (explaining that there is no way to compare the remote administration of the UBE to the in-person UBE).
[125] *In Re* Emergency Pet. for Temporary Suspension of UBE Requirement and Order Granting Emergency Diploma Privilege Plus, 8-9 (July 31, 2020), https://0a3f1d66-a0d3-4adc-8bfd-f29f8a8a9bf7.filesusr.com/ugd/d63a6c_9f2f9b816c874de4a0b2e88ac6e20b01.pdf.
[126] Md. Rule 19-201.

attorneys were disciplined more.[127] Maryland attorneys were more likely to be disciplined at a rate of 0.161% of total attorneys whereas Wisconsin attorneys were less likely to be disciplined at a rate of 0.109% of total attorneys.[128]

A remote exam, in the face of technological infeasibility and lack of data security, puts Maryland bar applicants in the impossible position of choosing between their career and their identities. With a looming recession and Marylanders in need of legal assistance to handle the impact of COVID-19, a new class of lawyers to serve the community is exactly what Maryland needs. Refusing to adopt Diploma Privilege Plus will create a class of almost-attorneys who face under-employment, unemployment, and unpayable student loan debt to pile onto the economic distress we currently face.

Conclusion

For the foregoing reasons and the reasons articulated in the July 31 Petition, we strongly urge the Court to temporarily waive Md. Rule 19-201(3), the UBE requirement, and instead grant Emergency Diploma Privilege Plus for all July 2020 Maryland bar applicants.

Respectfully,

Virginia Grimm, J.D.
Samuel Morse, J.D.
Dylan Elliott, J.D.
Alana Quint, J.D.
Scudder Sodergreen, J.D.
DP4MD

Encl. Appendixes
Appendix A: Anonymously Submitted Comments to the Court of Appeals
Appendix B: Communications with the State Board of Law Examiners
Appendix C: NCBE Survey Images
Appendix D: Michigan Bar Exam Images
Appendix E: UMB Law Email Regarding Testing Protocols at School
Appendix F: Online Bar Examination Hardship Survey Data Summation and Analysis

[127] 44th Annual Report, Att'y Grievance Commission of Maryland (2019), https://mdcourts.gov/sites/default/files/import/attygrievance/docs/annualreport19.pdf; Report of the Lawyer Regulation System, Regulation of the Legal Profession in Wisconsin (2019), https://www.wicourts.gov/courts/offices/docs/olr1819fiscal.pdf. Both of these reports provide information on the various attorney misconduct violations existing in both states.

[128] 44th Annual Report, Att'y Grievance Commission of Maryland (2019), https://mdcourts.gov/sites/default/files/import/attygrievance/docs/annualreport19.pdf;Report of the Lawyer Regulation System, Regulation of the Legal Profession in Wisconsin (2019), https://www.wicourts.gov/courts/offices/docs/olr1819fiscal.pdf.

Appendix A: Anonymous Comments to the Court

The following comments written to this Court have been submitted by Maryland bar applicants. These bar applicants chose to submit their comments anonymously for fear of retaliatory impacts.

Anonymous Comment #1

I am writing to you today to not only lend support to my fellow applicants who are in a much more precarious situation than I am, but to also shed light on just how unique each applicant's situation is in light of this unprecedented pandemic.

I am a nontraditional student. I share my home with three children who will be participating in virtual learning during the October bar exam administration dates, and a husband who's employer has also shifted operations to remote access. My home is quite small, and there is no adequate place for me to take the exam. I have limited choices including making my children refrain from participating in their education for two days, asking my husband to forego his employment duties for two days (please keep in mind that he is the sole breadwinner and an essential employee to his employer), or finding an obscure space within my home where there will be not only silence, but no other human being or animal. I am also forced to compete for bandwidth against my family for those sessions. There is no guarantee that I will have reliable internet with our family's resources all being used simultaneously. With remote learning, there is also bound to be noises that I cannot predict nor prevent.

Logistics aside, I have been preparing for this exam since May. I have drastically reduced my hours at work, I've spent numerous sleepless nights replaying lectures because the daytime and evening distractions of my home are often insurmountable. In fact, I reached such a low point by the beginning of August that my physician prescribed an anti-anxiety medication in the hopes that I could find some kind of emotional balance. I also was forced to resume painful injections for migraines as I had gone from a handful of migraines in the past year to daily migraines that became quickly resistant to over-the-counter remedies.

I am still not sleeping. I am still replaying lectures at night. I should be in a law library during the day where I can focus. As graduates during the pandemic, we are being asked to endure far more than those before us for an exam that is uncertain. We are supposed to emerge from the other side ready to start our careers with passion for the law. After all, we've spent many, many years getting to this point.

Next week, I should have begun my associate position for which I fought the odds to be hired for a position that I am passionate about. The firm that hired me does not typically hire first year associates and it took many months of proving myself to be extended the opportunity to join the firm as an associate. Now, I am at the mercy of the State Board of Law Examiners and the Court of Appeals. I am not guaranteed to have this position held open for me. When I do start, I just hope that I can be as passionate about this field as I once was.

Anonymous Comment #2

I graduated law school this year and started my bar prep two months ago. during these two months it has been increasingly difficult for me to continue the bar prep at my home. although I'm very lucky that I have a roof over my head. it has been increasingly difficult for me to study for the required hours every day. I shared this home with five different people and sometimes three or four different pets. normally this wouldn't be that difficult however due to COVID-19 a lot of my family is at home most of the time making it increasingly difficult to hunker down and study. I have a few learning disabilities cause me a lot of problems when there's many distractions in my study environment. In fact all it takes is me hearing someone talk from across the house to get me disjointed from my work.

Normally I would spend most of my time in law school in the school library to get most of my studying done and based on this I was able to graduate magna cum laude. At the library there might be a distraction or two, but I could always get back on track. However, with COVID-19 the law school library is closed and the public libraries near me are closed. the only place I have to study is my family house. This is caused a lot of distractions for me and even though I get will be getting accommodations for the exam there's always something going on in the house and I am afraid that when I take the bar in October it would not be in the best environment to produce the best outcome.

In addition, the new mandate of prohibiting the use of scrap paper during the exam has also caused me to have to learn new skills that were not required during Law School. In Law School we were allowed to highlight, draw, circle, and take notes while reviewing long fact patterns, it's how I personally have learned to digest complicated questions within the test times, without it I have to learn a new method of breaking down the questions provided by bar-prep.

I know I am not the only one in my class that has these problems and lot have it worse then me so I think it would be a good idea to suspended the UBE requirement and grant emergency diploma privilege plus.

Thank you for your time and have a great day.

Anonymous Comment #3

August 21, 2020

Suzanne C. Johnson
Clerk of the Maryland Court of Appeals
361 Rowe Blvd
Annapolis, MD 21401
COAClerkoftheCourt@mdcourts.gov

Re: Emergency Petition for Temporary Suspension of UBE Requirement and Order Granting Emergency Diploma Privilege Plus

Dear The Honorable Chief Judge Barbera and Associate Judges:

I am a 2020 law graduate and bar applicant. I would like to thank this Court for opening this public comment period, and for listening to the concerns bar applicants have about the licensure process this year. I write in support of Diploma Privilege for Maryland's Petition urging Maryland to adopt Emergency Diploma Privilege Plus. I urge the court to thoughtfully consider the positions and circumstances of many law students due to the global COVID-19 pandemic. In this letter, I address my personal circumstances and the SBLE's response.

I. Personal Statement of Circumstances

I cannot speak for my peers, but the differences between my planned circumstances and my actual circumstances as I prepare to take the bar exam are stark. Instead of dedicating two months to full-time studying for this pivotal exam, I am juggling full-time work, full-time studying, the emotional and mental anguish of seeing those I love deal with COVID-19, and the stress of trying to prepare for an exam the administration of which is unprecedented and thus far unsuccessful. Although I believe it is fair to say most of the world did not plan to live through a global pandemic, I also believe it is fair to ask this honorable Court to consider the dire circumstances in which new legal graduates find themselves through no fault of their own, and the ever-mounting hurdles (e.g., financial, physical, mental, emotional) over which this Court is asking each and every aspiring attorney who hopes to join the Maryland Bar to jump.

Like all other bar applicants this year, I registered for the July bar exam. I was lucky enough to have an offer for a legal position with a start date shortly after the July bar exam. As is a common story for many law students this year, my original start date was pushed back every time the bar exam was pushed back. When it became clear that I would have to wait several months before I could start my career as an attorney, I made the decision to take a full-time job in order to meet my current living expenses and debts, which included outstanding payments for my bar exam preparation course. Although I feel lucky to have employment, I must now balance a full-time job with full-time studying in preparation for a bar exam the likes and methods of which have never been successfully administered. Moreover, the sickness and

physical deterioration of loved ones due to COVID-19 has touched my life and the lives of those around me. My family and close family friends work in the healthcare field and I have found that COVID-19 has had a particularly ravaging effect on the specific population of which my family and friends compose - healthcare workers who are minorities. Delaying the bar exam is not a financially viable option for me and, while I am fully invested in studying for the bar exam, I am doing so under the heavy weight of the above-mentioned stressors.

The phrase "global pandemic" is used so often in our daily lives that it has almost become a filler phrase, one to which we may even be desensitized. However, a global pandemic such as this has taken thousands of lives, put even more lives at risk, and caused our worlds to, for lack of a better term, turn upside down. With the continuous delay of the bar exam, this pandemic has also cost legal graduates job offers and potential job opportunities. As such, there is already an imposing barrier between legal graduates and job opportunity. This barrier is made even more insurmountable through the proposed remote administration, which demands students take this pivotal exam under conditions that are unfamiliar, unreliable, and **variable to the point of being inequitable**, all while dealing with the above-mentioned hardships. Maryland's new legal graduates are putting their faith in this honorable Court to make a well-reasoned decision regarding this pivotal aspect of thousands of students' lives. I sincerely hope this Court considers these circumstances and grants Maryland Bar applicants Diploma Plus Privileges.

II. The SBLE'S Response

a. The SBLE Failed to Address the Technological Disadvantages Coupled with Remote Proctoring.

In its October 2020 Remote Bar Examination Update (hereinafter "Update") to the Court, the SBLE explained the process it underwent in choosing a software vendor and proctoring method, but failed to disclose the heavy toll such a method places on a test-taker's computer. As stated by the SBLE, Extegrity withdrew from the list of software vendors offering the exam. In his statement[1] regarding the reasons behind Extegrity's withdrawal, Greg Sarab, the founder and CEO of Extegrity, stated his "assessment of the risk [of administering the exam] was that [he] couldn't advocate for it." He pointed to his discussions with experts and the "clear message" that remote proctoring was not designed for an "'event' type of exam, which the bar exam is [.]" He described that AI proctoring, which the SBLE has chosen, requires test-takers to record themselves during the exam and upload the video file after the exam. This method requires substantial system resources and can negatively impact the machine's power and quality of broadband connection. In short, such a method does not have "sound technological underpinning[s]."

Moreover, with ILG's failure to successfully administer mere tests of its technology, more states are moving to ExamSoft as it is the only vendor that has not either withdrawn or showed

[1] https://www.abajournal.com/web/article/due-to-technology-concerns-software-provider-pulls-out-of-remotely-proctored-bar-exams

its inability to deliver the exam. As such, the 'event' nature of the exam that Mr. Sarab references is made even more so with more than 30,000 examinees taking the exam simultaneously.

The SBLE's Update does not provide the Court with any information regarding how ExamSoft and AI proctoring will deliver the "technological underpinnings" necessary for an event of this nature. With the bar exam looming large over every Maryland lawyer's future in the legal profession, the SBLE must have a clear, tested, successful explanation for its delivery and execution of the bar exam.

b. The SBLE Failed to Sufficiently Explain How It Will Mitigate Petitioners' Concerns and Deliver an Exam That is a Fair, Reliable, and Valid Measure of Applicants' Legal Competence.

In its Update, the SBLE stated its commitment to delivering an "exam that is a fair, reliable and valid measure of applicants' legal competence." However, the SBLE was unable to ensure the very basics of a fair and reliable exam - applicant access to suitable technology and test-taking space. The SBLE concluded that access to technology and test-taking space was not an issue because they have only received a "handful of emails" expressing these concerns, a California bar exam survey reported 2% of their applicants reported inability to meet the required conditions, the deans of Maryland's law schools may provide testing space, and the SBLE "believes that applicants have adequate opportunity to secure a quiet space to prepare for and take the on-line exam." However, none of these justifications go towards the SBLE's efforts to ensure a fair, reliable exam. In fact, all of the SBLE's reasons for determining that access to technology and a quiet test-taking space is not an issue are dependent on the actions and resources of others. The SBLE tasked itself with ensuring the delivery of a fair, reliable exam, but it is relying on the survey of another state, the resources of Maryland's law schools, and the ability of each candidate to use their own resources, which are very likely more limited during a global pandemic, to secure the very basics of a fair exam - a quiet test-taking space with good internet connection.

Moreover, the SBLE seems to suggest the failures in previous administrations of the bar exam in other states were minimal. But the bar exam, as the SBLE states, should be a fair, reliable, and valid measure of applicants' legal competence. The bar exam should not test whether a test-taker was lucky enough to avoid encountering the DDOS attack that resulted in a 40-minute delay. That a test-taker was able to submit an exam is not a test of fairness and reliability. In fact, that a test-taker had to mentally compose oneself after experiencing such technological failures wherein some test-takers took to social media out of desperation to request assistance, is more a test of mental strength and endurance as compared to those who did not experience the attack. The SBLE must be able to ensure an exam that is fair and reliable, not one that meets the minimum requirements of allowing an applicant to submit an exam.

III. Conclusion

I believe the SBLE and 2020 Maryland law graduates align in their goals of protecting the public from attorneys who do not meet a minimum level of competency. Such goals can be accomplished through Diploma Privilege Plus. Diploma Privilege Plus can place requirements on new attorneys that aid in transitioning them to practice, ensuring the public is protected from attorneys who do not meet a minimum level of competence. The bar exam is not the only method to ensure minimum competency and to protect the public. In fact, the bar exam seems to be the least viable method for ensuring minimum competency as evidenced through the failure in its administration in other states and the withdrawal or failure of two of the three exam vendors. While some struggle to fit the bar exam administration into the confines of a world defined and ravaged by COVID-19, bar applicants are suffering from the nearly 5-6 months of disjointed studying and the constantly-moving target of a novel bar exam that determines whether they can even apply to an already-dwindling job market.

The uncertainties created by delaying the bar exam to October, along with the clear inequities and unpredictability of conducting a massive online bar exam, uniquely and substantially harms 2020 bar applicants. We need a solution grounded in fact, equity, and compassion. That solution is emergency diploma privilege.

Respectfully,

A 2020 Bar Applicant

Anonymous Comment #4

August 23, 2020
Suzanne C. Johnson
Clerk of the Maryland Court of Appeals
361 Rowe Blvd Annapolis, MD 21401
COAClerkoftheCourt@mdcourts.gov

Re: Emergency Petition for Temporary Suspension of UBE Requirement and Order Granting Emergency Diploma Privilege Plus

Dear The Honorable Chief Judge Barbera and Associate Judges:

I am a current applicant to the Maryland bar and am writing to express my support in granting the 2020 October bar applicants emergency diploma privilege. In light of the unforeseen global pandemic and inability to safely administer an in-person exam, the Court of Appeals correctly decided to postpone, and ultimately cancel, an in-person bar exam. However, considering the detrimental impact job loss, financial insecurity, and housing insecurity has had on 2020 bar applicants in the midst of a recession, as well as the concern regarding the feasibility and safety of Examsoft, the software the State Board of Law Examiners has adopted for Maryland's bar exam administration, the Court should enact emergency diploma privilege for all applicants scheduled to take the October 2020 bar examination.

As a recent graduate, I firmly believe graduation from an ABA accredited law school, a passing score on the Multistate Professional Responsibility Exam (MPRE) and a passing score on the Maryland Law Component qualifies graduates as competent. Furthermore, the additional requirement of passing a character and fitness examination further assures the protection of the public. The aforementioned requirements are enough to instill confidence in the 2020 bar applicants' competence and ability to promptly and diligently represent community members.

As a recent graduate and current applicant, I am acutely aware of the difficulties and hardships facing current applicants. Many of us have lost employment, health insurance, and financial security as a result of the continued postponement and changes to the Maryland bar exam. I did everything right in law school. I went to a good school, carefully planned my finances, worked during the school year and each summer, purchased a reputable bar exam preparation course, and ensured I would have enough money to study this summer. All of that careful planning has been thrown to the wind and upended by the delays to the bar exam. Diploma privilege is the only equitable solution. Diploma privilege will allow applicants the chance to pursue gainful employment and provide for our families.

I thank the Court for its time and consideration on this urgent matter.

Respectfully,

2020 Maryland Bar Exam Applicant

Anonymous Comment #5

August 21, 2020

Suzanne C. Johnson
Clerk of the Maryland Court of Appeals
361 Rowe Blvd
Annapolis, MD 21401
COAClerkoftheCourt@mdcourts.gov

Re: Emergency Petition for Temporary Suspension of UBE Requirement and Order Granting Emergency Diploma Privilege Plus

Dear The Honorable Chief Judge Barbera and Associate Judges:

I am currently scheduled to sit for the Maryland Bar Exam on October 5 and 6. I first want to thank the Court for opening a public comment period and for considering emergency diploma privilege.

My husband and I live in a small house. He is currently working from home indefinitely because of COVID-19. There are many times during the day that he is on a video call or a phone call. Unfortunately, because our home is a modest size, it is difficult to prevent the noise from traveling. I am very concerned that I will not have a place to take the exam because of this. My husband cannot move his work elsewhere for the two days because his desktop computer has a software that he needs to complete his work. This software is not compatible with his laptop. I am struggling trying to find a place to take the exam that I know will have reliable internet and will be completely silent.

I am also concerned with the security of the software, ExamSoft, the State Board of Law Examiners intends to use. I understand other states have administered an online bar exam and there have been many security and technical issues. I am concerned that the majority of states administering the bar exam on October 5 and 6 will be using ExamSoft. This will enable thousands of applicants to take the exam at the same time on the same date.

I have also been financially impacted by the postponement of the bar exam. My husband took on the role as the main provider during this summer so I could dedicate my full attention to studying for the exam. My husband and I agreed to this arrangement with the plan that it would only be for two months and that I would start work after the bar exam in July. Unfortunately, with the exam being postponed twice, it has extended our financial situation for months and we still only have one income supporting us.

I believe the Court should enact emergency diploma privilege for all of the applicants scheduled to sit for the Maryland bar exam. I fully support the granting of diploma privilege plus, which would set reasonable limitations upon applicants. I believe graduation from an ABA accredited law school, a sufficient Multistate Professional Responsibility Exam score, and a passing Maryland Law Component score would be fair limitations. I thank the Court again for its time.

Anonymous Comment #6

August 23, 2020

Suzanne C. Johnson
Clerk of the Maryland Court of Appeals
361 Rowe Blvd
Annapolis, MD 21401
COAClerkoftheCourt@mdcourts.gov

Re: Emergency Petition for Temporary Suspension of UBE Requirement and Order Granting Emergency Diploma Privilege Plus

Dear The Honorable Chief Judge Barbera and Associate Judges:

I hope this letter finds you well. I recently graduated from University of Maryland School of Law. From the day I can remember, I have always wanted to be an attorney. Unfortunately, due to the unforeseen pandemic that is Covid-19 and the inability to administer an in-person exam, admission to the Maryland bar has been delayed. I am writing in support of the granting of the 2020 October bar applicants emergency diploma privilege. Law students around the country have been communicating regarding the safety and feasibility of a remote bar administration. Further, the delay in administration of the bar has forced applicants to either work full-time while studying, or risk financial insecurity to focus on studying for the bar exam.

I firmly believe that graduating from an ABA accredited law school, passing the Multistate Professional Responsibility Exam, and a passing score on the Maryland Law Component qualifies me and all other 2020 law school graduates as competent. Additionally, the requirement of passing a character and fitness examination further assures the protection of the public. I have engaged in multiple internships and a current clerkship that further give me the skills and knowledge to be a competent practicing attorney. Again, on behalf of myself and all other Maryland bar applicants, I ask that the Court of Appeals grant the Emergency Petition for Diploma Privilege Plus.

I thank the Court for its time and consideration on this urgent matter.

Thank you.

Anonymous Comment #7

August 23, 2020

Suzanne C. Johnson
Clerk of the Maryland Court of Appeals
361 Rowe Blvd
Annapolis, MD 21401
COAClerkoftheCourt@mdcourts.gov

Re: Emergency Petition for Temporary Suspension of UBE Requirement and Order Granting Emergency Diploma Privilege Plus

Dear The Honorable Chief Judge Barbera and Associate Judges:

I am a recent graduate of the University of Maryland Francis King Carey School of Law and I wish to express my support in granting the 2020 October Bar applicants emergency diploma privilege. I would like to offer the following reasons to justify my support:

1. **The available vendor options have not fully demonstrated they can properly deliver a bar exam.**

As the SBLE noted in their response, all of the states who have administered an online bar have experienced issues. None of them were able to deliver the exam without some error. ExamSoft is currently involved in an investigation with the FBI and Department of Homeland Security regarding the DDoS attack they experienced during the administration of the Michigan bar exam. The SBLE explained that the exam was not "hacked" because the integrity of the exam questions and applicant answers were not compromised. Assuming this is true, the fact that the investigation is still ongoing and ExamSoft has made no further public comment assuring users of its safety, is concerning.

I understand the SBLE has limited options for the delivery of the exam and I appreciate all they have done to make the informed decision in choosing ExamSoft. However, neither of the remaining to vendors have demonstrated their ability to smoothly deliver the exam. It is not an appropriate time to use a software that has been compromised nor shown it can adequately handle the expected volume, to administer a test that is so determinative of the taker's future.

I recognize technology can be unreliable. I unfortunately knew many people who experienced laptop crashes during a final exam at some point in law school. But even with that setback, they were able to finish. The questions were on paper, so the students had the ability to finish handwriting their answers. While not an ideal way to take the bar exam, on the off-chance someone were to experience a technology failure finishing with pen and paper would at least be an available option. This option does not exist in this entirely remote scenario.

2. The current pandemic creates limited access to suitable technology and test-taking space.

My second concern is that many (myself included) do not have access to a reliable internet source or quite space to take the test. Unfortunately, my home does not provide reliable Wi-Fi nor

does it provide a quiet place to work. I know I am not alone in this situation. Maryland has been generous enough to offer their space to test takers for the exam but due to my personal situation I do not feel comfortable sitting indoors with other people for four hours at a time. Again, I know I am not alone in those feelings. In any other climate, I would not second guess going to school to take the test. But now I must take into account the possibility of jeopardizing my health and the health of my family members. Where I take the test no longer becomes about me.

Anonymous Comment #8

July 2020 Examinee
August 23, 2020

Suzanne C. Johnson
Clerk of the Maryland Court of Appeals
361 Rowe Blvd
Annapolis, MD 21401
COAClerkoftheCourt@mdcourts.gov

Re: Emergency Petition for Temporary Suspension of UBE Requirement and Order Granting Emergency Diploma Privilege Plus

Dear The Honorable Chief Judge Barbera and Associate Judges:

First, I would like to thank the Court for opening up a comment period to hear our thoughts in light of the current events. I know that this opportunity itself means a lot to so many, including myself. I have been asked to discuss how the global pandemic has affected my life. The truth is, there is not one aspect of my life that is the same as it was before. Going into my last year of law school, I was excited to graduate and to apply for as well as take the UBE. I was excited to finally step into the legal community and help others. Like everyone else, I never expected for Covid-19 to happen, or for it to hurt my fellow human beings, community, loved ones, or myself.

In my household, my father contracted Covid-19. When my father, a diabetic, tested positive for Corona, I remember hearing my mother crying with worry, screaming that she and my father could die. However, my family was also very worried for me because I have an auto-immune disorder. I will not begin to express the fear and heartache that came with this news. The fear of not knowing what was going to happen to you or to the people around you. Additionally, Covid-19 affected my family's income. Still, at this tremendously scary, vulnerable, and financially burdensome time, I was expected to pay over $700 for the UBE and to prepare with

my bar study. Past examinees always told me that there would be "distractions" during bar study, but the health of my family and myself is not a mere distraction. It is something that I and countless examinees have had to suffer through during our bar preparation.

The SBLE has made many attempts to correct the situation by trying to create a remote bar exam. Our exam is now almost a month away, and we still do not know what the test will look like or how the test will specifically be administered. Furthermore, I have been trying to study for this exam the best I could under the current circumstances, but I cannot control a power outage or a technical outage. In my community, power outages have been happening at random because everyone is home due to Corona and is using the electricity constantly. I cannot go to a hotel or another location and further expose my family or myself to Covid-19 again.

Because of Covid-19, Maryland law schools graded this past semester on credit/no credit. They told us that they decided this because the tests would effectively be grading examinees based on their locations as well. However, it seems that the same consideration is not being granted for the UBE administration. The SBLE has shortened the exam, but the score requirement is the same, making each question worth double. I do not think that this a proper and fair remedy. I greatly appreciate that the SBLE worked on trying to reach reciprocity with other states, but no matter how the exam is administered, it will test our Wi-Fi connection and whether or not we live alone more than it will it test our capabilities. I am just one of thousands of Maryland examinees who are facing the same substantial difficulties.

Additionally, I would like the Court to know that I have been trying to properly study for this exam since May. I am now serving as a judicial clerk in the Baltimore City Circuit Court. By October 5th, the current date of the UBE, I will have spent a month and half of my bar study while working a full-time job. The month before the bar exam is so important, and I, like the

majority of examinees, cannot pay proper attention to the bar exam or my job as a public servant. My Judge hired me before the crises became substantial and before the exam was moved. When I was hired, it was not based on the presumption that I would still be studying for the bar exam and taking off precious time to do so. So, I am working full-time hours. Ironically, I need to serve the Court as a clerk, but I am also being asked to study and take an exam during this time in order to be licensed. I want the Court to know that I have been trying. When the announcement came out that there would still be a bar exam, I set to studying as early as I could. But we cannot be prepared for this. No other Maryland bar examinee has been asked to work, study, and try not to expose themselves during a pandemic. And I am sorry. Because I wish that I could study for this exam and take it with confidence. But I can't. And even if I fail this time, I cannot even get solace from the fact that I took the test once, because a different test will be administered in February. There are examinees who have chosen to work during bar preparation, but I did not. And now I have no choice.

As examinees, we have been told that the bar exam is designed to test our minimum competency to be attorneys. But testing us during a national emergency itself is going beyond that competency. However, Diploma Privilege Plus will remedy every one of the hardships that I have described above by allowing me to finally enter the legal field without further delay and financial difficulty. I think that I and countless of other students have displayed at least a minimum competency by graduating from law school during a pandemic and preparing to take an exam that is subject to change at any moment, factors that no other law students or lawyers have previously experienced.

Respectfully, if an exam is administered, the Court and the SBLE will be asking me to forget my grief, my financial difficulties, my current job responsibilities, and test me based on

whether or not I can control the fact that my neighbor may decide to cut down a tree next to my house on a day of the exam, or another community power outage occurs. Again, I thank the Court for opening up the comment period to listen to us. At this time, I ask that the Court grant us Diploma Privilege Plus. No one asked for a pandemic to occur, and as examinees, I think that we have suffered enough. Thank you.

I thank the Court for its time and consideration on this urgent matter.

Respectfully,

July 2020 Examinee

Anonymous Comment #9

August 23, 2020
Suzanne C. Johnson
Clerk of the Maryland Court of Appeals
361 Rowe Blvd Annapolis, MD 21401
COAClerkoftheCourt@mdcourts.gov

Re: Emergency Petition for Temporary Suspension of UBE Requirement and Order Granting Emergency Diploma Privilege Plus

Dear The Honorable Chief Judge Barbera and Associate Judges:

I am an applicant for the Maryland bar and am writing to express my support in granting the 2020 October bar applicants emergency diploma privilege. Considering the detrimental impact job loss/postponement, financial insecurity, and housing insecurity has had on 2020 bar applicants in the midst of a recession, civil unrest, and a deadly pandemic, I believe the Court should enact emergency diploma privilege for all applicants scheduled to take the October 2020 bar examination. Additionally, I believe the Court should offer an opportunity to take an open-book exam via email for those bar applicants who wish to use their score to obtain reciprocity with other jurisdictions.

As a result of the COVID-19 pandemic and its impact on the July 2020 bar exam, I have experienced unforeseeable personal and professional loss. The start date for my job as an Associate at a law firm has been pushed back from September to January. This left me with no other choice but to obtain private health insurance (because I was terrified to go without during a global pandemic that has claimed the lives of over 170,000 Americans), despite the fact that I will not receive a paycheck until the year 2021 and face looming student loan payments.
It has become abundantly clear that the software technology currently in place is ill- equipped to handle the unprecedented circumstances, despite best intentions and best efforts. A further postponement of the bar exam due to technology issues will undoubtedly cause irreparable harm in my life and the lives of those other law graduates set to take the October test. As such, I respectfully request that the Court consider waiving the Uniform Bar Exam requirement for admission to the Maryland Bar, and offer an opportunity for those bar applicants seeking a portable score to take an open-book exam administered via email.

I thank the Court for its time and consideration on this urgent matter.

Respectfully,
Concerned Bar Examinee

Anonymous Comment #10

August 23, 2020

Maryland Court of Appeals
361 Rowe Boulevard Annapolis, MD 21401

In re: October 2020 Remote Bar Examination Update

To the Honorable Judges of the Maryland Court of Appeals:

I am an applicant for admission to the Maryland Bar. I would like to thank the Court for opening this public comment period and for listening to concerns that bar applicants have about the licensure process this year. As this Court considers the Petition for Diploma Privilege, I urge them to consider the following issues.

I, like all of my fellow applicants, understood that the bar exam, and all of the grueling study that it entails, awaited us in the summer of 2020. I was more than willing to go through that journey because I feel that the legal industry is where I can truly make a difference in my community. However, the shifting finish line now imposed upon us has affected my job search. I am unable to tell firms with any certainty when I will be taking the exam, when I will be a full-fledged member of the bar, and which jurisdictions will accept my credentials.

Issues Caused by an Online Bar Exam

My fellow applicants and I have been following the recent developments regarding the online bar exam with increasing concern, stress, and fear. It is estimated that there will be over 30,000 applicants taking the online bar exam simultaneously in October. To date, all smaller scale online exam attempts have either failed or experienced significant technical difficulties. The State Board of Law Examiners ("SBLE") acknowledged this in their October 2020 Remote Bar Examination Update ("SBLE Update"). Critically, they mention that Michigan, which selected ExamSoft, experienced a distributed denial of service (DDOS) attack that resulted in delays to applicants of 35-40 minutes.

While ultimately applicants were able to complete the exam in an extended testing day, it cannot be overstated how much that delay can affect a test taker. We are preparing for the most important test of our lives, with our careers depending on a successful administration. We are working towards peak performance on test day. A delay of even 35-40 minutes, with the uncertainty and frustration that it brings to a test taker, can completely alter a test taker's mindset and abilities, and is unacceptable. The SBLE significantly understates this by saying that the part of the test affected

was "only the availability of the start-up password for one session of the examination [that] was affected."[1] The associated stress and frustration from the delay could well have made the difference between a test taker passing or failing, and it feels like a disservice for the SBLE to discount exactly how devastating the consequences of that delay can be.

Furthermore, there are conflicting messages between the FAQs provided by the SBLE and the SBLE Update. For example, the SBLE Update states that applicants may be able to opt in to receiving session passwords by text message as a form of procedural mitigation.[2] However, the FAQs unequivocally say that examinees will not be allowed to have phones in the room in which they are testing.[3] How will receiving passwords via text message mitigate error if applicants cannot have phones to view the text message? And how can applicants seek technical assistance if we are not allowed a phone? The inconsistencies in information provided to applicants further deteriorates my confidence in a successful bar exam.

Additionally, the NCBE has approved three vendors to distribute its remote October examination. One of those software companies, Extegrity, withdrew its software, citing concerns regarding the proctoring capabilities that are essential to remote examination. Specifically, Extegrity admitted that both human and artificial intelligence proctoring systems were "not envisioned for use on large-scale, simultaneous-start events exams" like the planned October exam.[4] In the SBLE Update, the SBLE does not mention this reason for why Extegrity is no longer a possible vendor, simply that Extegrity would opt out of participation in the October 2020 bar exam.

The online bar exam does not allow the use of physical scratch paper or a test booklet. Applicants are accustomed to professors diagramming parties, properties, timelines, and the like to teach us how to analyze a legal problem. We are using bar prep courses that demonstrate how to maximize the utility of diagrams, note taking, and essay outlining in order to succeed. The online bar exam strips us of these tools. These critical tools are not only used for exam purposes, but also mimic real world problem solving. While ExamSoft is providing some sort of tool in its software to allow applicants to take notes,[5] it is no substitute for being able to quickly diagram estate distributions, annotate important facts in hypos, organize timelines that are essential in a contracts or property analysis, and roughly sketch out an essay outline, as most applicants prefer to do and have done throughout their academic and legal careers.

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[1] State Board of Law Examiners, October 2020 Remote Bar Examination Update at 5.
[2] State Board of Law Examiners, October 2020 Remote Bar Examination Update at 5.
[3] State Board of Law Examiners, FAQs Related to the October 2020 Remote Bar Exam in Maryland at 2.
[4] Thomas DeLorenzo, *Bar Exam Proctoring Company Pulls Out of Remote Bar Exam Administrations Scheduled for October*, JURIST.ORG (Aug. 7, 2020), https://www.jurist.org/news/2020/08/bar-exam-proctoring-company-pulls-out-of- remote-bar-exam-administrations-scheduled-for-october/.
[5] *See* State Board of Law Examiners, FAQs Related to the October 2020 Remote Bar Exam in Maryland at 2.

This lack of physical scratch paper, to me, is the single biggest factor that highlights the dissonance between the bar exam and the actual practice of law: in what scenario would an attorney find themselves unable to write out a few notes while attempting to solve a legal problem? How does taking a test with this lack of access to such a basic, yet important, tool prove that we are minimally competent to practice law? I understand that the NCBE wants to protect the integrity of their materials, but that concern seems incomprehensibly small when weighed against the concerns that applicants have regarding the ability to adequately solve problems without being able to have paper on which to write notes or outlines and diagram problems.

Additional Concerns

I would also like to share my personal experience in response to one part of the SBLE Update. The SBLE mentions that they had received "only a handful of emails" from applicants expressing concerns over exam space and access to technology.[6] I was among that handful of applicants. I did so in response to the email that was sent to applicants on June 17, 2020, which detailed the change to an online bar exam administration. That email instructed students to email the SBLE with questions regarding the announcement. I did so on June 18, 2020, mindful that the SBLE's website further instructed applicants that questions regarding COVID-19 would not be answered by phone. To my mind, such an instruction meant that email would be the only avenue of communication with the SBLE regarding this development. My email, to date, has never been answered.

I do not bring this up to disparage the SBLE. In fact, every interaction I have had with SBLE employees has been polite, helpful, and pleasant. However, I did not receive any information responsive to my concerns until I called the SBLE approximately two weeks later. When I talked to the (very friendly!) employee who answered, she told me that unless an email related to a request for accommodations, it would not be answered. That was disheartening, as I had believed that by requesting that applicants email questions to the SBLE, the SBLE had the intention of responding to applicants' concerns. While I understand that not every question that I posed in my email could have been answered right away, it is this very lack of communication (both substantive communication and avenues of communication) and confusion that has frustrated many applicants, myself included, and caused us to lack faith in a smooth and successful bar examination administration.

There has been no communication regarding a contingency plan should the remote exam administration fail. That is disheartening, particularly given the situation in Florida. The deans of the Florida law schools asked the Florida Supreme Court and Florida Board of Bar Examiners to adopt a contingency plan that would allow an open book exam via email.[7] It is now clear that no

[6] State Board of Law Examiners, October 2020 Remote Bar Examination Update at 7.
[7] Jacob Ogles, *Florida Bar Exam Canceled for August*
, FLORIDA POLITICS (Aug. 17, 2020), https://floridapolitics.com/archives/358918-florida-bar-exam-canceled-for-august.

contingency plan was in place, with the result of thousands of applicants left stranded with no answers. Many applicants, myself included, fear the same result in October.

Applicants are not simply asking for a "free pass" because we want to avoid taking an exam that all of us knew would be required of us. We are respectfully requesting this Court to be leaders in the field and provide a compassionate solution that allows the driven, determined applicants to begin working for our communities and our country. The uncertainties created by delaying the bar exam to October, along with the clear inequities and unpredictability of conducting an online bar exam on a large scale as has never been attempted before, uniquely and substantially harms 2020 bar applicants. Applicants are studying hard in the midst of circumstances never faced before. Our mental health is being challenged on a daily basis because of the uncertainty surrounding our futures. We should not have to be guinea pigs for an untested online administration of the bar exam. We need a solution grounded in fact, equity, and compassion. That solution is emergency diploma privilege, which I respectfully and strongly urge that this Court adopt for all 2020 Maryland applicants.

Respectfully,

A Frustrated, Concerned Maryland Bar Applicant

Anonymous Comment #11

BY E-MAIL

August 23, 2020

Suzanne C. Johnson
Clerk of the Maryland Court of Appeals
361 Rowe Blvd
Annapolis, MD 21401
COAClerkoftheCourt@mdcourts.gov

Re: Emergency Petition for Temporary Suspension of UBE Requirement and Order Granting Emergency Diploma Privilege Plus

Dear Honorable Chief Judge Barbera and Associate Judges:

I am a graduate of Georgetown University Law Center and I am an applicant for admission to the Maryland Bar. I am submitting this comment anonymously through the Maryland Diploma Privilege organization because I do not want any of my criticism to jeopardize my admission to the Maryland Bar.

I would first like to thank the Court for opening this public comment period and for listening to the concerns bar applicants have about the licensure process this year. I appreciate the efforts that have been made thus far to ensure applicant safety by transitioning from an in-person bar exam to a remote exam. However, for the reasons detailed below, I do not believe that a remote exam is the panacea that many of its proponents seem to believe it will offer. Consequently, I urge the court to approve diploma privilege in response to the COVID-19 pandemic.

Remote Exam Logistics

I would like to call the Court's attention to several logistical difficulties that will accompany a remote examination. I am someone who struggles with reading comprehension when I read materials for an extended period of time on a computer screen. Reading physical copies of documents has allowed me to develop my own system of notetaking in the margins. This kind of active reading is one of the skills that has helped me excel in my academic career thus far. It is also precisely the kind of skill that bar prep companies encourage students to master in order to perform well within the rigid time constraints of the bar exam. Without the ability to jot down notes in the margins or cross through portions of the essay prompt as I address them in my answers, I believe that my performance on the bar exam will suffer dramatically. This is particularly true when sifting through large amounts of reading material to answer MPT questions. Additionally, questions about joint tenancies in Real Property frequently involve multiple individuals inheriting the joint tenancy while others sever the joint tenancy with respect to their portion of the estate. These questions are complex and written in such a way that diagramming each tenants' portion of

the estate is the best way to ascertain the answer to the question. Without the ability to diagram with a pen and paper for questions like this, examinees like myself will struggle to mentally sift through all of the relevant facts. Diagrams like this are not easily replicable on digital scratch paper.

Somewhat relatedly, rules that restrict whether examinees touch their hair or faces during testing layer on an extra complication to the already exceeding complicated logistics of testing. There is a reason that so many major news outlets have recently been publishing articles with helpful tips to assist people who are trying to kick the habit of unconsciously touching their face.[1] That is because this is an extremely difficult unconscious habit to break. Burying examinees in draconian rules that restrict behaviors as minute and involuntary as face touching or looking off into the distance while thinking only increases the anxiety surrounding an already stressful exam.

Software capacity is also a major source of concern for myself and other bar applicants. I am one of many students that I know of who does not have easy access to a secure and distraction-free room in which I can take a remote bar exam and I do not have the financial resources to rent a hotel room for two days of testing. I am the sole earner in my household, and I had to take out a bar prep loan to help pay my family's bills over the summer while I study full time for the bar exam. I do not have parents or other extended family on whom to rely for financial support during this period of uncertainty. Before the bar exam was postponed to October, I had initially planned to find work in the service industry to help pay the bills during the gap in time between the July bar exam and my start date with my future employer in October. The postponement of the exam until October, however, left me struggling to find temporary employment during the beginning of the summer in the months of June and early July, some of the peak months for Covid-related shutdowns. I was unable to find employment during that short window of time before I began studying for the bar exam full-time, leaving me to rely fully on the bar loan I took out to sustain myself and my family until October. When I took out the bar loan, I budgeted my expenses tightly, in an effort to minimize the amount of extra debt I had to assume in addition to my student loans from law school, but exam postponement and other Covid-related uncertainties now leave me wondering whether minimizing my debt was actually the best choice to make.

Before beginning law school, I used a credit card to purchase a laptop because I could not afford a computer and I knew that this would be a necessary tool for my education. I am fortunate that that same laptop lasted me all throughout law school, but now I worry that my laptop, which was manufactured in 2015, will not hold up when attempting to operate the demanding remote exam software, even though my computer does apparently meet all of the specifications laid out on ExamSoft's website. My worries are not entirely unfounded. Examinees preparing to take the Florida bar exam experienced serious issues when attempting to run an exam trial. Some examinees' laptops crashed, many had their laptops overheat, and others experienced performance lags.[2] Some of these examinees experienced these issues when using laptops that are less than two

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[1] *See* Jenny Gross, *How to Stop Touching Your Face*, NEW YORK TIMES (Mar. 5, 2020), *available at*: https://www.nytimes.com/2020/03/05/health/stop-touching-your-face-coronavirus.html.

[2] *See* Alan Glassman, *Over 1,000 Young Lawyers are Stranded as Florida Bar Exam is Canceled on 72 Hours Notice*, FORBES (Aug. 17, 2020), *available at*: https://www.forbes.com/sites/alangassman/2020/08/17/over-1000-young-lawyers-are-stranded-as-florida-bar-exam-i s-canceled/#4391ea692b42; *see also* u/Upstairs_Middle_836, REDDIT (Aug. 7, 2020), *available at:* https://www.reddit.com/r/FloridaBarExam/comments/i5ib7u/computer_overheating/.

years old. I am concerned that my five-year-old laptop will not perform adequately under these conditions and given my current financial instability, I will not be able to purchase a replacement laptop if my computer crashes in the middle of a remote exam.

Moreover, taking a remote exam at home presents logistical difficulties in terms of where to take the exam. Realistically there is only one room in my home in which I can take an exam and close the door to my family. However, statements I have recently seen circulating online indicate that examinees may not take the bar exam in a room containing *any* written materials. The only room in my house in which I could test contains two and a half floor-to-ceiling bookcases filled with books and other reading materials. Thus, it is my understanding that to take the bar exam online, I will need to empty each of these bookcases and remove their contents from my testing area. Perhaps I am mistaken, and I hope that is the case, but if I am not mistaken, this seems like a nonsensical and overly burdensome requirement, especially considering that I will be recorded throughout the entire duration of the exam.

Other recommendations have advised that examinees sit as close as possible to their router when taking the bar exam. This advice is likely impossible for many to follow, especially as many bar exam takers plan to take the exam from a hotel room. While not impossible for me to follow, it certainly is not ideal. The router and internet setup for my home is all installed in the wall of the basement. To access the basement, I have to open a trap door in the floor of my living room. My basement is unfinished, damp, dusty, and does not have adequate lighting to take an exam. The moisture and humidity during the summer months has caused mold to begin growing on the walls of our basement and we are currently in the process of having the mold treated and removed. I do not feel that it is safe for my health to spend hours in a damp basement while testing.

Data Privacy

In our increasingly technologically-oriented world, our data has become one of our most preciously guarded possessions. Access to someone's private data can grant third parties free reign to destroy credit scores and access bank accounts, among other things. Given this context, applicants like myself are extremely worried about taking a remote bar exam when exam software would require applicants to grant the software administrative privileges to our computer. Indeed, individuals with engineering backgrounds and experience overseeing software vendors creating computer software have explained that under such circumstances, "any information stored anywhere on [examinees'] computer including pictures, passwords, payment information, social security numbers, and other personally identifying information is at risk."[3] Because a remote exam exposes applicants (and their family members who may use devices that are on the same network) to such vulnerability, it is vital to ensure that any remote exam provider is able to concretely demonstrate that examinees and their data will be protected while they are taking the bar exam. As of now, no remote exam administrator has been able to do so. In fact, ILG Technologies and ExamSoft's recent difficulties administering remote bar exams have raised serious doubts about their ability and commitment to protecting examinees.

[3] Email from Andy Kriha to the District of Columbia Court of Appeals (Aug. 1, 2020), *available at*: https://dp4dc.org/public-record/, Volume 1, page 14.

Other jurisdictions' difficulties in administering a remote bar exam raise serious questions about whether applicants and this Court can reasonably rely on ExamSoft to deliver a product that will function properly and not expose examinees to breaches of their private data. The SBLE discounted examinees' concerns about their data privacy when it stated in its letter to this Court that examinees will not need to use a credit card to purchase the software, but it fails to engage with the increasingly realistic possibility that granting exam software administrative privileges on an examinee's computer would effectively grant access to all of an examinees' saved credit card numbers and passwords.[4] This is even more alarming when considering the fact that the remote bar exam offered by ExamSoft in Michigan was plagued by serious technological malfunctions that were apparently caused by a "'sophisticated' cyberattack."[5] If a remote bar exam that was taken by several hundred examinees in Michigan was an attractive target for a cyberattack, how much more attractive must a remote bar exam administered to approximately 30,000 people be?

Additionally, of the three software companies that was approved as a possible vendor to administer a remote bar exam, Extegrity's refusal to take part in administering a remote bar exam is particularly enlightening. Despite the financial incentives to administering a remote bar exam, Extegrity concluded that it was technologically infeasible to administer a remotely proctored bar exam at this point, stating that "it is plain that remote proctoring was not envisioned for use on large-scale, simultaneous-start "event" exams" and cautioning that a remote bar exam would pose "undue risk" for the October exam.[6] Extegrity's withdrawal and the numerous technological difficulties that have accompanied the administration of smaller-scale remote exams administered by ExamSoft and ILG Technologies in states like Indiana, Michigan, Nevada, and Florida raise serious questions about whether administering a remote bar exam is technologically feasible at all.

The SBLE minimizes the harm suffered by examinees when applicants were unable to access exam questions due to the distributed denial of service (DDOS) attack on the Michigan remote bar exam when the SBLE states that affected applicants were delayed by a maximum of about 40 minutes.[7] However, the harm suffered by Michigan examinees cannot be so swiftly dismissed. This delay and the uncertainty accompanying the delay undoubtedly impacted examinees' mental states in a negative way, likely causing extreme anxiety that would negatively impact performance. During the minutes that affected examinees were unable to access exam questions, they repeatedly tried refreshing the page where the password for obtaining access to the

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[4] *See generally* Letter from Jonathan A. Azrael, Chair of Maryland State Board of Law Examiners and Jeffrey C. Shipley, Secretary and Director of Maryland State Board of Law Examiners, to the Honorable Judges of the Court of Appeals of Maryland (Aug. 18, 2020), *available at:* https://mdcourts.gov/sites/default/files/import/coappeals/pdfs/remotebarexamreport202008.pdf.

[5] Maggie Miller, *Michigan Online Bar Exam Temporarily Taken Down by Sophisticated Cyberattack*, THE HILL (July 28, 2020), *available at*: https://thehill.com/policy/cybersecurity/509478-michigan-online-bar-exam-temporarily-taken-down-by-sophisticated.

[6] @BarExamTracker, TWITTER (Aug. 6, 2020, 4:59 PM), https://twitter.com/BarExamTracker/status/1291478956055629824.

[7] *See generally* Letter from Jonathan A. Azrael, Chair of Maryland State Board of Law Examiners and Jeffrey C. Shipley, Secretary and Director of Maryland State Board of Law Examiners, to the Honorable Judges of the Court of Appeals of Maryland (Aug. 18, 2020), *available at:* https://mdcourts.gov/sites/default/files/import/coappeals/pdfs/remotebarexamreport202008.pdf.

exam module should have been.[8] As their refresh attempts yielded no results, examinees battled with the decision of whether to continue refreshing or to leave the room in which they were testing to access their phones to contact tech support. A number of students who made this decision called the ExamSoft Worldwide hotline only to find that the hotline was busy. This kind of interruption to a career altering exam is enough to seriously damage examinees' ability to focus and perform well on the bar exam.

Technological Feasibility

Even putting aside privacy concerns, many questions regarding the feasibility of administering a remote bar exam simultaneously to approximately 30,000 people remain outstanding. Each of the attempts to administer remote bar exams this summer have either failed altogether, suffered serious malfunctions, or been subjected to cyberattack. Exams administered by ILG Technologies have been plagued by some of the worst problems, prompting an increasing number of jurisdictions to terminate their relationship with ILG and switch to ExamSoft for their upcoming bar exams. Currently, it appears that at least fifteen different states will all be relying on ExamSoft to help administer their remote bar exams on October 5th and 6th. These states include: California, Connecticut, the District of Columbia, Georgia, Idaho, Kentucky, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Tennessee, and Texas. Given that none of the states who have attempted to administer a remote bar exam have been able to do so without glitches, I am skeptical that ExamSoft has the capacity to administer a remote bar exam to this many people simultaneously.

Other states who have contracted with ExamSoft to administer a remote bar exam this fall have relied on assurances that ExamSoft is capable of administering such a large-scale exam because it has allegedly conducted remote exams for approximately 160,000 applicants simultaneously.[9] However, many serious questions regarding the basis for this claim remain outstanding, as Tom McMasters points out in his report analyzing the feasibility of administering a remote bar exam in California.[10] If ExamSoft's simultaneous administration of an online exam to over 160,000 examinees refers to ExamSoft's partnership with the Saudi Arabian government to administer the Standard Achievement Admission test (SAAT) to high school students, McMasters aptly questions whether this achievement is comparable to the administration of an exam that requires submission of lengthy and complicated essay answers in addition to webcam footage of applicants while testing. Perhaps even more enlightening are the results from a poll conducted by the Education Training and Evaluation Commission (ETEC), the branch of the Saudi Arabian government that administers testing; a poll on ETEC's website revealed that 63% of respondents who took the online exam were "not in favor" of online testing.[11]

Finally, I understand that the bar exam has been a rite of passage for new lawyers for many years. However, when it becomes apparent that a rite of passage is no longer feasible and has

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[8] Kim Kozlowski, *Michigan Bar Exam Crashes Online; Company Points to Cyberattack*, THE DETROIT NEWS (July 28, 2020), *available at*: https://www.detroitnews.com/story/news/local/michigan/2020/07/28/michigan-bar-exam-crashes-online-company-cites-cyberattack/5527628002/.

[9] *See* Tom McMasters, Feasibility of a Mass Online California Bar Exam 11-13 (July 28, 2020) (initial draft), https://docs.google.com/document/d/1xfNmDsP0fnHqk6se2vUF54T9ZSf9bNr8oisR9aDjVwg/edit.

[10] *Id.*

[11] *Id.* at 13.

actually become harmful, we have a duty to adjust and find a more just way to ensure that applicants are equipped with the skills they need to enter the legal field as new attorneys. Neither I, nor my fellow applicants, are requesting diploma privilege out of laziness or a reluctance to prepare adequately for the bar exam. We are requesting that the Court adopt diploma privilege because, despite our diligent efforts to prepare for the bar exam, even our best efforts may not be sufficient when we are dealing with technology that does not appear up to the task before us.

If the Court, for whatever reason, disregards our petition to institute diploma privilege, I respectfully urge the Court to require a trial of the ExamSoft testing program as soon as possible, so that applicants, the SBLE, and the Court can all assess the feasibility of administering a remote bar exam before it is too late and before we reach the point that applicants would have their admission to the legal profession delayed yet again in the event of technology malfunctions.

Thank you again for requesting comments on this important issue.

Very respectfully,
A Concerned Maryland Bar Applicant

Anonymous Comment #12

August 23, 2020

Suzanne C. Johnson
Clerk of the Maryland Court of Appeals
361 Rowe Blvd
Annapolis, MD 21401
COAClerkoftheCourt@mdcourts.gov

Re: Emergency Petition for Temporary Suspension of UBE Requirement and Order Granting Emergency Diploma Privilege Plus

Dear Chief Judge Barbera and Associate Judges:

Two months ago, I received my Juris Doctor from the University of Maryland Francis King Carey School of Law in Baltimore, Maryland. Like many of my fellow graduates from across the country who are also seeking admission to the Maryland Bar, I am expecting to remotely take a condensed bar exam on October 5th and 6th. This letter is in response to the request for public comment pursuant to the Court's August 20, 2020 news release. Accordingly, I wish to express my concern regarding the administration of a remote examination and support that this Court waive the bar examination requirement for Maryland applicants and grant applicants diploma privilege plus.

In lieu of reciting data and authorities regarding the infeasibility of a remote bar exam and the privacy implications associated therein, I refer the Court to and incorporate as if stated fully herein the Diploma Privilege for Maryland Public Comment, submitted by the Petitioners of the Emergency Petition for Temporary Suspension of UBE Requirement and Order Granting Emergency Diploma Privilege Plus. I would like use this opportunity to inform the court of the personal hardships I have and will encounter if the Maryland State Board of Law Examiners ("SBLE") moves forward with administering a remote exam.

First, I do not have a reliable home internet connection or a quiet space to take the bar exam. I am a resident of Baltimore City and I live in the Federal Hill neighborhood. The only internet provider available for my home is Xfinity. During the course of my residency in Federal Hill, I have experienced poor internet service and have been unable to switch providers. As a result of my poor internet service, I exclusively studied in the library of my law school. Before the United States recognized the global pandemic, I planned to study for the bar exam in the library. Given the Court's appropriate delays in administering the bar exam, I was forced to start my employment before having taken the exam. Fortunately, I have been able to use my office to study in the evenings and on the weekends. Although my supervising attorney has graciously offered me the option to take the bar exam in an conference room, I am concerned that office background noise may cause my score to be invalided, per the SBLE's FAQ announcement. On August 19, 2020, the University of Maryland Francis King Carey School of Law emailed alumni to offer space within the library to take the exam. Due to a lack of space, only students who are selected as "priority" will qualify. At this time, the school has not indicated how priority will be awarded. Because the members of my household and I are low-risk for contracting COVID-19, I requested space in the library and reserved a hotel room nearby in the event I am not selected to sit in the

library. The cost of my hotel is $228.69 with the Marriott Friends and Family rate. Although this cost is small in comparison to my $1550 bar preparation course and exam fees, because it was unplanned, I did not have an opportunity to budget for it. Given that I did not work between my undergraduate program and law school, I do not have a savings account to draw from for unexpected expenses.

Second, the delays and uncertainty surrounding the October bar exam have had a significant negative impact on my mental health. On May 21, 2020, I began studying for the Maryland Bar exam. Barbri, the bar preparation course I enrolled in, provides each student with a personal study plan based on results from a diagnostic test. According to my study plan, if I studied for seven to eight hours per day, my substantive knowledge and skills would "peak" during the bar exam scheduled for July 28-29, 2020. When the exam was delayed, the hours I spent studying to meet the requirements set by my first personal study plan placed me ahead of the adjusted schedule. I continued to study as per my adjusted schedule until the second delay, which postponed the exam until October. Shortly upon learning of this delay and communicating with my employer, I began working Monday-Thursday, leaving Friday-Sunday to study. I have not taken one day off from work or bar preparation since beginning in June. As of the present date, I have fallen two weeks behind on my personal study plan. The stress and anxiety associated with starting a new job while studying for the bar exam has caused me to experience a new level of stress and anxiety. I am experiencing night terrors, bouts of crying, and panic attacks for the first time. Although I experienced great stress and anxiety in law school, this is the first time I am struggling to learn new coping mechanisms to overcome these feelings. I attribute my struggle to the circumstances surrounding the pandemic. During school, I was able to be surrounded by friends in like situations and had access to free mental health resources. As the Court is aware, the Florida Board of Law Examiners was forced to cancel their bar exam 72 hours before the test date due to foreseeable issues with the remote exam vendor. The Maryland SBLE has not provided any real assurances that the same situation will not occur in Maryland. I truly cannot imagine the state of my mental health if a similar situation were to occur in Maryland. This thought alone is enough to cause me to withdraw my registration and take the exam under a safer, more viable circumstance. However, the terms of my employment require that I sit for the October exam.

It is my hope that this comment period will humanize the October bar applicants in the eyes of the Court in a time where the SBLE seems to have forgotten the human element in our profession.

Respectfully,

Anonymous Comment #13

August 23, 2020

Suzanne C. Johnson
Clerk of the Maryland Court of Appeals
361 Rowe Blvd
Annapolis, MD 21401
COAClerkoftheCourt@mdcourts.gov

Re: Emergency Petition for Temporary Suspension of UBE Requirement and Order Granting Emergency Diploma Privilege Plus

Dear The Honorable Chief Judge Barbera and Associate Judges:

I am a 2020 graduate of the University of Maryland School of Law.

I am writing in support of granting 2020 October bar applicants emergency diploma privilege. Like every single one of my peers preparing for the bar exam, and every single Marylander, my life has been impacted by COVID-19. I have not been able to see beloved elderly family members out of fear of accidental COVID spread. Immediate family members have experienced economic anxiety from the pandemic recession. It has been very difficult to study while balancing the stress of a global health emergency and living in a small space with family similarly working from home.

Beyond personal hardship, including emotional and economic hardship, I know there are many issues that impact all Maryland bar applicants as we prepare for a bar exam that has moved into a new, untested format. One universal issue impacting each JD taking the Maryland bar (and every bar applicant that takes the test using ExamSoft) is data privacy.

Test taker privacy is extremely important. ExamSoft's privacy policy states that ExamSoft can share test taker data, including images and videos of faces, to "group companies" without ever specifying the group companies. Those group companies have unknown privacy policies. It is possible that these group companies have incomplete privacy policies that allow for continued sharing or even selling of test taker biometric information.

Beyond the capture and storage of personal information (no deletion or data retention period is ever specified by ExamSoft's privacy policy), AI and facial recognition software can be highly biased.[1] ExamSoft's AI proctoring algorithm is a black box for test takers; some test

[1] *See* Nicol Turner Lee, Paul Resnick, and Genie Barton, *Algorithmic Bias Detection and Mitigation: Best Practices and Policies to Reduce Consumer Harms*, BROOKINGS INSTITUTE (May 22, 2019), https://www.brookings.edu/research/algorithmic-bias-detection-and-mitigation-best-practices-and-policies-to-reduce-consumer-harms/ (stating "MIT researcher Joy Buolamwini found that the algorithms powering three commercially available facial recognition software systems were failing to recognize darker-skinned complexions. Generally, most facial recognition training data sets were estimated to be more than 75 percent male and more than 80 percent white. When the person in the photo was a white man, the software was accurate 99 percent of the time at identifying the person as male.").

takers could be flagged with more violations than other test takers because the AI could have been trained with insufficient or biased data.[2]

Finally, it is uncertain how ExamSoft can collect consent to capture, store, and use test taker data, including facial captures, when applicants have no choice but to consent to collection or not take the remote October bar with ExamSoft, creating a barrier to entry into the legal profession.

Thus, I support granting emergency diploma privilege. The unforeseen pandemic and the shift to using ExamSoft's remote proctoring services for the Maryland bar has created a situation that puts the personal information, privacy, and data privacy of test takers at risk.

I thank the Court for its time and consideration on this urgent matter.

[2] *Id.*

Anonymous Comment #14

August 23, 2020

Suzanne C. Johnson
Clerk of the Maryland Court of Appeals
361 Rowe Blvd
Annapolis, MD 21401
COAClerkoftheCourt@mdcourts.gov

Re: Emergency Petition for Temporary Suspension of UBE Requirement and Order Granting Emergency Diploma Privilege Plus

Dear The Honorable Chief Judge Barbera and Associate Judges:

I am a Maryland bar applicant, and am writing to express my support in granting the 2020 October bar applicants emergency diploma privilege. In light of the unforeseen global pandemic and inability to safely administer an in-person exam, the Court of Appeals correctly decided to postpone, and ultimately cancel, an in-person bar exam. However, considering the detrimental impact job loss, financial insecurity, and housing insecurity has had on 2020 bar applicants in the midst of a recession, as well as the concern regarding the feasibility and safety of Examsoft, the software the State Board of Law Examiners has adopted for Maryland's bar exam administration, the Court should enact emergency diploma privilege for all applicants scheduled to take the October 2020 remote bar examination.

My class of 2020 has faced an unprecedented set of challenges in our journey to become licensed attorneys. While we were not only forced to quarantine the final semester of law school in isolation from family, friends, and our law school community, at the conclusion of our legal education the bar exam was cancelled, postponed, and rescheduled twice. For applicants like myself who have been studying for the bar since May, we are mentally and physically exhausted. Studying while family members and friends are being diagnosed with COVID weekly, having family members die, has severely impacted my mental health making it difficult to focus on this exam.

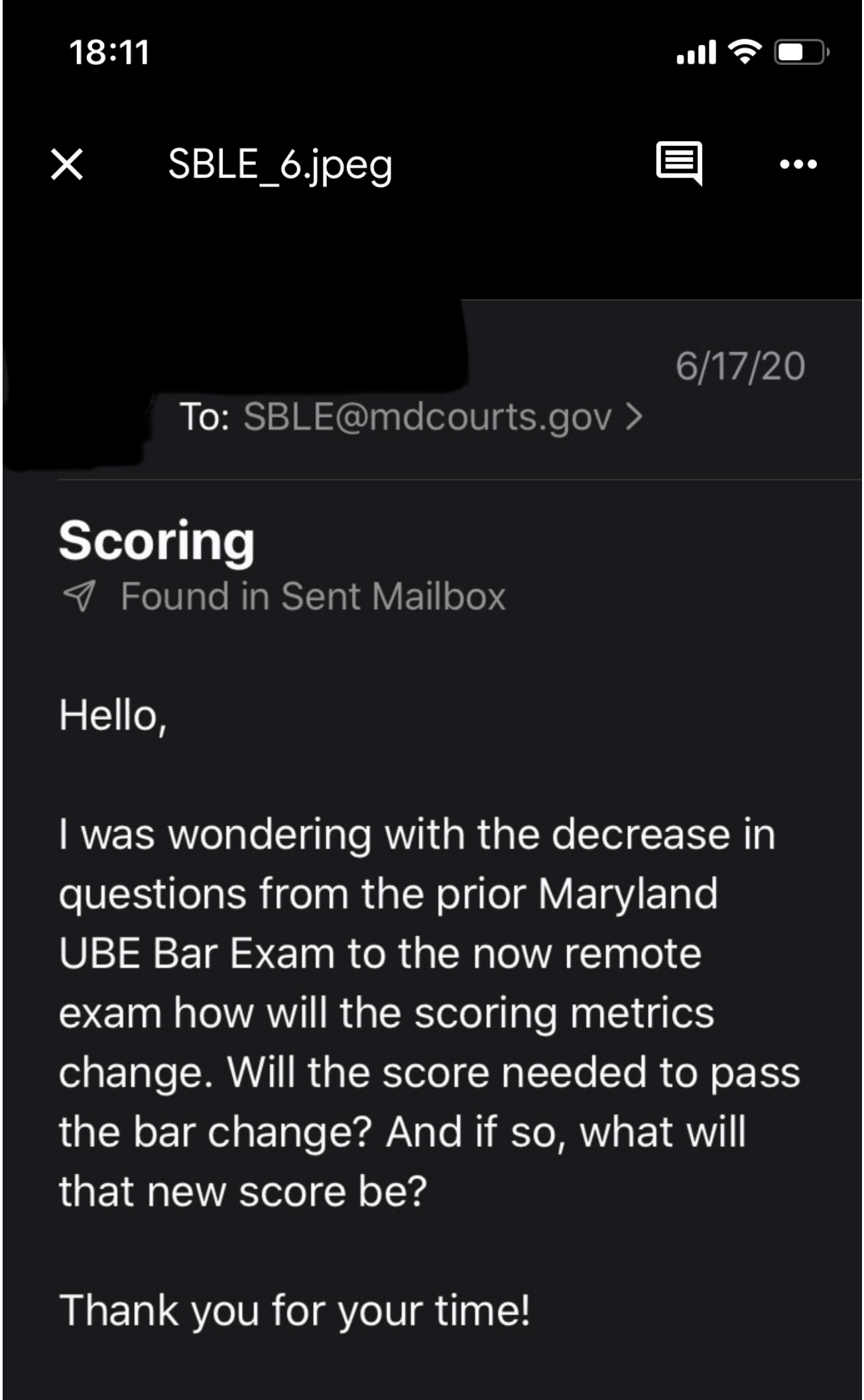
While administering an online exam may sound appealing at first glance, a deeper investigation reveals a system fraught with problems and inequities. First and foremost, many of us are currently facing housing insecurity and quarantining at home with their families. We will struggle to find access to the necessary technology and a consistent internet connection, as well as a quiet testing environment. Without access to libraries and study spaces, the entire process of preparing for and taking the bar is a stark difference from the experience of years past. This is the most important test of our lives and an online exam puts us on uneven playing ground. An online exam unfairly disadvantages low-income and minority communities, who face greater instances of housing insecurity and have a harder time accessing the necessary technology to take an online exam. What if there is an internet or electricity blackout during the exam? These are not uncommon events and could force thousands of applicants to fail through no fault of their own. There is also no indication that Maryland's Bar Examiners has even started beta testing an online exam format. With such a compressed research and launch deadline, there is significant risk of technological failure on the date of the exam.

I understand the need, as a prospective attorney, to demonstrate my competency to practice law. I represented low income clients through my law school's clinic program for two semesters as a family law student practitioner. Being a student practitioner brought me closer to the reason I wanted to become an attorney which is to serve my community using my legal expertise. Diploma Privilege will allow me to continue the work I began in clinic and continue representing those who desperately need my help. With the many issues that this pandemic has brought (evictions, loss of jobs, etc.) and the racial injustice that

continues to affect my community, I feel my time will be better served working to serve my community. My success representing these clients proves my competence to be a practicing attorney more than an online exam of 100 multiple choice and 3 thirty minute essays will.
Please allow myself and my fellow class of 2020 start serving the Maryland community by granting us Diploma Privilege Plus.

Appendix B: Communications with the State Board of Law Examiners (SBLE)

The following six images have been provided by July 2020 Maryland bar applicants. The images reflect examinees' emailed inquiries to the SBLE. The examinees never received a reply response from the SBLE.


18:11
SBLE_6.jpeg
6/17/20
To: SBLE@mdcourts.gov
Scoring
Found in Sent Mailbox
Hello,
I was wondering with the decrease in questions from the prior Maryland UBE Bar Exam to the now remote exam how will the scoring metrics change. Will the score needed to pass the bar change? And if so, what will that new score be?
Thank you for your time!

16:32

Sent

[redacted] 8/6/20

To: sble@mdcourts.gov >

Re: Exam Refund Question [redacted]

Good evening,

I do now have a follow-up question that alters my earlier inquiry a bit. Was SBLE notified nine days ago by Extegrity that the October exam was technologically infeasible and pedagogically inappropriate? If that is the case and there are no plans to institute an alternative I would definitely like to discuss refund options with someone.

Thank you!

16:32

Sent

[redacted]

8/6/20

To: sble@mdcourts.gov >

Exam Refund Question

[redacted]

Good morning!

I'm not sure if this is something you can answer, but is there any indication as to whether we would have more information regarding the bar exam logistics before the refund deadline - or alternatively that the refund deadline would be extended after we do get more info?
With the federal cyberattack investigation with ExamSoft ongoing I'm not comfortable paying for the NCBE exam format, but if Maryland is moving to an alternative format such as email I'd still like to stay registered.

Thanks!

16:32

Sent

[redacted]

6/8/20

To: sble@mdcourts.gov >

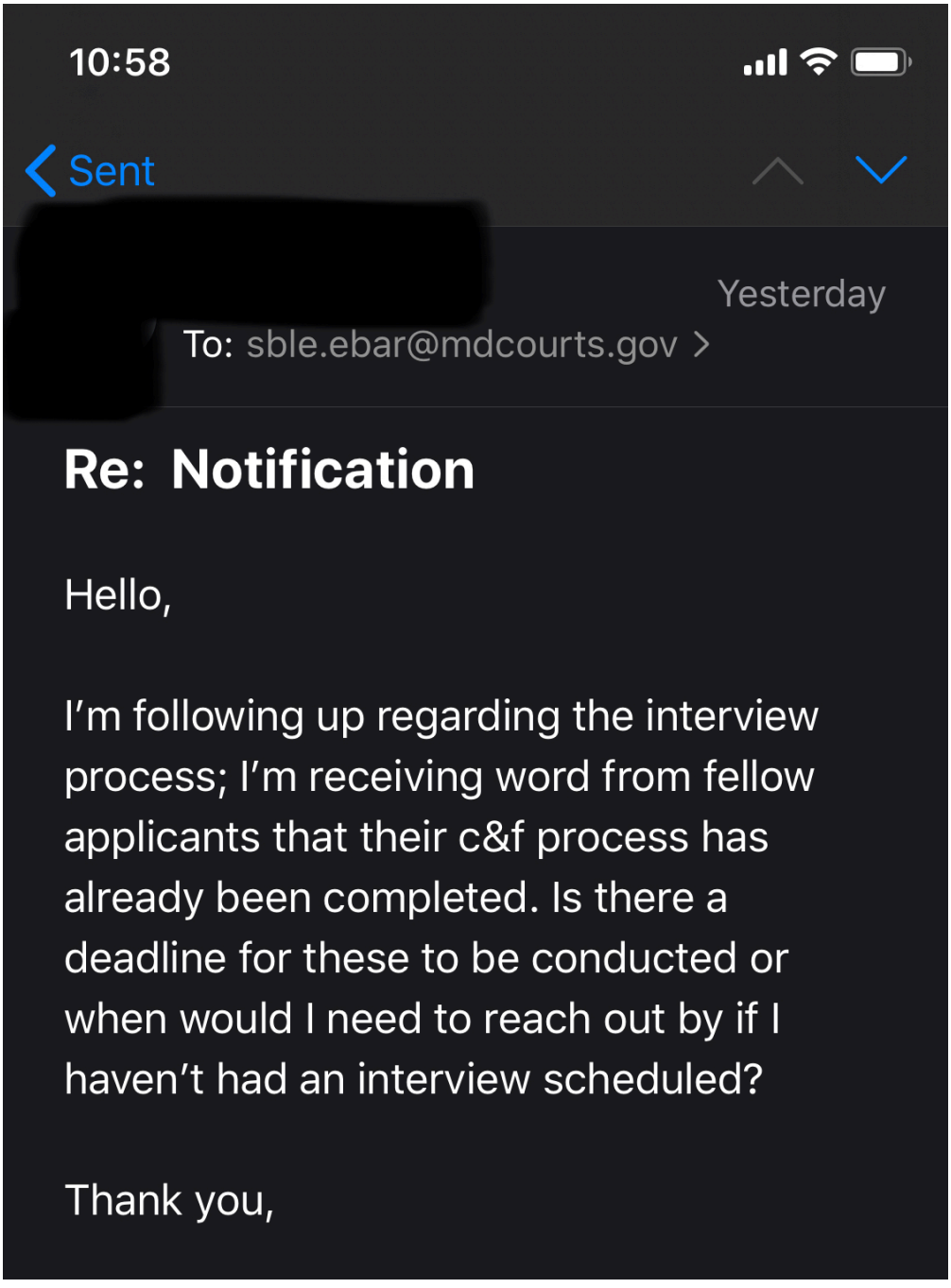
Bar Exam Date Update

Found in Gmail Sent Mailbox

Hello,

I was wondering whether there might be a decision date for additional logistical information forthcoming regarding the tentative administration of the Maryland bar exam - especially now that DC has moved to a remote exam in October and the Maryland Courts have announced they will not be fully operational until October. Hotel rooms booked up pretty early for the July administration so if we have any definitive decisions about an in-person exam near Labor Day I want to make sure I can get one!

Thank you,


10:58
Sent
[redacted]
Yesterday
To: sble.ebar@mdcourts.gov
Re: Notification
Hello,
I'm following up regarding the interview process; I'm receiving word from fellow applicants that their c&f process has already been completed. Is there a deadline for these to be conducted or when would I need to reach out by if I haven't had an interview scheduled?
Thank you,

16:31

Sent

[redacted]

8/10/20

To: sble@mdcourts.gov & 1 more... >

Refund Deadline

[redacted]

Good morning,

Will the exam refund deadline be extended until after the Court rules on the Diploma Privilege petition? It is currently set to expire in four days.

Thank you,

Appendix C: NCBE Survey Images

The follow three images are from the National Conference of Bar Examiners' post-exam survey distributed to in-person July 2020 bar examinees.[1]

[1] Accessible at https://survey.ncbex.org/zs/QPCNxC?email=DP4ALL.

IN-PERSON PAPER EXAM

Dear Examinee:

As you may be aware, the bar examination is being administered both in-person on paper and remotely on computer. The following questions are designed to help both the State Bar Examiners and the National Conference of Bar Examiners to better understand your in-person paper testing experience and your perspective regarding remote testing. Results will be used to evaluate the efficacy of both methods of testing and to serve as a guide for improvement. Your responses will be kept in the strictest confidence. We may distribute comments anonymously in reports based on this examination, but we will not attribute any comments to you. Your comments will have no impact on your scores.

In-person, computer-based exam means that test questions would be delivered via candidates' computers rather than on paper. **Remote bar exam** means that test questions would be delivered on candidates' computers and candidates would test in their own environments with appropriate remote proctoring methods to monitor them.

Next

NCBE National Conference of Bar Examiners

IN-PERSON PAPER EXAM

IV. Final Comments & Evaluations

4.1. Do you feel that you were given sufficient time to answer:

	Yes	No
A. The essay questions?	◯	◯
B. The multiple-choice questions?	◯	◯

4.2. Relative to an in-person testing situation, how much trust would you place in remote testing results?

- ◯ I would trust in-person examination results more.
- ◯ I would trust the results from both methods about the same.
- ◯ I would trust remote examination results more.

4.3. Compared to an in-person test, how likely to cheat do you think examinees are who take the test remotely?

- ◯ Much less likely
- ◯ Somewhat less likely
- ◯ No difference
- ◯ Somewhat more likely
- ◯ Much more likely

Previous Next

IN-PERSON PAPER EXAM

IV. Final Comments & Evaluations

4.4. How confident are you that examinees who take the test remotely and get a passing score are competent to be licensed attorneys?

- ◯ Not at all confident
- ◯ Somewhat confident
- ◯ Reasonably confident
- ◯ Extremely confident

4.5. How much do you agree or disagree with this statement: Answering examination questions on paper allowed me to do my best on the test.

- ◯ Agree strongly
- ◯ Agree somewhat
- ◯ Disagree somewhat
- ◯ Disagree strongly

4.6. Please use the space below to provide any additional comments about your examination experience.

Previous Next

Appendix D: Michigan Bar Exam Images

The following are social media reports from Michigan bar examinees describing what occurred during the Michigan bar exam administration as it was happening.[1]

[1] Accessible at: https://www.reddit.com/r/barexam/comments/hzf9so/mi_bar_exam/; https://twitter.com/jkornjkorn/status/1288125261616050177/photo/1; https://twitter.com/diplomaprivileg/status/1288165230946787330; https://twitter.com/jkornjkorn/status/1288121697925656578/photo/1;https://www.facebook.com/groups/lsm4et14s

[redacted] 2m ·

Did michigan's bar exam website just crash or is it just me?
#holyshit

24 9 Comments

Like Comment Share

[redacted]

No it crashed 2

Like · Reply · 2m

[redacted] oh fuck...

Like · Reply · 1m

[redacted] I cannot tag you enough here

Like · Reply · 1m

[redacted]

Oh nooooo

Like · Reply · 1m

[redacted]

Oh my god what a nightmare within a nightmare 1

Like · Reply · 1m

[redacted]

Like · Reply · 1m

[redacted]

That fucking sucks. What a nightmare.

Like · Reply · 1m

[redacted] so the bar was today

Posted by u/spartandoc64 44 minutes ago

MI BAR EXAM

Is the bar exam crashing on examplify right now for anyone else? Can not open block 2?

9 Comments Share Save Hide Report 100% Upvoted

Log in or sign up to leave a comment LOG IN SIGN UP

SORT BY BEST

View discussions in 1 other community

runfastkitty 8 points · 40 minutes ago
If anyone gets the password please let me know 😭😭

runfastkitty 8 points · 34 minutes ago
Module 2 - purple34

ChrisHitchensExMo 7 points · 39 minutes ago
Yes everyone. Called BLE, said we will get full 60 minutes and everything will be adjusted accordingly. Whatever that means

What a load of shit

KindlyNefariousness8 3 points · 27 minutes ago
That is an *insane* response.

blaquelawyersmatter 6 points · 43 minutes ago
OMG SAME. I am on hold with exam soft now.

runfastkitty 5 points · 41 minutes ago
Same here. The line is now busy for exam soft

ChrisHitchensExMo 4 points · 36 minutes ago
Because why not add another stresser to the bar exam?

sjs80 4 points · 23 minutes ago
What a joke!

ComprehensivePilot83 3 points · 39 minutes ago
SAME! On hold... panicking. please someone give us the password if you have it

Posted by u/ChrisHitchensExMo 34 minutes ago

Michigan Examsoft Site Crashes for Part 2?

Can't get password. anyone else?

5 Comments Share Save Hide Report 100% Upvoted

Log in or sign up to leave a comment LOG IN SIGN UP

SORT BY BEST

packersfanjpdd7 5 points · 25 minutes ago

Same. You gotta love being the test group for online exams

kittenmitttonss 4 points · 32 minutes ago

Cant either

ChrisHitchensExMo 4 points · 31 minutes ago

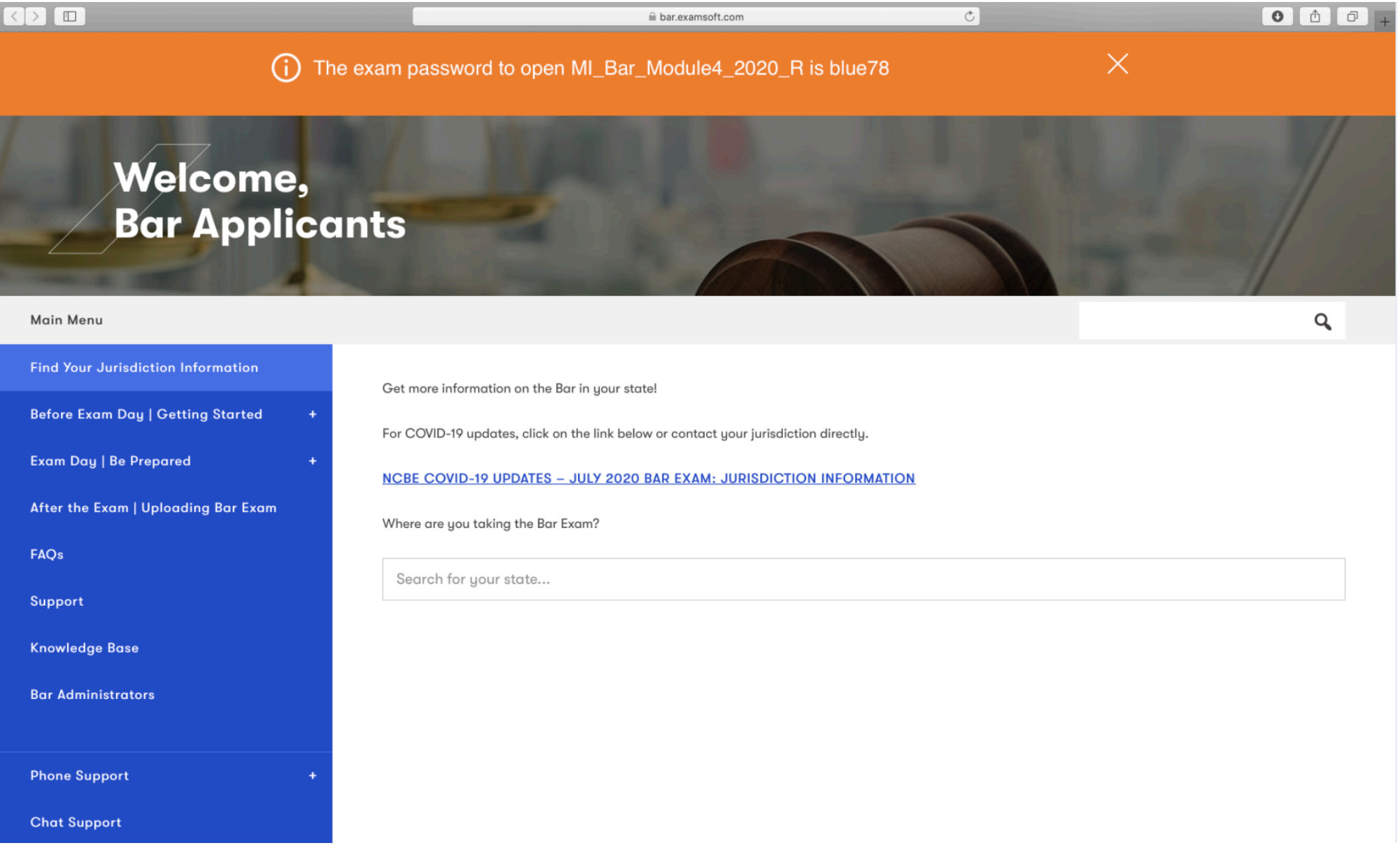
cant reach any support

ChrisHitchensExMo 3 points · 29 minutes ago

Just reached support. They are working on it. Said we will get full 60 minutes and things will be adjusted

FeeSimpleAbsolutely 3 points · 28 minutes ago

Same here. The CS center also crashed so can't call them either.


bar.examsoft.com
The exam password to open MI_Bar_Module4_2020_R is blue78
Welcome,
Bar Applicants
Main Menu
Find Your Jurisdiction Information
Before Exam Day | Getting Started +
Exam Day | Be Prepared +
After the Exam | Uploading Bar Exam
FAQs
Support
Knowledge Base
Bar Administrators
Phone Support +
Chat Support
Get more information on the Bar in your state!
For COVID-19 updates, click on the link below or contact your jurisdiction directly.
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Where are you taking the Bar Exam?
Search for your state...

bar.examsoft.com

The exam password to open MI_Bar_Module3_2020_R is green56

Phone Support FAQs Chat Support

ExamSoft

Welcome, Bar Applicants

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- Find Your Jurisdiction Information
- Before Exam Day | Getting Started +
- Exam Day | Be Prepared +
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- FAQs
- Support
- Knowledge Base
- Bar Administrators

Get more information on the Bar in your state!

For COVID-19 updates, click on the link below or contact your jurisdiction directly.

NCBE COVID-19 UPDATES – JULY 2020 BAR EXAM: JURISDICTION INFORMATION

Where are you taking the Bar Exam?

Search for your state...

bar.examsoft.com

The exam password to open MI_Bar_Module2_2020_R is purple34

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- Exam Day | Be Prepared +
- After the Exam | Uploading Bar Exam
- FAQs
- Support
- Knowledge Base
- Bar Administrators
- Phone Support +
- Chat Support

Get more information on the Bar in your state!

For COVID-19 updates, click on the link below or contact your jurisdiction directly.

NCBE COVID-19 UPDATES – JULY 2020 BAR EXAM: JURISDICTION INFORMATION

Where are you taking the Bar Exam?

mich

Michigan Bar Applicants

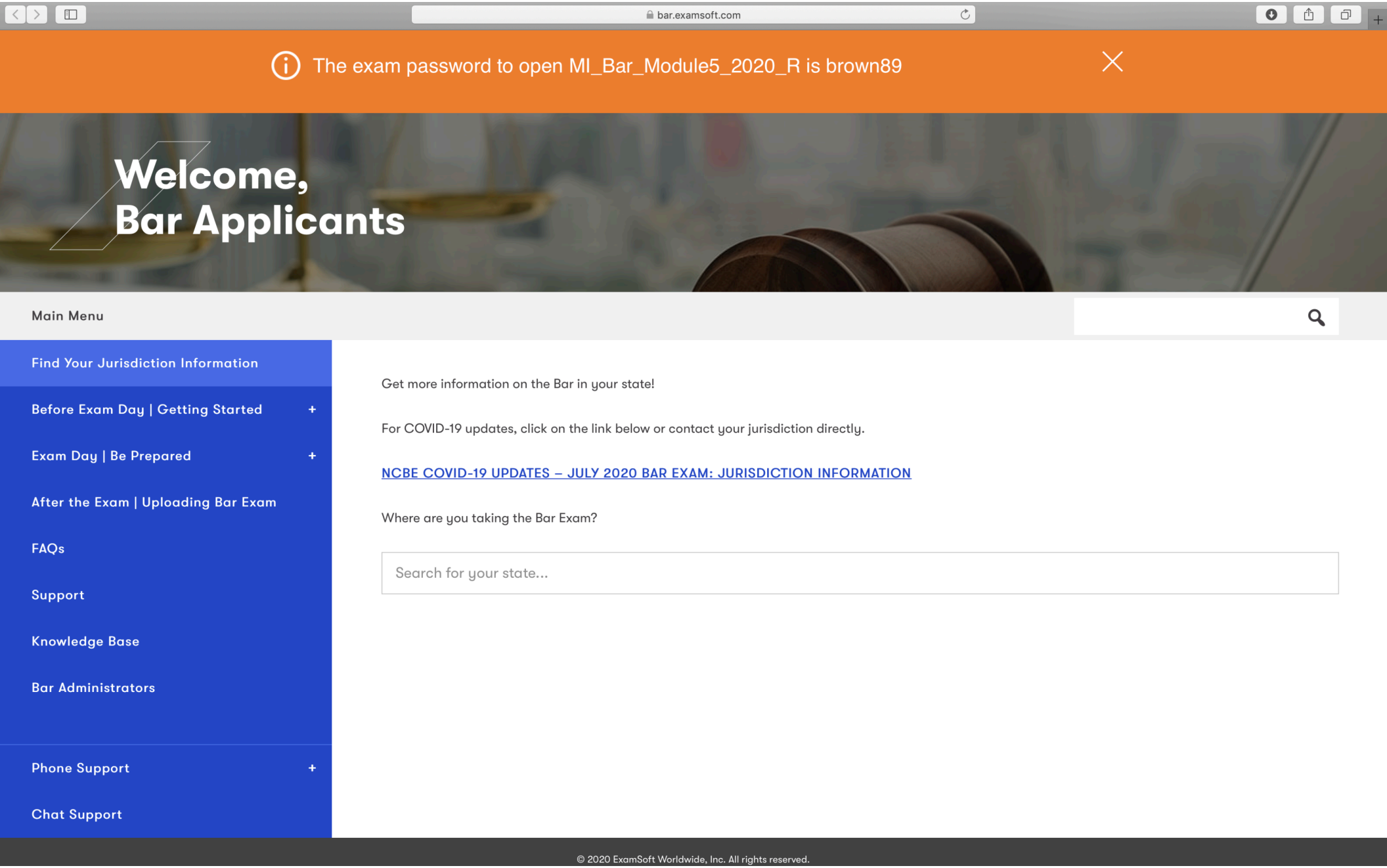
Visit www.examsoft.com/mibar to access your account and download and register Examplify.

Registration Information:

- **Registration Open Date:** 06/24/2020 12:00 PM (Eastern Time)
- **Registration Closing Date:** 07/15/2020 11:59 PM (Eastern Time)

Mock Exam:

- **Required:** YES



bar.examsoft.com

The exam password to open MI_Bar_Module5_2020_R is brown89

Welcome, Bar Applicants

Main Menu

- Find Your Jurisdiction Information
- Before Exam Day | Getting Started +
- Exam Day | Be Prepared +
- After the Exam | Uploading Bar Exam
- FAQs
- Support
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Appendix E: UMB Law Email Regarding Testing Protocols at School

The following reflects an email sent from UMB Dean Tobin to Class of 2020 graduates. The email explains exam day protocol for examinees requesting to take the exam at the law school.

Gmail Gia Grimm <gia.grimm@gmail.com>

Fwd: Summer Supplemental Bar Initiative - Yarbrough: Alumni Access to Law Library to begin September 8th!

Kaitlyn Holzer <kaitlyn.holzer@umaryland.edu> Sun, Aug 23, 2020 at 10:15 PM
To: Gia Grimm <gia.grimm@gmail.com>

Sent from my iPhone

Begin forwarded message:

From: "Micah Yarbrough - myarbrough@law.umaryland.edu" <myarbrough@law.umaryland.edu>
Date: August 19, 2020 at 11:35:01 PM EDT
To: "cont.law.summer_bar_studies":;
Subject: Summer Supplemental Bar Initiative - Yarbrough: Alumni Access to Law Library to begin September 8th!

Important message from Dean Donald Tobin:

To: Class of 2020
From: Donald Tobin, Dean & Professor of Law (via Blackboard)
CC: alumni@umaryland.edu; bgontrum@law.umaryland.edu; myarbrough @law.umaryland.edu; scanick@law.umaryland.edu; qdavis@law.umaryland.edu; mondra@ law.umaryland.edu; trider@law.umaryland.edu; tgeorge@law. umaryland.edu; ylim@law.umaryland.edu; aaltshuler@law. umaryland.edu; sboonshaft@law.umaryland.edu; hfoss@law.umaryland.edu
Date: ASAP
Subject Line: Bar Exam Study Resources

Dear Class of 2020:

I hope this finds you safe and well. I recognize that this is an incredibly stressful time and that the changes to the timing of the bar exam and the move to an online exam are causing disruptions for many of you. As you may know, the law school has moved to almost all online instruction for the fall and we have limited access to the building. We recognize, however, that many of you would like to study in the library, and we have been working to secure space in the library for recent graduates who are studying for the bar.

As long as we are allowed to do so, we are offering the opportunity for recent graduates to study for the bar in the library. We will assign you a specific carrel in

the library for study purposes between September 8th - October 6th, during library hours, Monday -Thursday 9:00am to 9:00pm and Friday 9:00am to 5:00pm. We are also working with the bar to receive approval for graduates to take the bar exam in the law library.

In order to grant you appropriate access to the building and to ensure safety for you and the community, graduates seeking access to the library, either for study purposes or to take the exam, will be required to follow the safety protocols set out by the University System of Maryland.

Regular Access to the Building to Study

Currently, there is no public access to the building. Alumni who plan to come regularly to the building to study will be required to have **a negative COVID test within 14 days prior** to the first day that they plan to come to the building. In addition, you will need to be registered in the UMB Symptom Assessment For Employees (and Students) on Campus (SAFE on Campus) system to fill out a daily symptom reporting form. You will be required to wear a mask indoors.

One-Time Access to the Building to Take the Bar Exam

Alumni who only wish to take the bar exam in the law school building will also be provided space to do so on the day of the exam. If you are coming only to take the bar exam in the building, **you will *not* need a COVID test** or daily symptom reporting but will be required to wear a mask.

For those of you who want a space in the law school for either studying, taking the exam, or both, please contact Quentin Davis, Associate Director of Development, at **alumni@law.umaryland.edu** or by phone at (443) 202-6468 to indicate your preference by **Noon, Friday, August 28th, 2020.** Upon your reply you will be placed on a priority list and a space will be designated to you within the law school building.

I know these are challenging times, and we want to be as helpful as we can under the circumstances. I wish you well in your studies and hope that these resources can provide you some support during this challenging time.

Warm regards,

Donald Tobin
Dean and Professor of Law

Appendix F: Online Bar Examination Hardship Survey Data Summation and Analysis

The following report reflects the data summation and analysis from DP4MD's Online Bar Examination Hardship Survey.[1]

[1] Accessible at https://0a3f1d66-a0d3-4adc-8bfd-f29f8a8a9bf7.filesusr.com/ugd/d63a6c_643b178003d24cbe8646a75fbc14ab88.pdf

Online Bar Examination Hardship Survey Data Summation and Analysis

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I. Introduction

This survey consisted of 177 unique responses, approximately 16.10% of the total number of registrants for Maryland's October bar examination (estimated to be 1,100 registrants). Survey results were collected between July 31, 2020, and August 22, 2020.

The overall survey margin of error was calculated to a 95% confidence interval. The margin of error for the survey is 7%.

This survey has found that the Maryland October 2020 Online Bar Examination poses myriad challenges and hardships to applicants. Some of those are:

- **44.70% of respondents anticipate spending additional money preparing for the remote bar exam.**
- **34.46% of respondents must obtain alternative insurance.**
- **Between 48.02% and 41.48% of respondents do not have a quiet space to take the bar examination in without interruption.**
- **37.29% of respondents are planning on paying for an alternative testing space.**
- **46.86% of respondents do not have a single room in their home that allows them to shut out all people, animals, and other things that could create noise and/or distraction.**
- **71.18% of respondents anticipate having at least one friend, spouse, family member, or other person in their home when they take the remote bar exam.**
- **Only 16.38% of respondents answered "yes" when asked if they have stable and reliable internet access to take the bar exam.**
- **94.85% of respondents answered "no," they did not believe they could take the bar exam without fidgeting or touching their hair of faces.**
- **92.09% of respondents reported their bar exam preparation course teaches skills such as highlighting, circling, diagraming, and drawing.**
- **85.3% of respondents said "no," they did not believe they would be able to get questions calling for diagramming reliably correct without access to physical scratch paper.**

The online bar exam also poses disproportionate challenges to applicants of color that have the potential to unfairly means test applicants of color or jeopardize their success:

- **Respondents of color make up disproportionate shares of the groups of applicants reporting spending more money preparing for the online bar exam (6.36% higher than expected) and spending money on quiet testing space (7.60% higher than expected).**
- **Respondents of color also make up a greater proportion of the population that reports not having a stable and reliable power (25.30% higher) than they should have, if problems with power sources were distributed proportionally to race/ethnicity.**

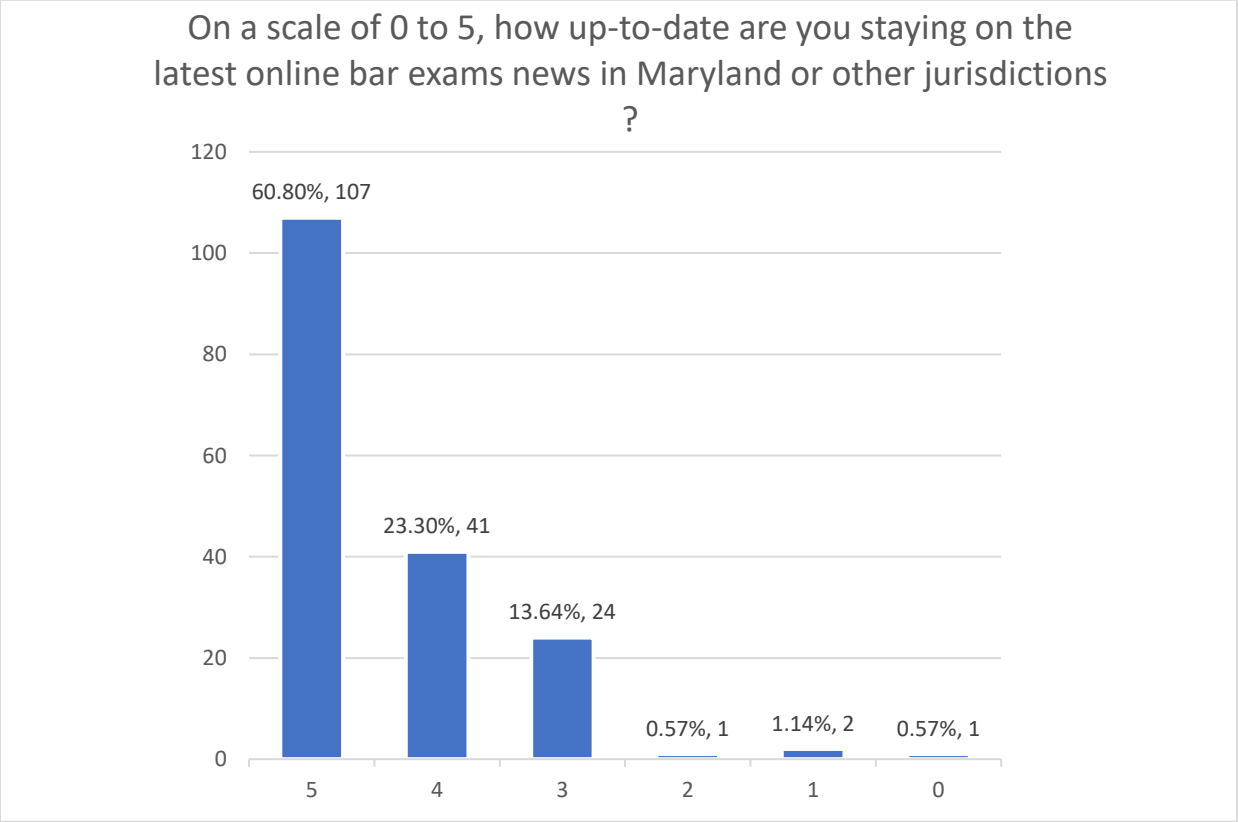
Those, and other hardships potentially imposed by the online bar exam, are discussed below.

II. Overview of Survey Respondents

There were 177 respondents to the survey. 94.92% of respondents remain registered for the October 2020 Online Bar Examination; the other respondents have withdrawn or plan to withdraw.[1] The demographics of the survey respondents are as follows:

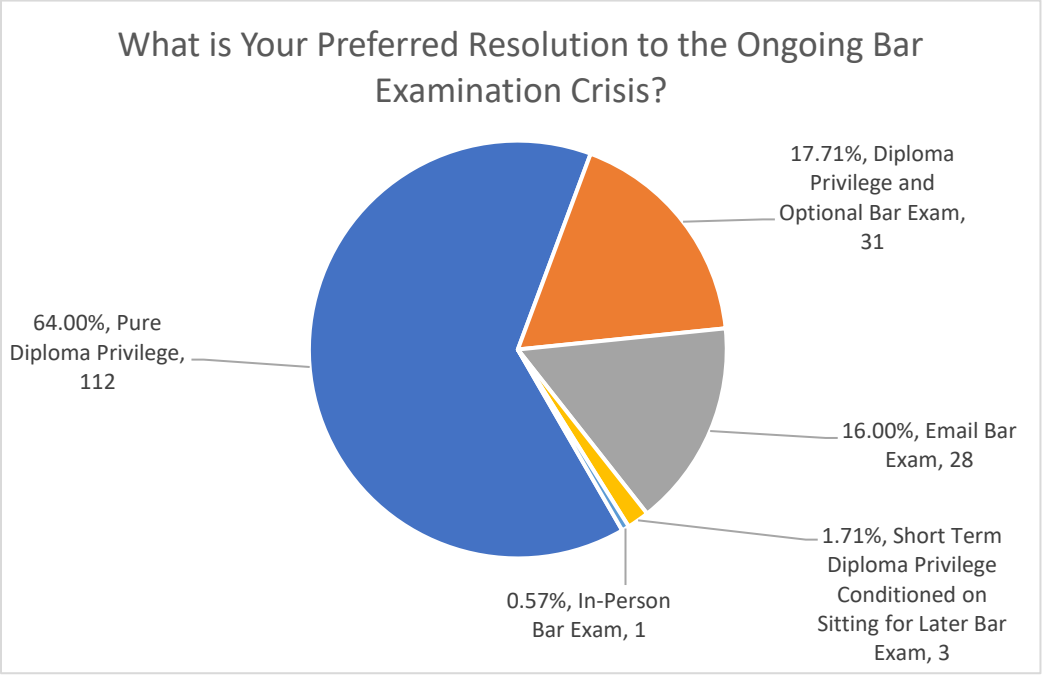
- **Age:** 93.22% are between 22 and 35 years old.
- **Gender Identity:** 67.80% identify as female, 32.20% identify as male.
- **LGBTQIA+ Membership:** 12.57% identify as a member of the LGBTQIA+ Community.
- **Race/Ethnicity:** 62.15% identify as white, 37.85% identify as respondents of color.[2]

Respondents have been staying up to date on developments regarding the bar examination, both in Maryland and across the country. When asked to rate how up to date they were staying on a scale of 0-5, 107 respondents (60.80%) rated themselves "5." 172 respondents (97.73%) rates themselves "3" or higher.



[1] 168 registered, 5 registered but planning to withdraw, 4 previously registered but subsequently withdrawn.
[2] Respondents were asked to submit the single race or ethnicity they most identify with. 6 respondents reported both a "non-white" race/ethnicity and a "white" race/ethnicity. Those six respondents have been classified as respondents of color for the purposes of statistical calculation. Respondents were asked to report as many races/ethnicities as fit their identity in a subsequent question. All race and ethnicity data for all respondents can be found in Section VII.B.

Most respondents selected Diploma Privilege as their preferred resolution to the bar examination crisis (112 respondents, 64.37% of those answering the question), but notable numbers preferred either Diploma Privilege and the option of an online bar exam (31 respondents, 17.71%), or an email bar exam, similar to Indiana and Louisiana (28 respondents, 16%). There was a margin of error of 1.13%, calculated from two nonresponses.[3]



III. Race/Ethnicity Analysis

Survey results indicate proceeding with an online bar exam in October 2020 potentially places applicants of color at a disadvantage when compared with white applicants. Applicants of color will be disproportionately harmed in several ways: disproportionately having to having to pay for test taking spaces and resources, disproportionately having to obtain insurance, and disproportionately facing anticipated electricity unreliability on test day. This section first explains how to "read" the below charts, which demonstrate and summarize the disproportionality analysis conducted on the substantive survey questions. Then, salient disproportionalities with the potential to harm test takers of color are discussed.

The furthest right column, disproportionality ("Disprop"), reflects whether there is a disproportionality by race for that answer. A positive disproportionality number means the race has a higher share of responses selecting that answer choice than would be expected when considering their overall share of the population for that question. A negative disproportionality

[3] Three respondents indicated multiple choices in answering this question. To simplify presentation of results those responses were only counted towards the first test format they indicated in their answer.

number means the race has a lower share of responses selecting that answer than expected. The closer the number is to zero the less there is a disproportionality.

For example, on the question of needing to obtain alternative health insurance every respondent answered the question, so the 67 respondents classified as "respondents of color" make up 37.85% of the population answering this question. A total of 61 respondents, irrespective of race, indicated they have to obtain alternative insurance. If the need to obtain alternative insurance was proportional by race, then 37.85% of respondents selecting they needed alternative insurance would be respondents of color (approximately 23 individuals of color). Instead, individuals of color are 40.98% of the respondents selecting yes (25 individuals). Thus, individuals of color disproportionally have to obtain alternative insurance. Disproportionally needing insurance is a disproportionately that harms respondents of color so it has been marked in red.

The disproportionality numbers for respondents of color have been color coded for quick reference. "Beneficial" disproportionalities—having a higher than expected access to a resource, for example—have been marked in green. Disproportionality numbers close to 0—answers which follow the expected distribution of races—have been marked in orange. "Harmful" disproportionalities are in red.

A. Disproportionate Costs to Applicants of Color

The online bar exam places a disproportionate financial burden on applicants of color. When applicants were asked "Do you anticipate needing to spend additional money preparing for the remote October 2020 bar exam (this is different from paying for a testing space, i.e. do you need to buy a new computer, pay for faster internet, are you paying for specialized online tutoring, etc.)? If yes, how much?" **respondents of color were disproportionately likely to anticipate paying some additional amount of money, having a population share 6.36% higher than expected** (37.06% population share for the entire question, 43.42% population share for responses anticipating paying some amount).

Do you anticipate needing to spend additional money preparing for the remote October 2020 bar exam (this is different from paying for a testing space, i.e. do you need to buy a new computer, pay for faster internet, are you paying for specialized online tutoring, etc.)? If yes, how much?						
ROC *4 nonresponses	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Disrprop.
No	5	7.94%	21	23.81%	37.06%	-13.25%
Maybe, but unsure right now	25	39.68%	73	34.25%	37.06%	-2.81%
Less than $250	6	9.52%	16	37.50%	37.06%	0.44%
$100-$250	0	0.00%	0	#DIV/0!	37.06%	Null Set

$250-$500	13	20.63%	32	40.63%	37.06%	3.57%
$500-$750	5	7.94%	8	62.50%	37.06%	25.44%
$750-$1000	3	4.76%	7	42.86%	37.06%	5.80%
$1,000-$2,000	3	4.76%	9	33.33%	37.06%	-3.73%
More than $2,000	3	4.76%	4	75.00%	37.06%	37.94%
Total	63					
Yes, some amount	33	52.38%	76	43.42%	37.06%	6.36%
White *3 nonresponses	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Disrprop.
No	16	14.95%	21	76.19%	62.94%	13.25%
Maybe, but unsure right now	48	44.86%	73	65.75%	62.94%	2.81%
Less than $250	10	9.35%	16	62.50%	62.94%	-0.44%
$100-$250	0	0.00%	0	#DIV/0!	62.94%	Null Set
$250-$500	19	17.76%	32	59.38%	62.94%	-3.57%
$500-$750	3	2.80%	8	37.50%	62.94%	-25.44%
$750-$1000	4	3.74%	7	57.14%	62.94%	-5.80%
$1,000-$2,000	6	5.61%	9	66.67%	62.94%	3.73%
More than $2,000	1	0.93%	4	25.00%	62.94%	-37.94%
Total	107					
Yes, some amount	43	40.19%	76	56.58%	62.94%	-6.36%

Applicants of color are also disproportionately contemplating needing to pay for a place to take the bar exam, now that applicants must furnish their own test taking environment. When asked "Do you anticipate that you will need to pay for a quiet space to take the remote October 2020 bar exam without interruption?" **applicants of color were disproportionately likely to answer "yes" to needing to pay for a place to take the bar exam, having a population share 7.60% higher than expected** (37.85% population share for the entire question, 45.45% population share for the responses answering "yes"). Furthermore, when asked "If you do anticipate needing to pay for a quiet space to take the remote October 2020 bar exam in how much do you anticipate paying?" **respondents of color were disproportionately likely to anticipate paying $100 or more, having a population share 7.44% higher than expected** (37.01% population share for the question, 44.44% population share for the responses answering $100 or more).

Do you anticipate that you will need to pay for a quiet space to take the remote October 2020 bar exam without interruption?						
ROC	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Disrprop.
Yes	30	44.78%	66	45.45%	37.85%	7.60%
Maybe	13	19.40%	52	25.00%	37.85%	-12.85%
No	24	35.82%	59	40.68%	37.85%	2.82%
Total	67					
White	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Disrprop.
Yes	36	32.73%	66	54.55%	62.15%	-7.60%
Maybe	39	35.45%	52	75.00%	62.15%	12.85%
No	35	31.82%	59	59.32%	62.15%	-2.82%
Total	110					

If you do anticipate needing to pay for a quiet space to take the remote October 2020 bar exam in how much do you anticipate paying?						
ROC *20 nonresponses	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Disrprop.
Unsure	15	31.91%	52	28.85%	37.01%	-8.16%
Less than $100	0	0.00%	3	0.00%	37.01%	-37.01%
$100-$250	12	25.53%	29	41.38%	37.01%	4.37%
$250-$500	15	31.91%	36	41.67%	37.01%	4.66%
$500-$750	3	6.38%	5	60.00%	37.01%	22.99%
$750-$1000	2	4.26%	2	100.00%	37.01%	62.99%
Total	47					
More than $100	32	68.09%	72	44.44%	37.01%	7.44%
White *30 nonresponses			# All Races	% All Races	% of Respondents by Race	Disrprop.
Unsure	37	46.25%	52	71.15%	62.99%	8.16%
Less than $100	3	3.75%	3	100.00%	62.99%	37.01%
$100-$250	17	21.25%	29	58.62%	62.99%	-4.37%

$250-$500	21	26.25%	36	58.33%	62.99%	-4.66%
$500-$750	2	2.50%	5	40.00%	62.99%	-22.99%
$750-$1000	0	0.00%	2	0.00%	62.99%	-62.99%
Total	80					
More than $100	40	50.00%	72	55.56%	62.99%	-7.44%

The disproportionate impact of paying for a suitable test taking space is more concerning when we consider the results of two questions asking respondents if they believed they have a quiet space to take the bar exam in without interruption. The first question, "Do you have a quiet place to TAKE the remote October 2020 bar exam without interruption?" was asked early in the survey, while a second question "Do you have a space in which you can take the bar examination uninterrupted for the entire duration of the exam?" was asked after respondents had been asked to review sample test taking rules from Tennessee and Maryland. From the first to second question respondents trended away from being certain (i.e., answering "yes" or "no") that they would have such a space to being uncertain (i.e., answering "maybe").[4] This was driven mostly by a decrease in the number of respondents answering "no."

These two questions reveal a disproportionality, however, when the answers of white and respondents of color are considered separately. The responses to the first question already indicate respondents of color disproportionately do not have a quiet space to take the bar exam without interruption, 1.47% higher than expected (37.36% population share for the question, 38.82% population share for respondents answering "no"). **This disproportionality *increases* when we move from the first to second question: respondents of color are now 5.77% more likely to not have a space to take the bar examination uninterrupted for the entire duration of the exam than expected based on their population share** (38.07% population share for question, 43.84% population share for respondents answering "no"). This is due to the number of white respondents answering "no" decreasing from 52 to 41, while the number of respondents of color answering "no" only decreased by 1, from 33 to 32. **While white respondent's confidence in having a suitable exam taking space increased respondent of color's concerns over not having access to a suitable test taking space remained static.**

Do you have a quiet place to TAKE the remote October 2020 bar exam without interruption?						
ROC	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Disrprop.
Yes	15	22.39%	32	46.88%	37.36%	9.52%
Maybe	19	28.36%	60	31.67%	37.36%	-5.69%
No	33	49.25%	85	38.82%	37.36%	1.47%
Total	67					

[4] *See infra*, Section IV.B.

White	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Disrprop.
Yes	17	15.45%	32	53.13%	62.64%	-9.52%
Maybe	41	37.27%	60	68.33%	62.64%	5.69%
No	52	47.27%	85	61.18%	62.64%	-1.47%
Total	110					

Do you have a space in which you can take the bar examination uninterrupted for the entire duration of the exam? (asked after reviewing sample test instructions)						
ROC	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Disrprop.
Yes	12	17.91%	27	44.44%	38.07%	6.38%
Maybe	23	34.33%	76	30.26%	38.07%	-7.81%
No	32	47.76%	73	43.84%	38.07%	5.77%
Total	67					
White	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Disrprop.
Yes	15	13.76%	27	55.56%	61.93%	-6.38%
Maybe	53	48.62%	76	69.74%	61.93%	7.81%
No	41	37.61%	73	56.16%	61.93%	-5.77%
Total	109					

A further economic burden that disproportionately impacts applicants of color is the need to obtain alternative insurance because of the pushback of the bar examination date. **Across the board applicants of color are disproportionately hurt by the need to obtain alternative insurance: they are 3.13% more likely than expected to need alternative insurance (37.85% of the population, 40.98% of "yes" answers), 3.53% more likely than expected to "maybe" need alternative insurance (37.85% of the population, 41.38% of "maybe" answers), and 3.37% less likely than expected to not need alternative health insurance (37.85% of the population, 34.48% of "no" answers).** Overall, 34.46% of the entire survey population, irrespective of race, reported needing to obtain alternative insurance and 16.38% reported "maybe" needing to obtain alternative insurance.[5]

[5] *See infra*, Section IV.A.

Do you have to obtain alternative insurance (health, dental, etc.) because of the pushback of the bar examination date?						
ROC	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Disrprop.
Yes	25	37.31%	61	40.98%	37.85%	3.13%
Maybe	12	17.91%	29	41.38%	37.85%	3.53%
No	30	44.78%	87	34.48%	37.85%	-3.37%
Total	67					
White	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Disrprop.
Yes	36	32.73%	61	59.02%	62.15%	-3.13%
Maybe	17	15.45%	29	58.62%	62.15%	-3.53%
No	57	51.82%	87	65.52%	62.15%	3.37%
Total	110					

Data indicating applicants of color face disproportionately costs is highly concerning, especially when contextualized against the fact that applicants of color have a disproportionate amount of debt. Answers to a question on law school debt asked in Diploma Privilege for Maryland's first hardship survey in July 2020 indicated that respondents of color made up 30% of the respondents answering the question, but were 32.80% of the respondents reporting law school debt of $50,000 or higher (a disproportionality of 2.80%).

Do you have any debt from law school? (data from Compilation of Statistics from July Survey Conducted by Maryland for Diploma Privilege Version 1.5)						
ROC	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Disprop.
No	5	9.80%	24	20.83%	30.00%	-9.17%
<20k	2	3.92%	11	18.18%	30.00%	-11.82%
20-50	3	5.88%	10	30.00%	30.00%	0.00%
50-100	11	21.57%	24	45.83%	30.00%	15.83%
100-150	10	19.61%	32	31.25%	30.00%	1.25%
150-200	10	19.61%	39	25.64%	30.00%	-4.36%
>200	10	19.61%	30	33.33%	30.00%	3.33%
Total	51					
>50	41	80.39%	125	32.80%	30.00%	2.80%

White *1 nonresponse	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Disprop.
No	19	15.97%	24	79.17%	70.00%	9.17%
<20k	9	7.56%	11	81.82%	70.00%	11.82%
20-50	7	5.88%	10	70.00%	70.00%	0.00%
50-100	13	10.92%	24	54.17%	70.00%	-15.83%
100-150	22	18.49%	32	68.75%	70.00%	-1.25%
150-200	29	24.37%	39	74.36%	70.00%	4.36%
>200	20	16.81%	30	66.67%	70.00%	-3.33%
Total	119					
>50	84	70.59%	125	67.20%	70.00%	-2.80%

B. Disproportionate Challenges at Home for Applicants of Color

An online exam disproportionately harms applicants of color because of the exam's interaction with homelife in four ways: presence of children, use of earplugs, access to a power supply, and access to reliable internet.

Respondents of color are disproportionately likely to have children at home with them while taking the test, unless they are able to work out an alternative childcare plan. The population share of respondents of color answering "yes" to "Do you have children that will be home during the Bar Exam unless you are able to make provision for them to be somewhere else?" was 4.14% higher than expected (37.79% population share for the question, 41.94% population share for "yes" answer).

Whether that disproportionality translates into a disproportionate need for childcare remains to be seen. While white respondents who answered yes to whether they would have children home during the exam almost universally said they would need to arrange childcare for the exam, roughly half of respondents of color answering that question answered "maybe."

Do you have children that will be home during the Bar Exam unless you are able to make provision for them to be somewhere else?						
ROC *2 nonresponses	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Disrprop.
Yes	13	20.00%	31	41.94%	37.79%	4.14%
No	52	80.00%	141	36.88%	37.79%	-0.91%
Total:	65					
White *3 nonresponses	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Disrprop.

Yes	18	16.82%	31	58.06%	62.21%	-4.14%
No	89	83.18%	141	63.12%	62.21%	0.91%
Total	107					

Will you need to arrange childcare or care services for the days of the remote exam?						
ROC	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Disprop.
Yes	3	5.88%	17	17.65%	41.94%	-24.29%
Maybe	6	11.76%	7	85.71%	41.94%	43.78%
No	4	7.84%	7	57.14%	41.94%	15.21%
Total	13					
White	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Disprop.
Yes	14	17.72%	17	82.35%	58.06%	24.29%
Maybe	1	1.27%	7	14.29%	58.06%	-43.78%
No	3	3.80%	7	42.86%	58.06%	-15.21%
Total	18					

Rules restricting the use of earplugs will disproportionately impact applicants of color, 74.63% of whom indicated their interest in wearing earplugs while taking the exam. Their share of the population answering "yes" to "Do you anticipate wishing to wear earplugs while taking the bar examination?" is 4.52% higher than expected (37.85% overall population, 42.37% share of question population).

Do you anticipate wishing to wear earplugs while taking the bar examination?						
ROC	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Disprop.
Yes	50	74.63%	118	42.37%	37.85%	4.52%
Maybe	5	7.46%	20	25.00%	37.85%	-12.85%
No	12	17.91%	39	30.77%	37.85%	-7.08%
Total	67					
White			# All Races	% All Races	% of Respondents by Race	Disprop.
Yes	68	61.82%	118	57.63%	62.15%	-4.52%
Maybe	15	13.64%	20	75.00%	62.15%	12.85%
No	27	24.55%	39	69.23%	62.15%	7.08%
Total	110					

Technology also presents disproportionate challenges to applicants of color. While access to stable and reliable power affects only a minority of applicants (10.73% of respondents), the applicants harmed by an inadequate power supply will disproportionately be of color. **Respondents of color answering "yes" to "Do you have a stable and reliable power supply for your space when taking the remote bar exam?" have a population share 3.94% lower than expected** (37.85% question population share, 33.91% answer population share). A**pplicants of color answering "no" have a population share 25.30% higher than expected** (37.85% question population share, 63.16% answer population share). This is driven by the fact that "no" answers comprise a noticeably higher proportion of the respondents of color population (12 respondents of color, 17.91% of the respondents of color population) than the white respondent population (7 white respondents, 6.36% of the white respondent population).

Do you have a stable and reliable power supply for your space when taking the remote bar exam?						
ROC	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Disrprop.
Yes	39	58.21%	115	33.91%	37.85%	-3.94%
Maybe/Unsure	16	23.88%	43	37.21%	37.85%	-0.64%
No	12	17.91%	19	63.16%	37.85%	25.30%
Total	67					
White	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Disrprop.
Yes	76	69.09%	115	66.09%	62.15%	3.94%
Maybe	27	24.55%	43	62.79%	62.15%	0.64%
No	7	6.36%	19	36.84%	62.15%	-25.30%
Total	110					

Access to stable and reliable internet also presents a disproportionate challenge to applicants of color. While the population share of respondents of color answering "yes" to "Do you have stable and reliable internet access for taking the remote bar exam" is 4.08% higher than expected, the population share of respondents of color answering "no" is 4.45% lower than expected. The disproportionate number of "no" responses is concerning, given it is the more frequent answer choice between "yes" and "no."

Do you have stable and reliable internet access for taking the remote bar exam?						
ROC *1 nonresponse	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Disrprop.
Yes	13	19.40%	31	41.94%	37.85%	4.08%

Maybe/Unsure	32	47.76%	94	34.04%	37.85%	-3.81%
No	22	32.84%	52	42.31%	37.85%	4.45%
Total	67					
White *5 nonresponse	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Disrprop.
Yes	18	16.36%	31	58.06%	62.15%	-4.08%
Maybe	62	56.36%	94	65.96%	62.15%	3.81%
No	30	27.27%	52	57.69%	62.15%	-4.45%
Total	110					

Respondents of color face disproportionately increased costs because of an online bar exam, disproportionately lower access to adequate test taking spaces, and will disproportionately face challenges at home in the form of children being present, inability to use earplugs, unstable power supply, and unreliable internet.

C. Disproportionality Analysis of Other Questions

Below are the remaining results of analyzing answer selection by race/ethnicity from other survey questions. Some of these questions do not reflect a disproportionality with a negative impact or have sample sizes so small that do make a compelling case for the presence or absence of disproportionate impacts.

What is your preferred resolution to the ongoing bar examination crisis?						
ROC *1 nonresponse	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Disrprop.
Diploma Privilege	41	62.12%	112	36.61%	37.71%	-1.11%
DP + Opt. Online Exam	16	24.24%	31	51.61%	37.71%	13.90%
Email Exam	6	9.09%	28	21.43%	37.71%	-16.29%
In-Person Exam	1	1.52%	1	100.00%	37.71%	62.29%
Temporary Licensure	2	3.03%	3	66.67%	37.71%	28.95%
Total	66					
White *1 nonresponse	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Disrprop.
Diploma Privilege	71	65.14%	112	63.39%	62.29%	1.11%

DP + Opt. Online Exam	15	13.76%	31	48.39%	62.29%	-13.90%
Email Exam	22	20.18%	28	78.57%	62.29%	16.29%
In-Person Exam	0	0.00%	1	0.00%	62.29%	-62.29%
Temporary Licensure	1	0.92%	2	50.00%	62.29%	-12.29%
Total	109					

On a scale of 0 to 5, how up-to-date are you staying on the latest online bar exams news in Maryland or other jurisdictions (such as the rules test takers will have to follow, or difficulties test takers are experiencing preparing for or taking the test)? A 5 is staying highly up to date while a 0 is this being the first time you've heard about an online bar exam.						
ROC	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Disprop.
0	0	0.00%	1	0.00%	38.07%	-38.07%
1	1	1.52%	2	50.00%	38.07%	11.93%
2	0	0.00%	1	0.00%	38.07%	-38.07%
3	12	18.18%	24	50.00%	38.07%	11.93%
4	12	18.18%	41	29.27%	38.07%	-8.80%
5 or more	42	63.64%	107	39.25%	38.07%	1.18%
Total	67					
White *1 nonresponse	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Disprop.
0	1	0.92%	1	100.00%	61.93%	38.07%
1	1	0.92%	2	50.00%	61.93%	-11.93%
2	1	0.92%	1	100.00%	61.93%	38.07%
3	12	11.01%	24	50.00%	61.93%	-11.93%
4	29	26.61%	41	70.73%	61.93%	8.80%
5 or more	65	59.63%	107	60.75%	61.93%	-1.18%
Total	109					

Do you have Quiet Place to Study for the Bar Exam?						
ROC	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Disrprop.
Yes	20	29.85%	42	47.62%	37.85%	9.77%

Maybe	6	8.96%	21	28.57%	37.85%	-9.28%
No	41	61.19%	114	35.96%	37.85%	-1.89%
Total	67					
White	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Disrprop.
Yes	22	20.00%	42	52.38%	62.15%	-9.77%
Maybe	15	13.64%	21	71.43%	62.15%	9.28%
No	73	66.36%	114	64.04%	62.15%	1.89%
Total	110					

How many rooms in your residence allow you to shut out all humans/animals/other things that could create a distraction or noise?						
ROC *1 nonresponse	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Disrprop.
0	31	46.97%	82	37.80%	37.71%	0.09%
1	22	33.33%	67	32.84%	37.71%	-4.88%
2	7	10.61%	18	38.89%	37.71%	1.17%
3	3	4.55%	5	60.00%	37.71%	22.29%
4	0	0.00%	0	#DIV/0!	37.71%	Null Set
5 or more	3	4.55%	3	100.00%	37.71%	62.29%
Total	66					
1 or more	35	53.03%	93	37.63%	37.71%	-0.08%
White *1 nonresponse	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Disrprop.
0	51	46.79%	82	62.20%	62.29%	-0.09%
1	45	41.28%	67	67.16%	62.29%	4.88%
2	11	10.09%	18	61.11%	62.29%	-1.17%
3	2	1.83%	5	40.00%	62.29%	-22.29%
4	0	0.00%	0	#DIV/0!	62.29%	Null Set
5 or more	0	0.00%	3	0.00%	62.29%	-62.29%
Total	109					
1 or more	58	53.21%	93	62.37%	62.29%	0.08%

Do you have roommate(s) that will be home during the bar exam unless you are able to make provisions for them to be somewhere else?						
ROC *1 nonresponse	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Disrprop.
Yes	37	56.06%	110	33.64%	38.15%	-4.51%
No	29	43.94%	63	46.03%	38.15%	7.88%
Total	66					
White *3 nonresponses	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Disrprop.
Yes	73	68.22%	110	66.36%	61.85%	4.51%
No	34	31.78%	63	53.97%	61.85%	-7.88%
Total	107					

If you answered yes to the above question: how many?						
ROC	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Disrprop.
1	20	55.56%	62	32.26%	32.73%	-0.47%
2	4	11.11%	24	16.67%	32.73%	-16.06%
3	7	19.44%	17	41.18%	32.73%	8.45%
4	3	8.33%	5	60.00%	32.73%	27.27%
5 or more	2	5.56%	2	100.00%	32.73%	67.27%
Total	36					
White	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Disrprop.
1	42	56.76%	62	67.74%	67.27%	0.47%
2	20	27.03%	24	83.33%	67.27%	16.06%
3	10	13.51%	17	58.82%	67.27%	-8.45%
4	2	2.70%	5	40.00%	67.27%	-27.27%
5 or more	0	0.00%	2	0.00%	67.27%	-67.27%
Total:	74					

Do you have pets that will be home during the bar exam unless you are able to make provision for them to be somewhere else?						
ROC *1 nonresponse	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Disrprop.
Yes	32	48.48%	111	28.83%	38.15%	-9.32%
No	34	51.52%	62	54.84%	38.15%	16.69%
Total:	66					
White *3 nonresponse	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Disrprop.
Yes	79	73.83%	111	71.17%	61.85%	9.32%
No	28	26.17%	62	45.16%	61.85%	-16.69%
Total	107					

If you answered yes to the above question: how many?						
ROC	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Prop. Diff.
1	14	43.75%	49	28.57%	28.57%	0.00%
2	12	37.50%	48	25.00%	28.57%	-3.57%
3	4	12.50%	9	44.44%	28.57%	15.87%
4	2	6.25%	5	40.00%	28.57%	11.43%
5 or more	0	0.00%	1	0.00%	28.57%	-28.57%
Total	32					
White	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Prop. Diff.
1	35	43.75%	49	71.43%	71.43%	0.00%
2	36	45.00%	48	75.00%	71.43%	3.57%
3	5	6.25%	9	55.56%	71.43%	-15.87%
4	3	3.75%	5	60.00%	71.43%	-11.43%
5 or more	1	1.25%	1	100.00%	71.43%	28.57%
Total	80					

Do you have a space to take the bar examination that is free of mirrors that could reflect the laptop screen?						
ROC	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Prop. Diff.
Yes	46	68.66%	115	40.00%	38.07%	1.93%
Maybe	8	11.94%	29	27.59%	38.07%	-10.48%
No	13	19.40%	32	40.63%	38.07%	2.56%
Total	67					
White*1 nonresponse	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Prop. Diff.
Yes	69	63.30%	115	60.00%	61.93%	-1.93%
Maybe	21	19.27%	29	72.41%	61.93%	10.48%
No	19	17.43%	32	59.38%	61.93%	-2.56%
Total	109					

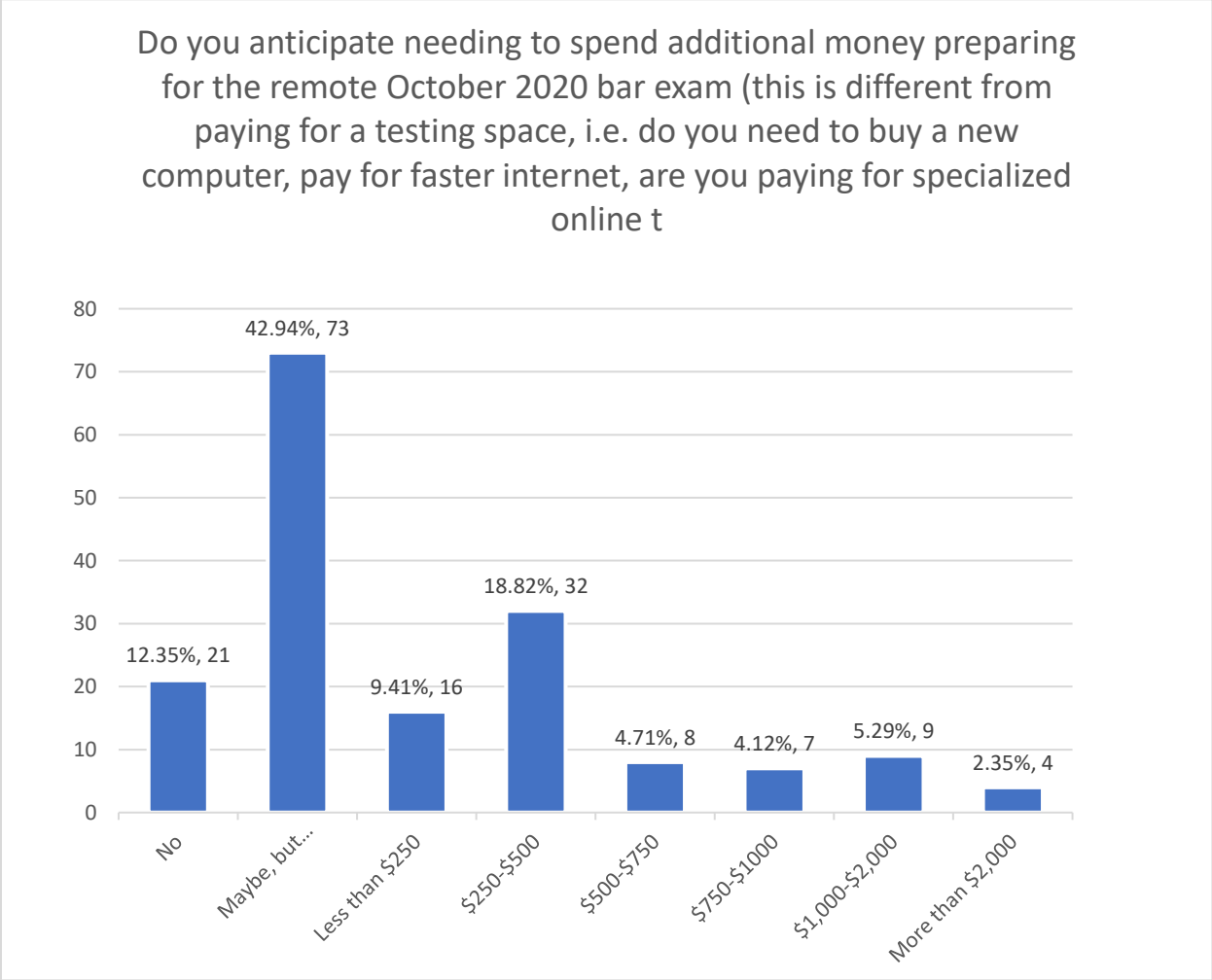
Do you believe you can take the examination without fidgeting or touching your face or hair?						
ROC	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Prop. Diff.
Yes	0	0.00%	4	0.00%	37.85%	-37.85%
Maybe	3	4.48%	6	50.00%	37.85%	12.15%
No	64	95.52%	167	38.32%	37.85%	0.47%
Total	67					
White*1 nonresponse	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Prop. Diff.
Yes	4	3.64%	4	100.00%	62.15%	37.85%
Maybe	3	2.73%	6	50.00%	62.15%	-12.15%
No	103	93.64%	167	61.68%	62.15%	-0.47%
Total	110					

Does your bar preparation course teach exam taking skills such as hi-lighting, underlining, circling, diagraming, etc.?						
ROC	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Prop. Diff.
Yes	58	86.57%	163	35.58%	37.85%	-2.27%
Maybe	3	4.48%	3	100.00%	37.85%	62.15%
No	6	8.96%	11	54.55%	37.85%	16.69%
Total	67					
White	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Prop. Diff.
Yes	105	95.45%	163	64.42%	62.15%	2.27%
Maybe	0	0.00%	3	0.00%	62.15%	-62.15%
No	5	4.55%	11	45.45%	62.15%	-16.69%
Total	110					
Do you think you will reliably be able to get the right answers on questions requiring drawing/diagraming if you are not allowed to use scratch paper?						
ROC	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Prop. Diff.
Yes	1	1.49%	2	50.00%	37.85%	12.15%
Maybe	13	19.40%	24	54.17%	37.85%	16.31%
No	53	79.10%	151	35.10%	37.85%	-2.75%
Total	67					
White	# Per Race	% of Race	# All Races	% All Races	% of Respondents by Race	Prop. Diff.
Yes	1	0.91%	2	50.00%	62.15%	-12.15%
Maybe	11	10.00%	24	45.83%	62.15%	-16.31%
No	98	89.09%	151	64.90%	62.15%	2.75%
Total	110					

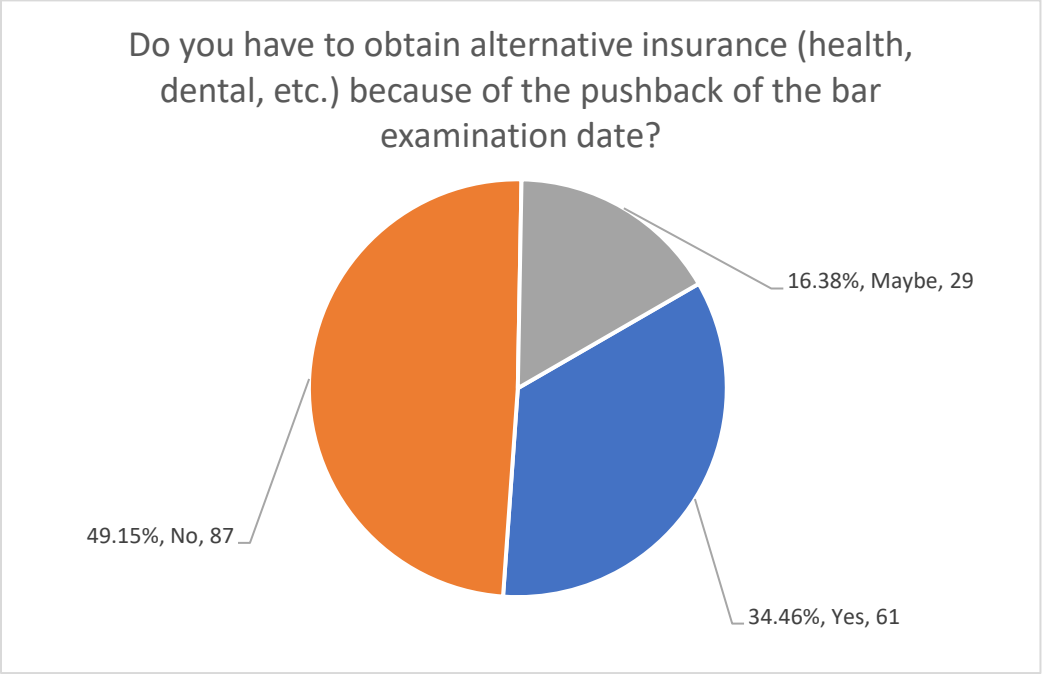
IV. Access to Resources

A. Unanticipated Financial Hardships Imposed by the Extension of the Bar Examination Date to Accommodate an Online Exam

Respondents anticipated needing to spend more money to specifically prepare for the remote October 2020 bar examination. 32 respondents (18.82%) anticipated spending an additional $250-$500. 73 respondents (42.94%) believed they may need to spend additional money preparing for the online bar exam but were unsure at the time of submitting their answer. 60 respondents (35.29%) anticipated spending over $250. 7 respondents did not answer this question, producing a margin of error of 3.95%.



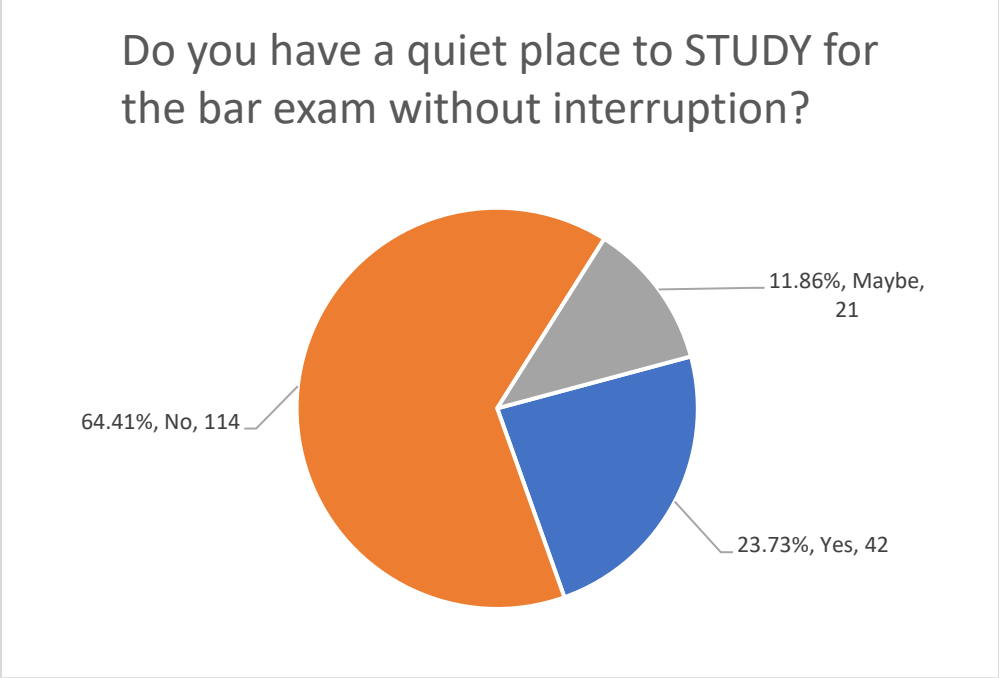
Many respondents have been forced to obtain alternative health insurance because of the bar examination's date pushback.



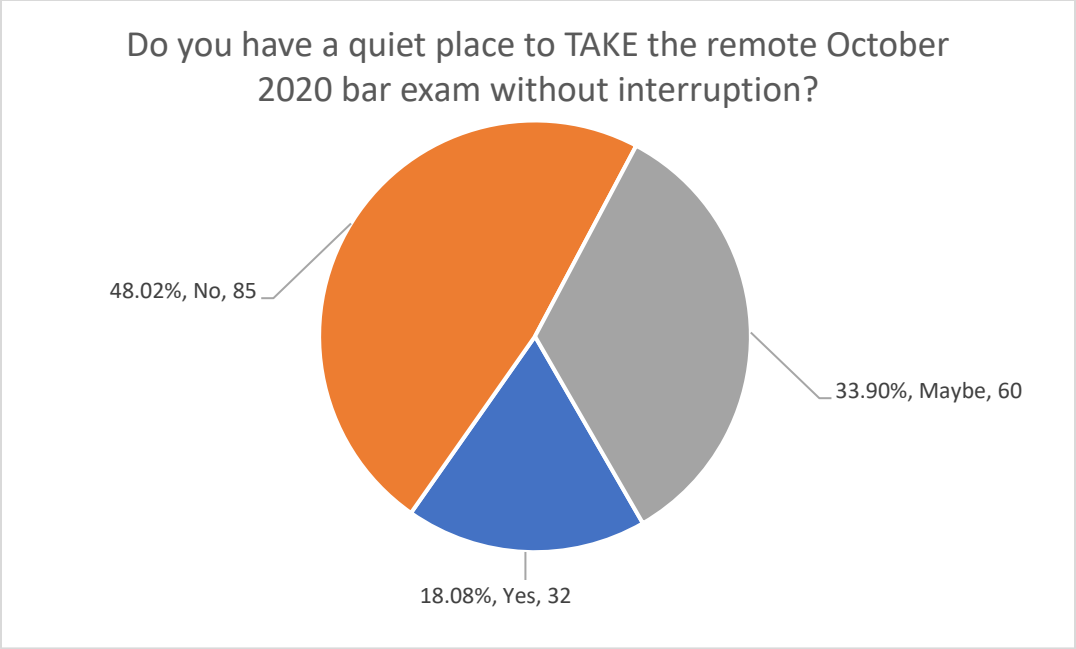
90 respondents (50.84%) have, or may have to, obtain alternative health insurance.

B. Access to Quiet Space(s)

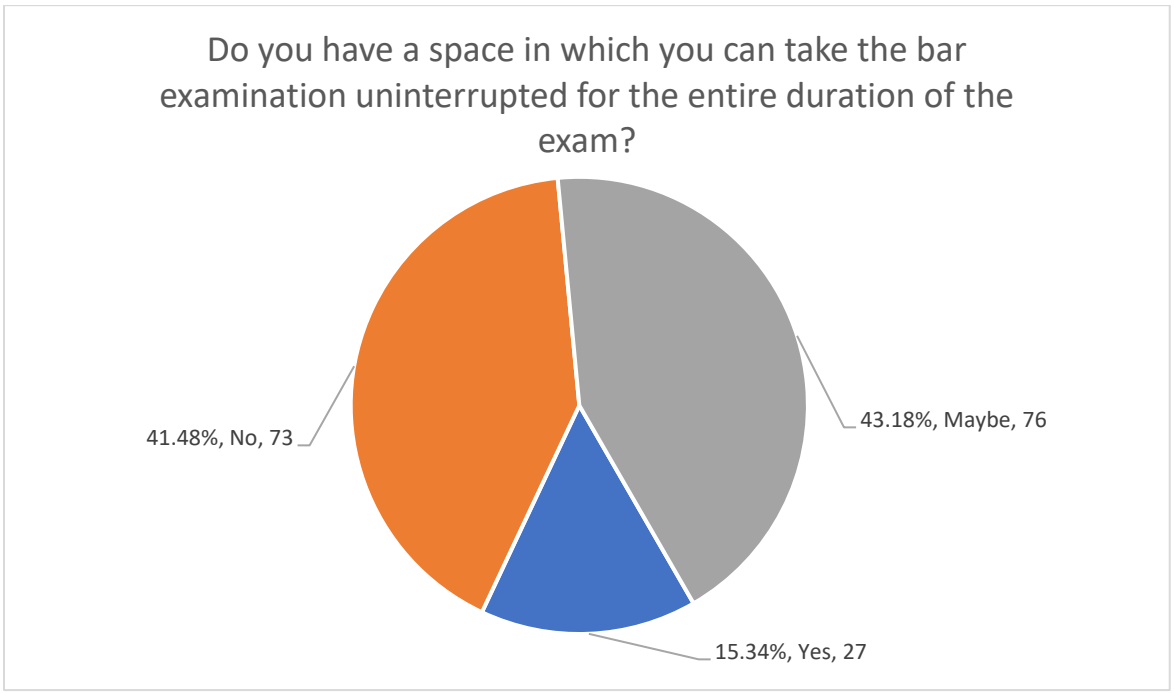
114 respondents (64.41%) do not have access to a quiet space to study for the bar examination and only 42 respondents (23.73%) said they had such space.



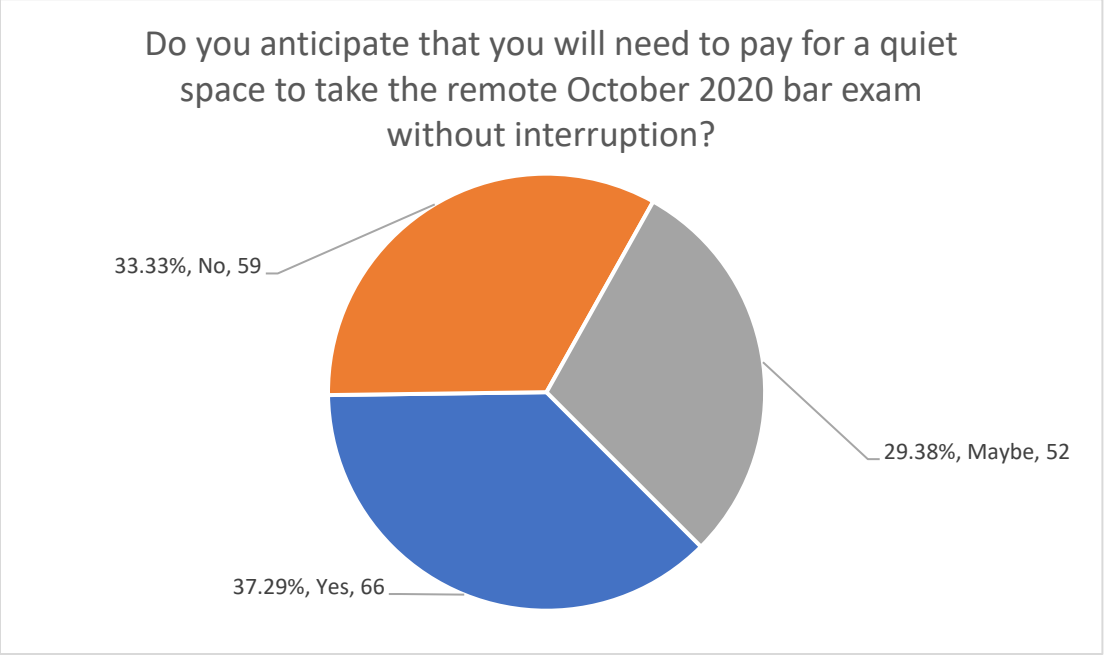
Of course, the need for a quiet space is not something new to bar examination studying. What is new is the need to furnish one's own test taking space. Only 32 respondents (18.08%) reported that they have a quiet place to take the remote October 2020 bar examination in without interruption. Roughly half of respondents (85, 48.02%) report they do not have such a space.



After reviewing example exam rules from Tennessee and Maryland, respondents became less certain of their access to a space in which they could take the online bar exam uninterrupted for the entire duration of the exam. The number of respondents answering "yes" and "no" decreased to 27 (15.34%, a decrease of 2.74%) and 73 (41.48%, a decrease of 6.54%), respectively. The number of respondents answering "maybe" increased to 76 (43.18%, an increase of 9.28%). 1 respondent did not answer this question, producing a margin of error of 0.56%.

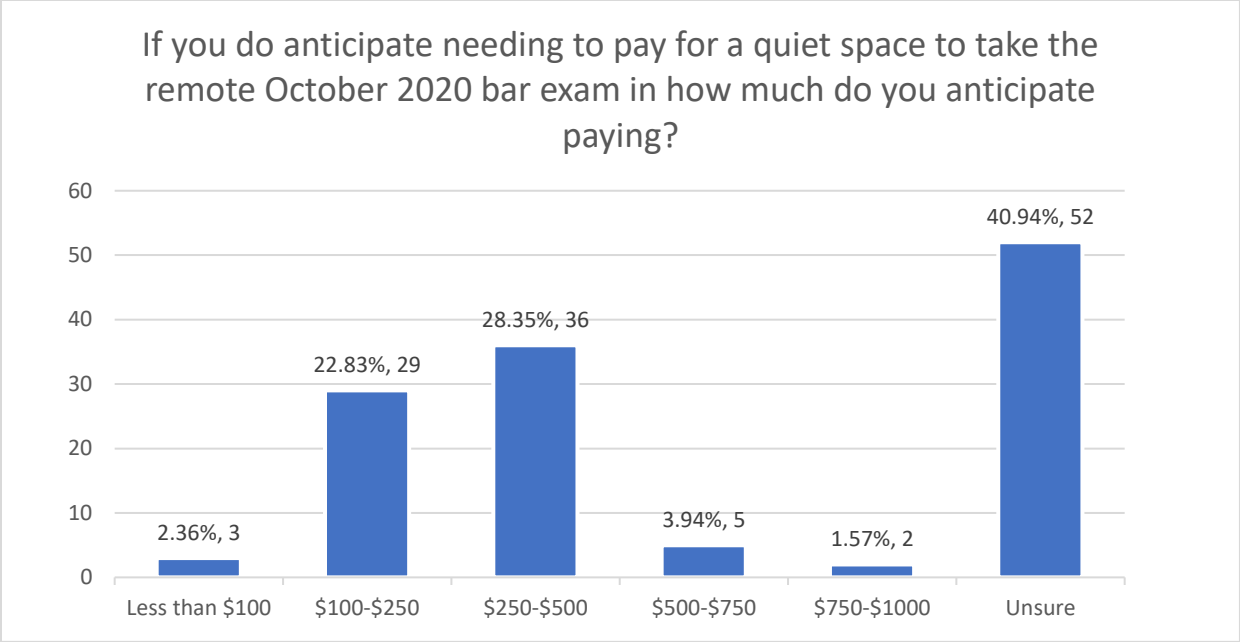


As a result, respondents are considering paying to obtain such a quiet test taking site. 66 respondents (37.29%) reported they anticipate needing to pay for such a space and another 52 (29.38%) reported they may need to do so.



This presents an unexpected cost for respondents. 127[6] respondents answered a follow up question asking, "If you do anticipate needing to pay for a quiet space to take the remote October 2020 bar exam in how much do you anticipate paying?". Of those 127, 65 (51.18%) reported they anticipated paying between $100 and $500. An additional 52 respondents (40.94%) anticipated having to pay for a test taking space but were unsure how much they would need to pay.

[6] 50 respondents opted not to answer this question.

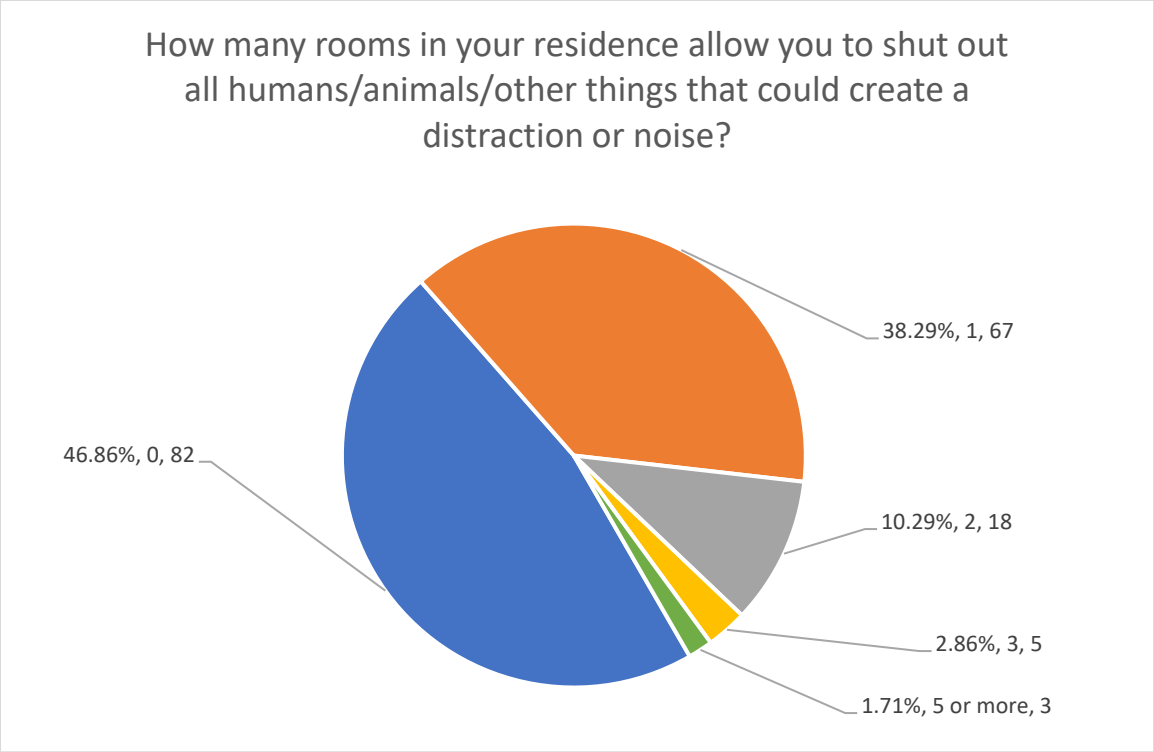


V. Access to Studying and Test Tasking Facilities

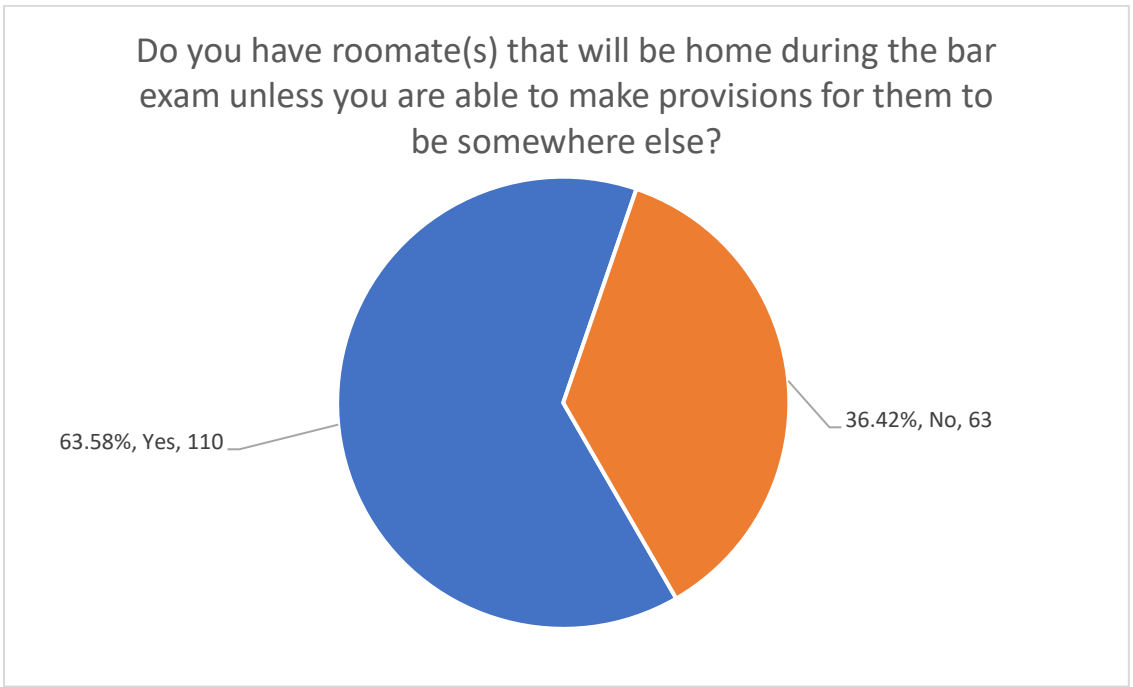
A. The Unsuitability of Respondent's Homes for an Online Bar Exam

Respondents reported myriad problems with using their homes for online bar exam test taking, ranging from the number of rooms appropriate for examination to the presence of spouses, partners, children, and pets.

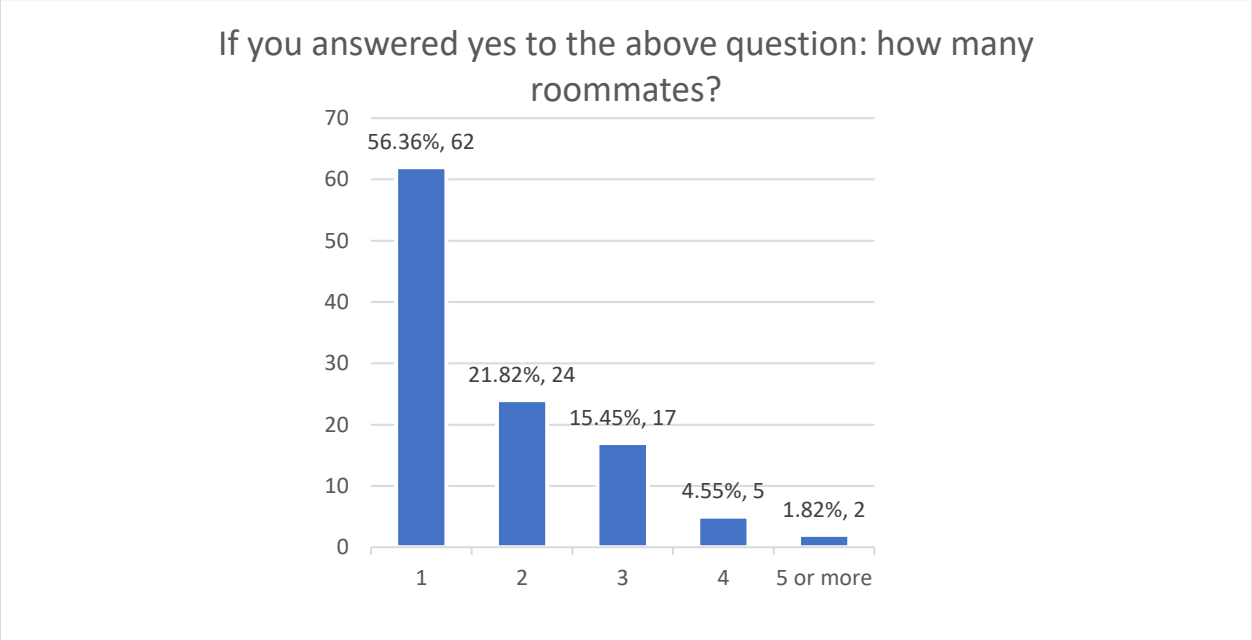
Nearly half of respondents (82, 46.86%) reported they **do not have any** room in their residence permitting them to shut out humans, animals, or any other thing that could create a disturbance during the examination. 2 respondents did not answer this question, producing a margin of error of 1.13%



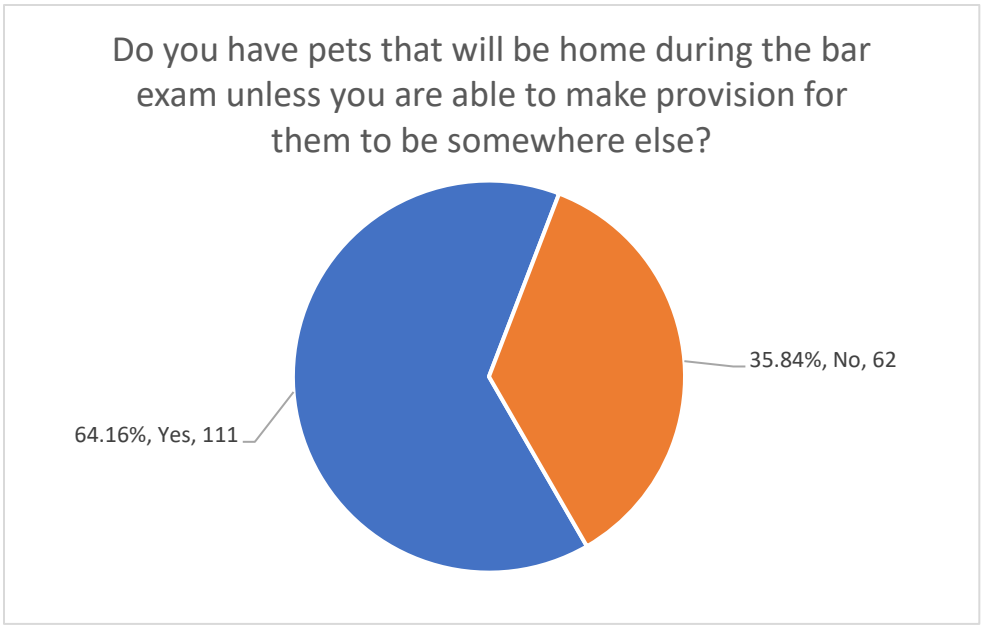
The majority of respondents (110, 63.58%) have a roommate who will be home during the bar examination, unless they are able to make provision for the roommate to vacate the residence during the ongoing pandemic. 4 respondents did not answer this question, producing a margin of error of 2.27%



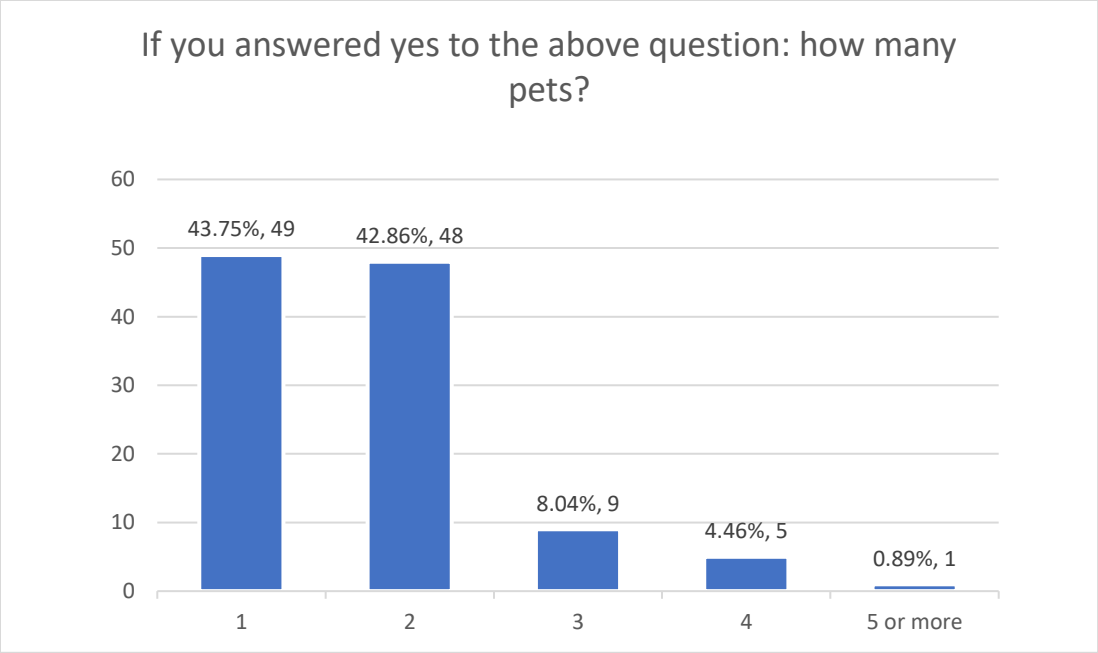
110[7] respondents answered a follow up question asking how many roommates they had, if any. The majority of answering respondents indicated they had a single roommate (62, 56.36%), with another 24 answering respondents (21.82%) reporting two roommates.



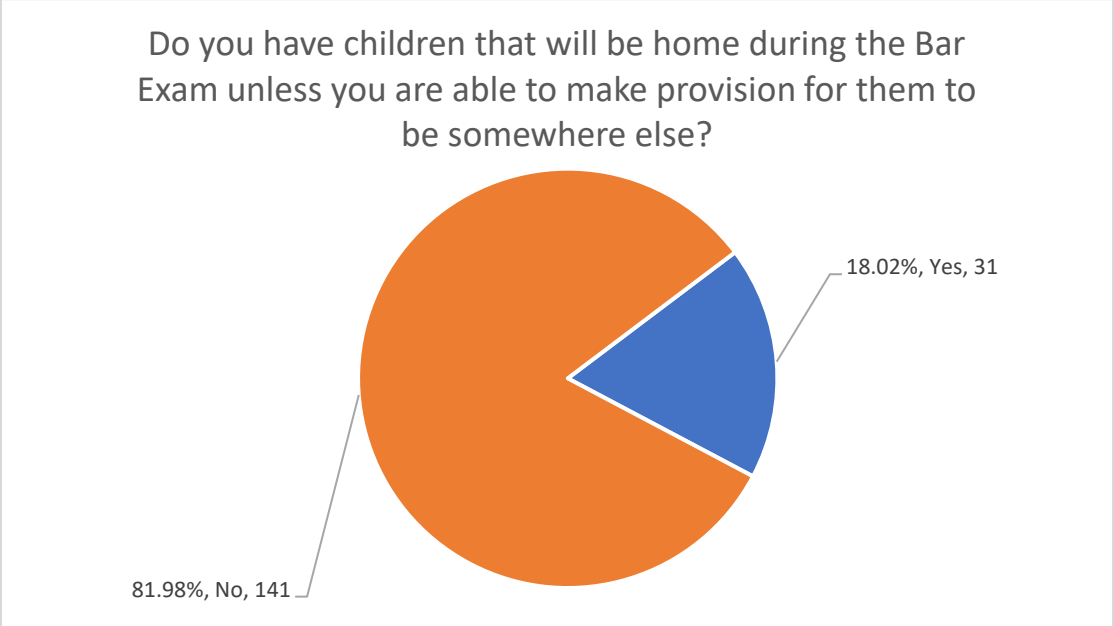
111 respondents (64.16%) will have pets home during the bar exam unless they can make provision for them to be somewhere else during the ongoing pandemic. 112 respondents answered a follow question asking how many pets they have. 63 of those respondents (56.25%) have 2 or more pets.

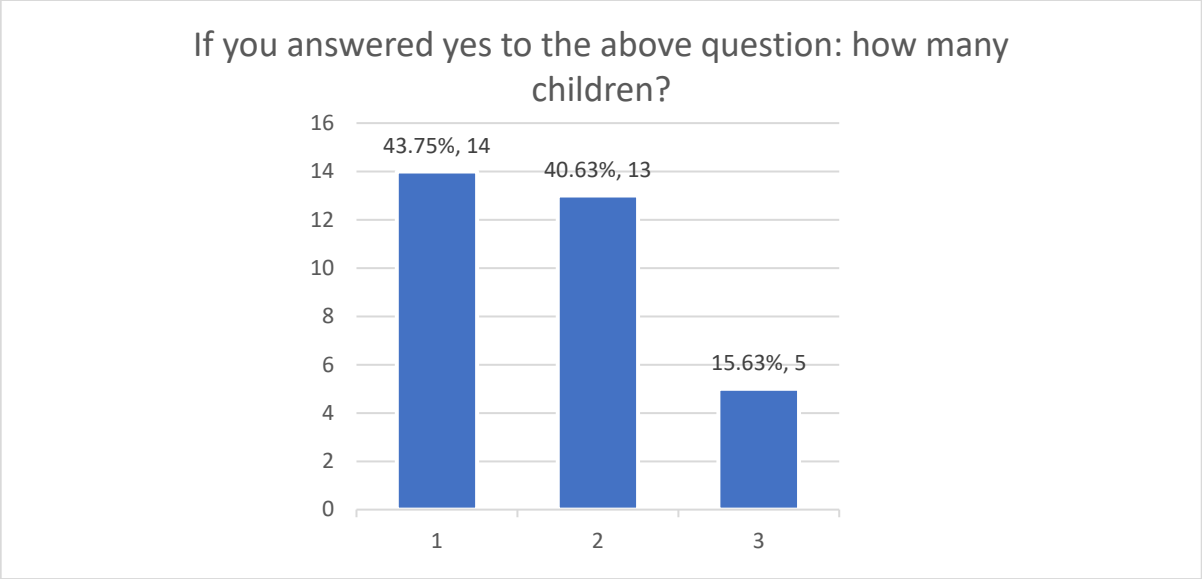


[7] 67 respondents did not answer this question.

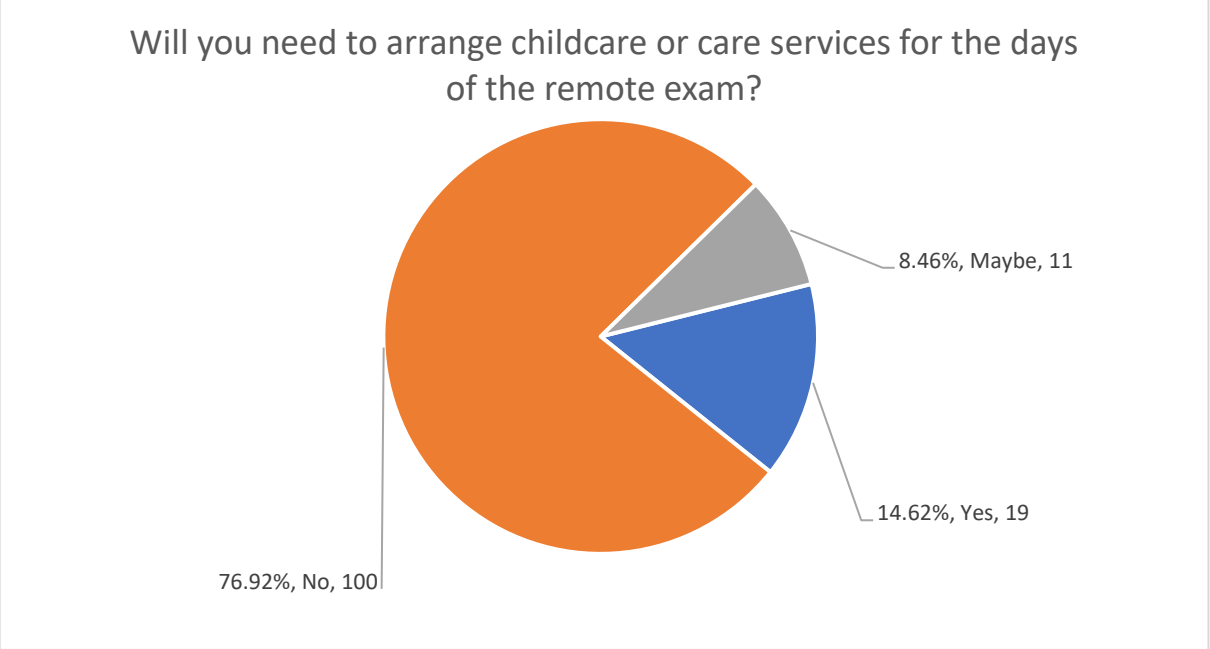


31 respondents (18.02%) reported they will have children home during the bar exam unless they are able to make provision amidst the ongoing pandemic.





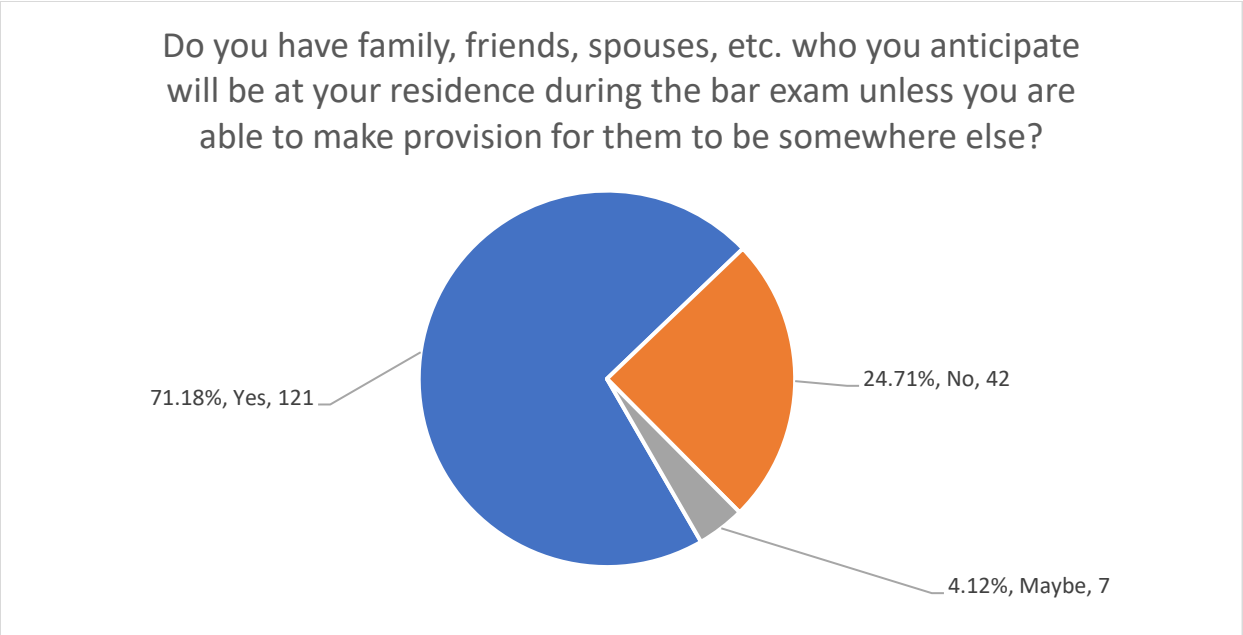
[8]

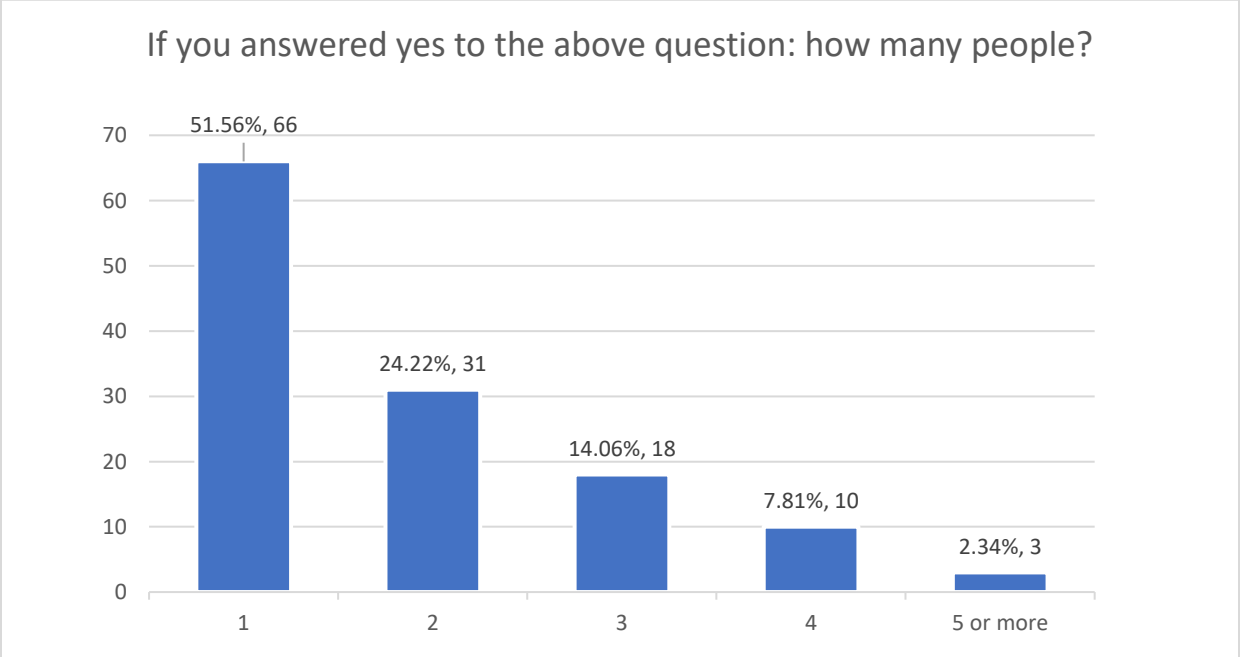


[9]

[8] 145 respondents did not answer this question
[9] 47 respondents did not answer this question.

121 (71.18%) respondents anticipated having family, friends, spouses, or others at their residence during the bar examination, unless they are able to make provision for them to be somewhere else during the ongoing pandemic. 7 respondents did not answer this question, producing a margin of error of 26.55%.

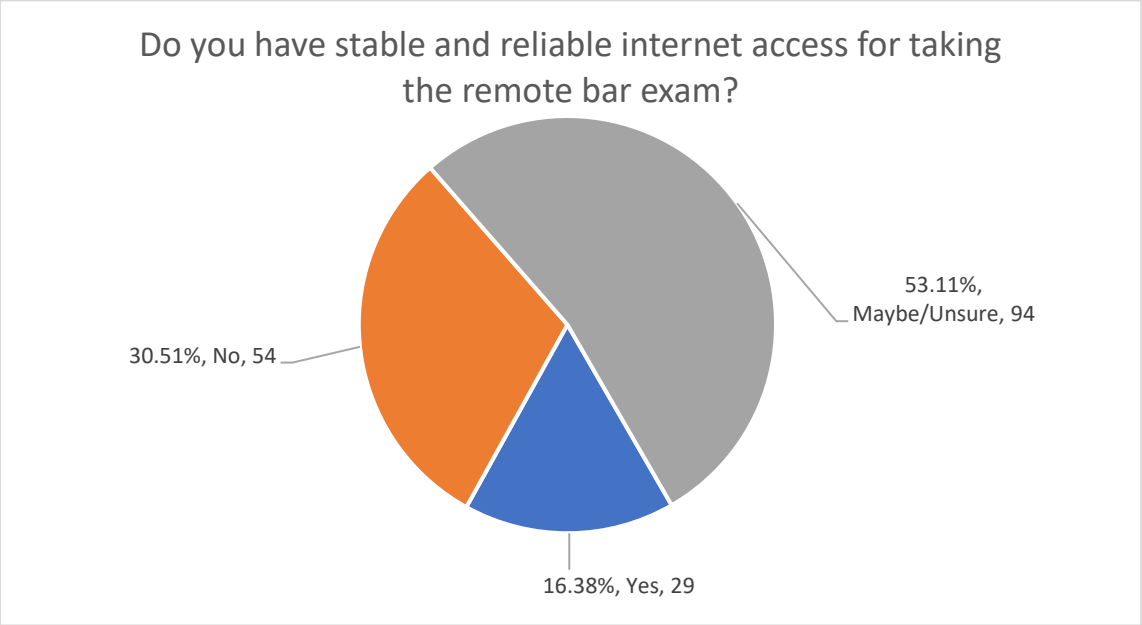




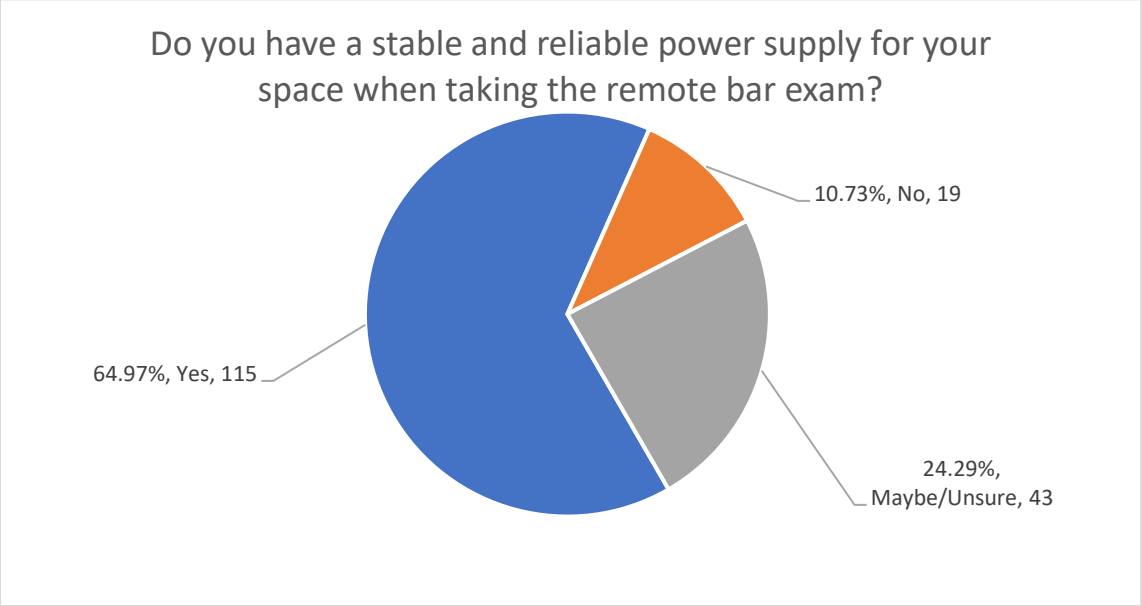
B. Access to Necessary Technology

Respondents expressed widespread concern about the state of their technology ahead of the online bar exam. Only 29 respondents (16.38%) reported that they have stable and reliable

internet access. This is because over half of respondents (94, 53.11%) are unsure if they have stable and reliable internet access for taking the remote bar exam.



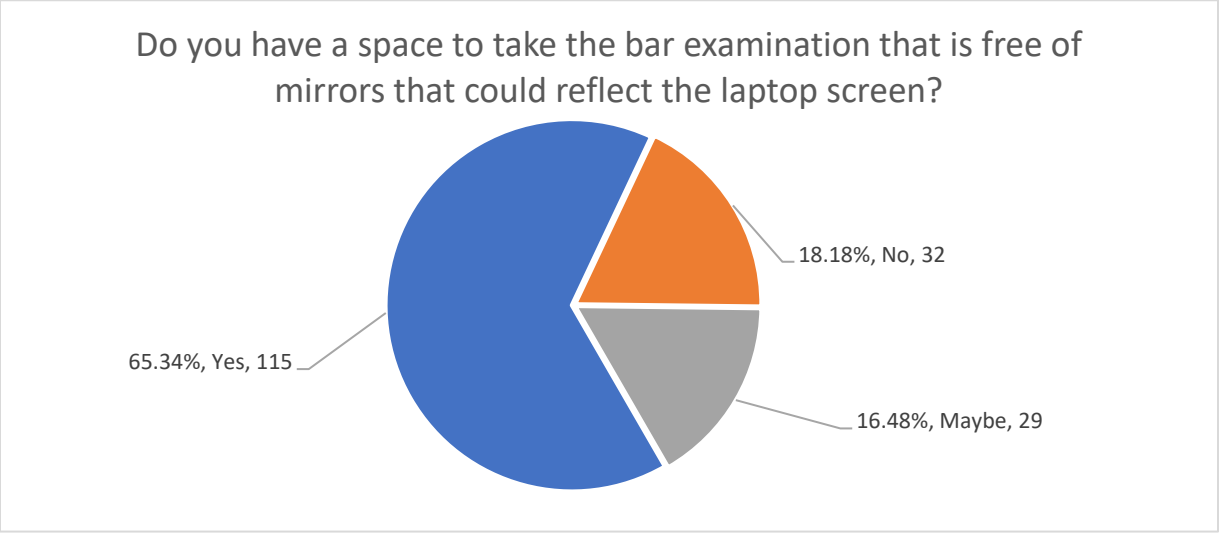
The number of respondents with access to a stable and reliable power supply is more encouraging. 115 respondents (64.97%) reported they have a stable and reliable power supply for taking the bar exam.

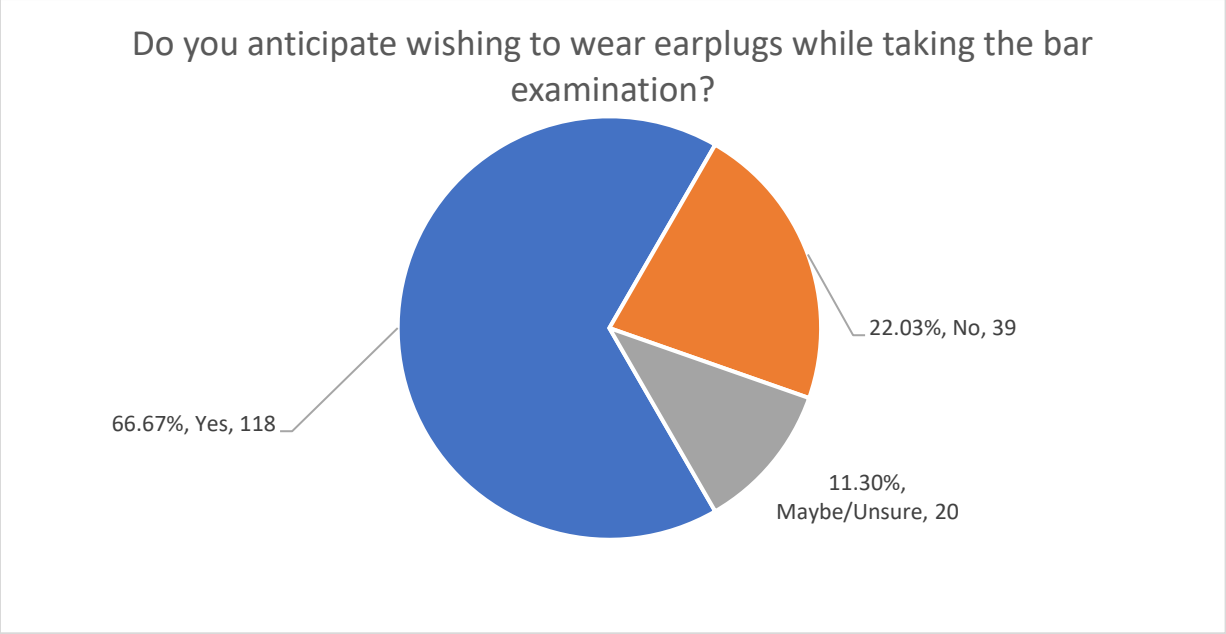


VI. Preparedness for Online Bar Exam Procedures

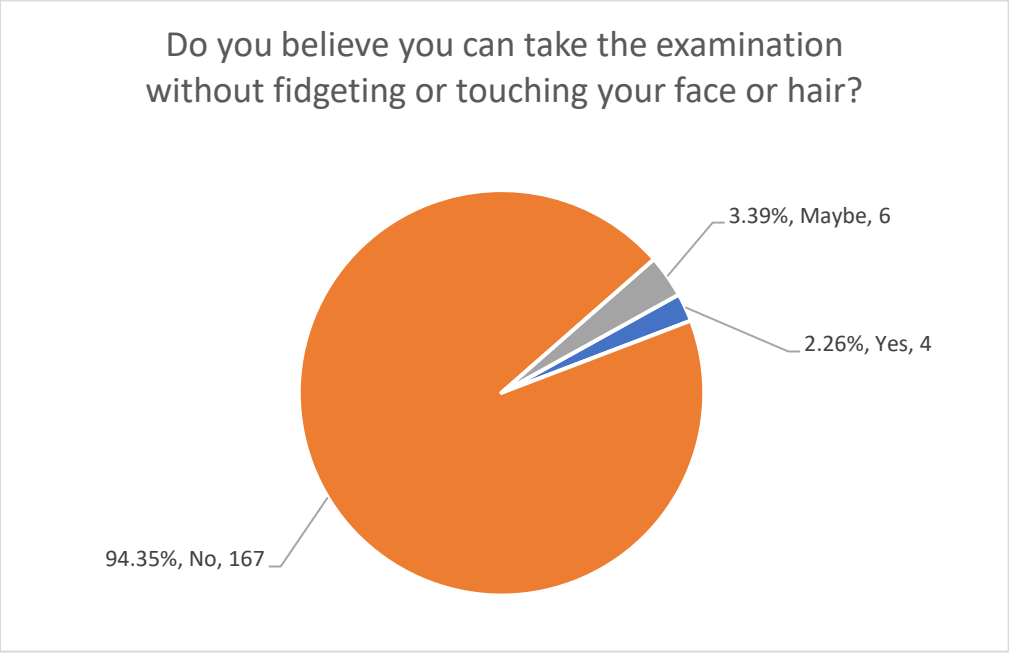
The transition to an online bar exam, and the attendant changes in the rules of exam taking, have placed respondents in the position of having to adapt their taught testing strategies or to overcome instinctive, nervous habits, lest they run the risk of being marked for failure.

While 115 (65.34%) of respondents reported they have a space free of mirrors that could reflect the laptop screen, a nearly identical number of respondents indicated they anticipated wishing to wear earplugs during the exam (118, 66.67%).

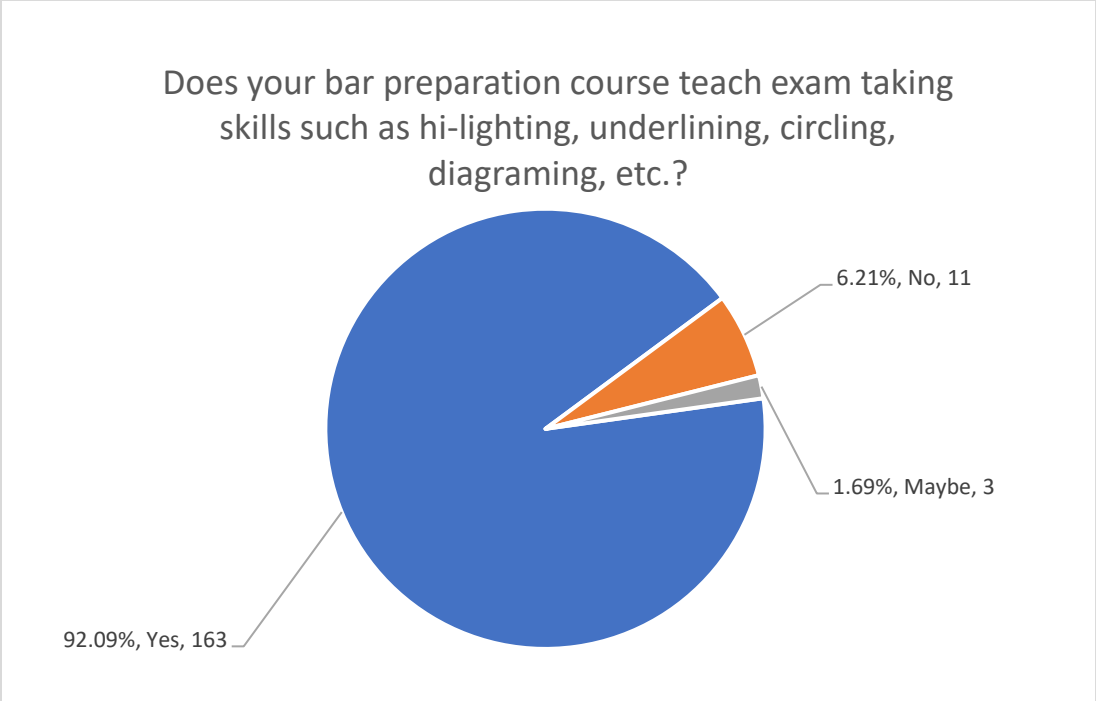


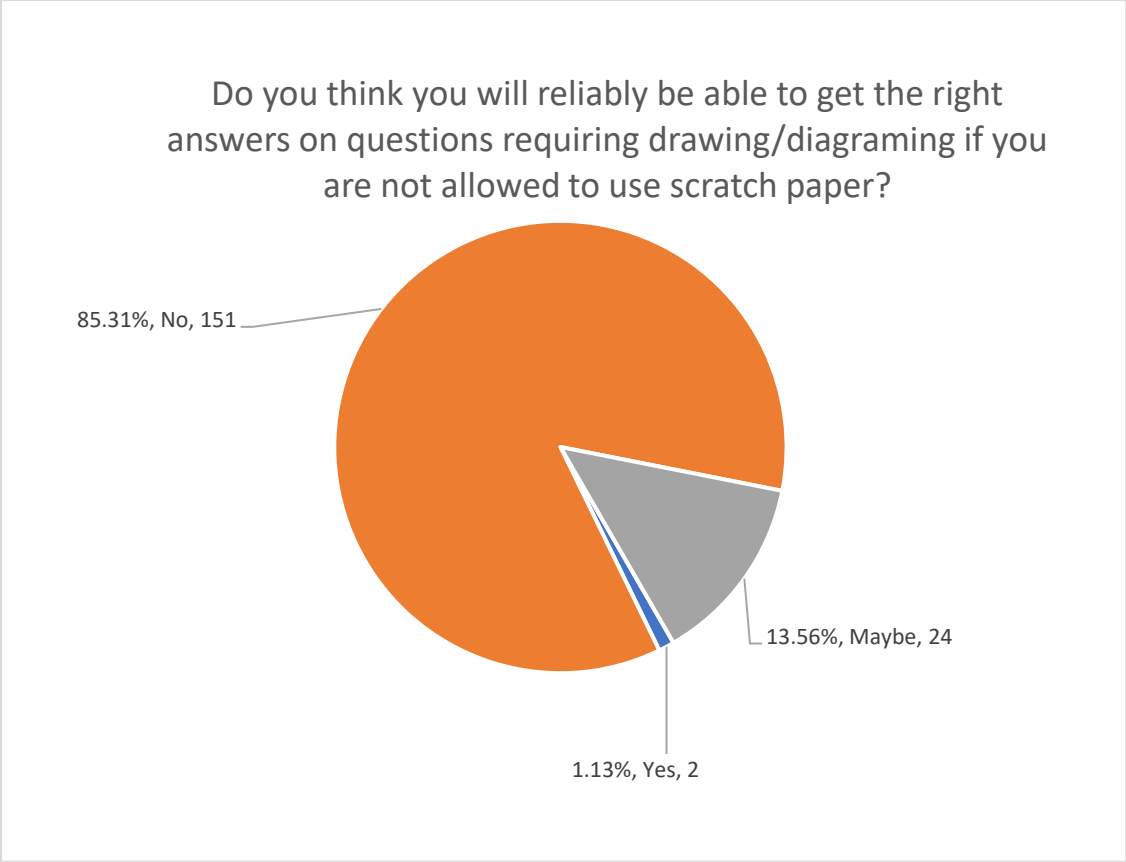


Nearly all respondents (167, 94.35%) do not believe they can take the online bar exam without fidgeting or touching their fair or hair.



Further, respondents face having to re-learn how to answer questions. 163 respondents (92.09%) reported their bar exam preparation course taught exam skills such as hi-lighting, underlining, circling, diagramming, etc. Faced with the reality of not being permitted to use scratch paper to draw or diagram questions, 151 respondents (85.31%) do not believe they will be able to reliably get questions right that call for drawing or diagramming.





VII. Conclusion

Bar exam takers face unforeseen costs and challenges as a result of the institution of an online bar exam in October. These problems range from increased spending to compensate for inadequate testing facilities to crucial test taking strategies being rendered unlawful.

VIII. Statistical Quick Reference and Data Compilation

A. Statistical Quick Reference

Are you currently registered to take the remote October bar examination?		
Yes	168	94.92
Yes, but planning to withdraw	5	2.82%
No, because I withdrew my registration	4	2.26%
Total	177	
What is Your Age?		
22-26 years old	109	61.58%
27-35 years old	56	31.64%

35-42 years old	6	3.39%
42-50 years old	6	3.41%
Total	177	
What Gender do You Identify As?		
Female	120	67.80%
Male	57	32.20%
Total	177	
Are You a Member of the LGBTQIA+ Community?		
Yes	22	12.64%
No	143	82.18%
Prefer Not to Say	10	5.75%
Margin of Error from Nonresponse	2	1.14%
Total	177	
Race/Ethnicity		
White	110	62.15%
Respondents of Color	67	37.85%
Total	177	
On a scale of 0 to 5, how up-to-date are you staying on the latest online bar exams news in Maryland or other jurisdictions (such as the rules test takers will have to follow, or difficulties test takers are experiencing preparing for or taking the test)? A 5 is staying highly up to date while a 0 is this being the first time you've heard about an online bar exam.		
5	107	60.80%
4	41	23.30%
3	24	13.64%
2	1	0.57%
1	2	1.14%
0	1	0.57%
Margin of Error (Nonresponding Respondents)	1	0.56%
Total	177	
Do you anticipate needing to spend additional money preparing for the remote October 2020 bar exam (this is different from paying for a testing space, i.e. do you need to buy a new computer, pay for faster internet, are you paying for specialized online tutoring, etc.)? If yes, how much?		
No	21	12.35%
Maybe, but unsure right now	73	42.94%

Less than $250	16	9.41%
$250-$500	32	18.82%
$500-$750	8	4.71%
$750-$1000	7	4.12%
$1,000-$2,000	9	5.29%
More than $2,000	4	2.35%
Margin of Error (Nonresponding Respondents)	7	3.95%
Total	177	
Do You Have to Obtain Alternative Insurance (health, dental, etc.) because of the pushback of the bar examination date?		
Yes	61	34.46%
No	87	49.15%
Maybe	29	16.38%
Total	177	
Preferred Resolution to the Ongoing Bar Examination Crisis		
Pure Diploma Privilege	112	64.00%
Diploma Privilege and Optional Bar Exam	31	17.71%
Email Bar Exam	28	16.00%
Short Term Diploma Privilege Conditioned on Sitting for Later Bar Exam	3	1.71%
In-Person Bar Exam	1	0.57%
Margin of Error (Nonresponding Respondents)	2	1.13%
Total	177	
Do you have a quiet place to STUDY for the bar exam without interruption?		
Yes	42	23.73%
No	114	64.41%
Maybe	21	11.86%
Total	177	
Do you have a quiet place to TAKE the remote October 2020 bar exam without interruption?		
Yes	32	18.08%
No	85	48.02%
Maybe	60	33.90%
Total	177	
Do you have a space in which you can take the bar examination uninterrupted for the entire duration of the exam?		
Yes	27	15.34%

No	73	41.48%
Maybe	76	43.18%
Margin of Error (Nonresponding Respondents)	1	0.56%
Total	177	
Do you anticipate that you will need to pay for a quiet space to take the remote October 2020 bar exam without interruption?		
Yes	66	37.29%
No	59	33.33%
Maybe	52	29.38%
Total	177	
If you do anticipate needing to pay for a quiet space to take the remote October 2020 bar exam in how much do you anticipate paying? (% calculated from # responding)		
Less than $100	3	2.36%
$100-$250	29	22.83%
$250-$500	36	28.35%
$500-$750	5	3.94%
$750-$1000	2	1.57%
Unsure	52	40.94%
Total	127	
How many rooms in your residence allow you to shut out all humans/animals/other things that could create a distraction or noise?		
0	82	46.86%
1	67	38.29%
2	18	10.29%
3	5	2.86%
4	0	0.00%
5 or more	3	1.71%
Margin of Error (Nonresponding Respondents)	2	1.13%
	177	
Do you have roommate(s) that will be home during the bar exam unless you are able to make provisions for them to be somewhere else?		
Yes	110	63.58%
No	63	36.42%
Margin of Error (Nonresponding Respondents)	4	2.26%
Total	177	
If you answered yes to the above question: how many roommates? (% calculated from # responding)		

1	62	56.36%
2	24	21.82%
3	17	15.45%
4	5	4.55%
5 or more	2	1.82%
Total	110	
Do you have pets that will be home during the bar exam unless you are able to make provision for them to be somewhere else?		
Yes	111	64.16%
No	62	35.84%
Margin of Error (Nonresponding Respondents)	4	2.26%
Total	177	
If you answered yes to the above question: If so, how many? (% calculated from # responding)		
1	49	43.75%
2	48	42.86%
3	9	8.04%
4	5	4.46%
5 or more	1	0.89%
Total	112	
Do you have children that will be home during the Bar Exam unless you are able to make provision for them to be somewhere else?		
Yes	31	18.02%
No	141	81.98%
Margin of Error (Nonresponding Respondents)	5	2.82%
Total	177	
If you answered yes to the above question: how many? (% calculated from # responding)		
1	14	43.75%
2	13	40.63%
3	5	15.63%
4	0	0.00%
5 or more	0	0.00%
Total	32	
Will you need to arrange childcare or care services for the days of the remote exam?		
Yes	19	14.62%

No	100	76.92%
Maybe	11	8.46%
Nonresponding Respondents	47	26.55%
Total	177	
Do you have family, friends, spouses, etc. who you anticipate will be at your residence during the bar exam unless you are able to make provision for them to be somewhere else?		
Yes	121	71.18%
No	42	24.71%
Maybe	7	4.12%
Margin of Error (Nonresponding Respondents)	7	3.95%
Total	177	
If you answered yes to the above question: how many? (% calculated from # responding)		
1	66	51.56%
2	31	24.22%
3	18	14.06%
4	10	7.81%
5 or more	3	2.34%
Total	128	
Do you have stable and reliable internet access for taking the remote bar exam?		
Yes	29	16.38%
No	54	30.51%
Maybe/Unsure	94	53.11%
Total	177	
Do you have a stable and reliable power supply for your space when taking the remote bar exam?		
Yes	115	64.97%
No	19	10.73%
Maybe/Unsure	43	24.29%
Total	177	
Do you anticipate wishing to wear earplugs while taking the bar examination?		
Yes	118	66.67%
No	39	22.03%
Maybe/Unsure	20	11.30%
Total	177	

Do you have a space to take the bar examination that is free of mirrors that could reflect the laptop screen?		
Yes	115	65.34%
No	32	18.18%
Maybe	29	16.48%
Margin of Error (Nonresponding Respondents)	1	0.56%
Total	177	
Do you believe you can take the examination without fidgeting or touching your face or hair?		
Yes	4	2.26%
No	167	94.35%
Maybe	6	3.39%
Total	177	
Does your bar preparation course teach exam taking skills such as hi-lighting, underlining, circling, diagraming, etc.?		
Yes	163	92.09%
No	11	6.21%
Maybe	3	1.69%
Total	177	
Do you think you will reliably be able to get the right answers on questions requiring drawing/diagraming if you are not allowed to use scratch paper?		
Yes	2	1.13%
No	151	85.31%
Maybe	24	13.56%
Total	177	

B. Data

See next page.

Are you currently registered to take the remote October bar examination?	What is your age?	What gender do you identify as?	Are you a member of the LGBTQIA+ Community?	What race or ethnicity do you identify with? For the purposes of analyzing disparate impacts on different races and ethnicities we are asking you only indicate the race or ethnicity that best describes you. The following question permits multiple selections.	We want to be inclusive of all bar applicants and we understand that race and ethnicity is not binary. Please use this question to indicate all races or ethnicities that apply to you.
Yes, I am registered to take the bar examination.	22 to 26 years old	Male	No	White	White
Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	White	White
Yes, I am registered to take the bar examination.	27 to 35 years old	Male	No	White	White
Yes, I am registered to take the bar examination.	22 to 26 years old	Male	No	White	White
Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	White	White
Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	White	White
Yes, I am registered to take the bar examination.	22 to 26 years old	Male		White	
Yes, I am registered to take the bar examination.	27 to 35 years old	Male	No	African American or Black	African American or Black
Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	Latinx, Latino/a, Hispanic	Latinx, Latino/a, Hispanic
Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	African American or Black	African American or Black
Yes, I am registered to take the bar examination, but plan on withdrawing my registration.	22 to 26 years old	Male	No	White	

Do you have to obtain alternative insurance (health, dental, etc.) because of the pushback of the bar examination date?	What is your preferred resolution to the ongoing bar examination crisis?	On a scale of 0 to 5, how up-to-date are you staying on the latest online bar exams news in Maryland or other jurisdictions (such as the rules test takers will have to follow, or difficulties test takers are experiencing preparing for or taking the test)? A 5 is staying highly up to date while a 0 is this being the first time you've heard about an online bar exam.	Do you have a quiet place to STUDY for the bar exam without interruption?	Do you have a quiet place to TAKE the remote October 2020 bar exam without interruption?
Yes	Email Bar Exam (Questions emailed to test-takers, then they email their answers back; open book and no proctors; see Indiana for an example of this)	5	Yes	Maybe
No	Pure Diploma Privilege (no exam in any format)	5	No	No
Maybe	Diploma Privilege, Plus an Optional Bar Exam	3	No	No
No	Pure Diploma Privilege (no exam in any format)	3	No	No
No	Email Bar Exam (Questions emailed to test-takers, then they email their answers back; open book and no proctors; see Indiana for an example of this)	4	Yes	Yes
Yes	Pure Diploma Privilege (no exam in any format)	5	No	No
Maybe	Pure Diploma Privilege (no exam in any format)	5	Yes	Maybe
No	Pure Diploma Privilege (no exam in any format)	5	No	No
Yes	Diploma Privilege, Plus an Optional Bar Exam	5	Yes	No
No	Email Bar Exam (Questions emailed to test-takers, then they email their answers back; open book and no proctors; see Indiana for an example of this)	3	Maybe	Maybe
Yes	Pure Diploma Privilege (no exam in any format)	5	No	Maybe

If you are unsure or do not believe you will have a quiet space to take the bar exam without interruption, please explain why.	Do you anticipate that you will need to pay for a quiet space to take the remote October 2020 bar exam without interruption?	If you do anticipate needing to pay for a quiet space to take the remote October 2020 bar exam in how much do you anticipate paying?	Do you anticipate needing to spend additional money preparing for the remote October 2020 bar exam (this is different from paying for a testing space, i.e. do you need to buy a new computer, pay for faster internet, are you paying for specialized online tutoring, etc.)? If yes, how much?	How many rooms in your residence allow you to shut out all humans/animals/other things that could create a distraction or noice?	Do you have roomate(s) that will be home during the bar exam unless you are able to make provisions for them to be somewhere else?
I live with a dog, a cat, and a fiance who has video conferences of her own all day because she is a teacher. We dont have a large house and it is hard to find a quiet space.	Yes	$250-$500	Maybe, but unsure right now.	1	No
	Yes	$100-$250	Less than $250	0	Yes
I have a family and I can't exactly send them out to the movies or lunch during a pandemic.	Maybe	Unsure	$250--$500	1	Yes
In between leases and living at family home.	Maybe	Unsure	No	1	No
	No	Unsure	No	2	Yes
	Maybe	$250-$500	$250--$500	1	Yes
The area I am living can be quite noisy at times.	No		Maybe, but unsure right now.	1	Yes
I am currently living with some people and they are working from home as well so I cannot control what they do in a house they pay for.	Yes	$100-$250	Less than $250	0	Yes
My neighbors are extremely loud. I can hear their conversations through the walls. My family is in Indiana and I start my clerkships the day after the bar so I can't go home and take the bar and come back	Yes	$100-$250	$500-$750	0	Yes
I live in a house with other people. It will depend on the day and the time. Other people in the house have to telework, eat, other house activities so it gets hard to be alone without interruptions while in the house	Yes	$250-$500	Maybe, but unsure right now.	1	Yes
I live in a one bedroom apartment with my dog and girlfriend who works from home.	Maybe		$750-$1000	1	Yes

If you answered yes to the above question: If so, how many?	Do you have pets that will be home during the bar exam unless you are able to make provision for them to be somewhere else?	If you answered yes to the above question: If so, how many?	Do you have children that will be home during the Bar Exam unless you are able to make provision for them to be somewhere else?	If you answered yes to the above question: If so, how many?	Will you need to arrange childcare or care services for the days of the remote exam?	Do you have family, friends, spouses, etc. who you anticipate will be at your residence during the bar exam unless you are able to make provision for them to be somewhere else?	If you answered yes to the above question: If so, how many?	Do you have stable and reliable internet access for taking the remote bar exam?	Do you have a stable and reliable power supply for your space when taking the remote bar exam?	Do you anticipate wishing to wear earplugs while taking the bar examination?	Do you have a space to take the bar examination that is free of mirrors that could reflect the laptop screen?
	Yes	2	No			Yes	1	Maybe/Unsure	Yes	Yes	Yes
1	Yes	2	No		No	Yes	1	No	Yes	Yes	Maybe
3	Yes	1	Yes	2	Yes	Yes	1	Maybe/Unsure	Yes	Yes	Maybe
	Yes	2	No		No	Yes	4	Yes	Yes	Yes	Yes
2	No		No		No	Yes	2	Yes	Yes	Yes	Yes
1	No		No		No	Yes	1	No	Yes	Yes	Yes
2						Yes	2	Maybe/Unsure	Yes	Yes	
1	No		No		No	Yes		No	Yes	Yes	Yes
				3	No	Yes	2	No	Yes	Yes	Yes
2	Yes	2	No		No	Yes	3	Yes	Yes	Yes	No
1	Yes	1	No			No		Yes	Yes	Yes	Yes

Do you have a space in which you can take the bar examination uninterrupted for the entire duration of the exam?	Do you believe you can take the examination without fidgeting or touching your face or hair?	Does your bar preparation course teach exam taking skills such as hi-lighting, underlining, circling, diagraming, etc.?	Do you think you will reliably be able to get the right answers on questions requiring drawing/diagraming if you are not allowed to use scratch paper?	Please use this space to address anything that you feel was not adequately addressed in this survey.	TESTIMONIAL: Please use this space to write anything that you wish for the Court and the SBLE to know. These will be submitted to the Court and the SBLE. We want your voices to be heard and this is the place to do that.
Maybe	No	Yes	Maybe		
No	No	Yes	No		
Maybe	No	Yes	No		
Maybe	No	Yes	No		
Yes	No	Yes	No		
No	No	Yes	No		
	No	Yes	No		Please do not forget those of us who are first-time test takers but are not 2020 grads. I was laid of from my previous JD-advantage job due to COVID.
No	No	Yes	No	With the circumstances it's hard to control what others are doing and with all local library's being close its impossible to avoid distractions. This is the hardest exam of my life and it would be unfair to try and force us to take it under these circumstances.	With the circumstances it's hard to control what others are doing and with all local library's being close its impossible to avoid distractions. This is the hardest exam of my life and it would be unfair to try and force us to take it under these circumstances. In addition, it unfairly places people with financial trouble behind other because of the limited resources. I am currently unemployed because my employer wants me to focus on a bar exam that was moved 3 times.
No	No	Yes	No		
No	No	Yes	No		Any rules that resemble the Tennessee rules are absolutely outrageous. There is no way someone can focus and concentrate on doing their best on the exam while worrying about such specific and restrictive rules i.e. giving my eyes a break from staring at the screen, touching my face or hair. Again, I believe this would be absolutely outrageous and put me in a very uncomfortable environment
No	No	Yes	No		

	Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	White	
	Yes, I am registered to take the bar examination.	27 to 35 years old	Male	No	African American or Black	African American or Black
	Yes, I am registered to take the bar examination.	22 to 26 years old	Male	Prefer not to say	White	White
	Yes, I am registered to take the bar examination.	27 to 35 years old	Female	No	Asian	Asian
	Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	African American or Black	African American or Black
	Yes, I am registered to take the bar examination.	27 to 35 years old	Female	No	White	White

Yes	Pure Diploma Privilege (no exam in any format)	5	No	Maybe
Yes	Pure Diploma Privilege (no exam in any format)	5	No	No
No	Pure Diploma Privilege (no exam in any format)	4	No	No
Yes	Pure Diploma Privilege (no exam in any format)	4	Yes	Maybe
No	Diploma Privilege, Plus an Optional Bar Exam	5	No	No
No	Pure Diploma Privilege (no exam in any format)	5	No	Maybe

I live in a first floor apartment with another MD bar examine and two cats. I have no control over whether the cats make noise during the exam. Additionally, I have an abnormally loud wall mate, there is frequent loud landscaping outside my window, and my only solution to somewhat drown these distractions out is my loud AC until and ear plugs. However, they are not enough. Furthermore, in one day of studying my buildings fire alarm went off three times. It is frequently loud in my room and this is the only location I have to study and take the exam.	No		Maybe, but unsure right now.	1	Yes
	Yes	$250-$500	$250--$500	0	Yes
	Yes	Unsure	Maybe, but unsure right now.	0	Yes
I'm unsure if I will have stable internet	Maybe	Unsure	$750-$1000	3	Yes
I live with my mom and sometimes my younger brother. Family inherently, especially dogs, unpredictably loud especially when we are all either laid off due to COVID or working from home.	Maybe	$250-$500	Maybe, but unsure right now.	1	No
I live in an apartment with my family and pets. I am also concerned about my personal internet capabilities.	Maybe	Unsure	Maybe, but unsure right now.	0	No

1	Yes	2	No			No		Maybe/Unsure	Yes	Yes	Yes	No
1	Yes	3	No			No	3	Maybe/Unsure	Maybe/Unsure	Yes	Yes	
1	No		No		No	No		Maybe/Unsure	Maybe/Unsure	Yes	Yes	
1	Yes	1	No			Yes	1	Maybe/Unsure	Yes	Yes	Yes	
	Yes	1	No		No	Yes	2	Maybe/Unsure	Maybe/Unsure	Yes	Maybe	
	Yes	1	Yes	1	Yes	Yes	2	Maybe/Unsure	Yes	Yes	Yes	

					especially with the lack of communication from Maryland SBLE. Yes, studying for the bar would have been trying regardless of if there is a pandemic happening, but the pandemic has resulted in unanticipated stressors and distractions. I cannot maintain my focus in my studies as I am spending everyday of every week in my apartment. The only space I can study is my bedroom. This is not conducive to mental health and productivity. I pay for expensive wifi but it still drops numerous times a day as my room has a dead zone, but I cannot change my location because my roommate is also attempting to study for the MD bar. I had previously been in conversations about beginning a job following the bar, however this avenue has shifted as they are uncertain if they have the resources to higher now. We have received minimal to no communication for the Maryland SBLE. It appears that our valid concerns are not being listened to. The exam is not in any way related to what being a lawyer actually is like. The excuse of I had to take the bar exam so so should you shows a lack of understanding and compassion. Offering Diploma Privilege (DP) with CLE or supervision is the best solution to this issue. Provisional licensure is not an equitable solution. What job will hire someone for a few months? Will I then have to quit to study for the bar? I have already put serious time and money into preparing for this exam. Offering an online exam has proven to fail. LSAC lost the online test results for every examine. Michigan was hacked on the first day of the test. Indiana and Nebraska have determined that an online exam cannot be administered. Additionally, having an exam without scrap paper—because as other jurisdictions have stated it is a luxury—shows a lack of understanding for what taking the bar is. Everyday of bar prep I am reminded that if you did not write out this question or diagram it then there is no chance you got the answer correct. Offering DP is the only way to address all of these concerns
Maybe	No	Yes	No		and show compassion for the legal community. Three years of law
Maybe	No	Yes	No		
Maybe	No	Yes	No		
Yes	No	Yes	No	The handling of the bar exam has wrecked havoc on my mental health and has served an impediment to my ability to study for this exam.	I firmly believe that the legal profession has an empathy problem in how it treats current and prospective attorneys. This profession has one of the highest rates of anxiety and depression and substance abuse. How the Maryland legal community and its gatekeepers handle the bar exam during this pandemic can serve as a turning point in this legacy of unending pressure and stress. The community can treat us like human beings and understand that we are more than an exam score. I hope they will do the right thing.
No	No	Yes	Maybe		
Maybe	No	Yes	No		

Yes, I am registered to take the bar examination.	27 to 35 years old	Female	No	White	White
Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	African American or Black	
Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	White	White
Yes, I am registered to take the bar examination.	22 to 26 years old	Female	Prefer not to say	White	White
Yes, I am registered to take the bar examination, but plan on withdrawing my registration.	35 to 42 years old	Female	No	African American or Black, White	African American or Black, White

No	Pure Diploma Privilege (no exam in any format)	5	No	No
Maybe	Pure Diploma Privilege (no exam in any format)	5	Yes	No
Yes	Pure Diploma Privilege (no exam in any format)	4	Yes	Yes
Yes	Pure Diploma Privilege (no exam in any format)	3	Maybe	Maybe
No	Diploma Privilege & the current state specific online component	4	Yes	Yes

	Yes	$250-$500	Maybe, but unsure right now.	0	No
Family member in a one bedroom apartment	No		$750-$1000	1	No
	No		$1,000-$2,000	1	No
My roommate, a teacher, may be working from home during that time. I live in a 1 bedroom and we share space. I would have to get a hotel or Airbnb most likely, which creates a financial detriment as well as a risk that the WiFi may not be as stable.	Yes	$250-$500	Maybe, but unsure right now.	1	Yes
	No		Maybe, but unsure right now.	3	No

	Yes	1	Yes	2	Yes	Yes	1	No	Yes	Yes	Yes
	No		No		No	Yes	1	Maybe/Unsure	Yes	Yes	Yes
	No		No			No		Maybe/Unsure	Yes	No	Maybe
1	No		No		No	No		Maybe/Unsure	Yes	Maybe	Yes
	Yes	2	No			No		No	Yes	Maybe	No

No	No	Yes	No		The decisions the Court and SBLE have made regarding my future and the future of my family have handcuffed my ability to provide a sense of stability and security. I cannot tell employers in interviews when I am available to start. I have already had to turn down one offer because of the start date. I am now being considered for a second job opportunity I may also miss out on. At a time when my husband may lose his government employment, when my family could lose its health insurance as a result, and when we are in the middle of a recession and jobs are hard enough to find as it is, the Court and SBLE have told aspiring members of the legal profession that they do not care about the mental, emotional, or financial health of its professionals. To suggest that forcing examinees to sit without scrap paper, notes, or comfort aides on a video camera for 6 hours over two days in absolute silence is in the best interests of the public or that it determines competency to practice law suggests the designers of the exam and its protocols have never even seen a movie featuring lawyers. The options of accommodations that could have been made - such as multiple open book MPTs, which are actually lawyering exercises - were several. The time for them is now running out. If the Court will not grant diploma plus, then I would implore the Court to make the vetting process for bar applicants reflective of actual practice before the bar. If we have been found properly educated, ethically qualified, and sufficiently versed in Maryland law, please let us begin serving our communities and allow us to provide our families with the security and stability they have been denied for months.
No	No	Yes	Maybe	What would be the protocol if the fire alarm in my apt building goes off? If a family member walks behind me during the exam would my score be canceled? My desk is in the living room so if they need the kitchen or bathroom they have to walk by me.	This situation has been hard for me because I had a family member move into my one bedroom apartment this summer. It is a small space for two people to live in 24/7. They lost their job due to Covid19 and had to terminate their lease. I had to be the one to contact their leasing office and go through the termination process because of a language barrier. I also have been the one to help this family member apply to jobs and unemployment this summer. I had also planned on disconnecting from the world to study for the bar but with everything going on I've had to keep up with bar exam news and it has added a lot of stress to studying. The bar prep course ends on 8/22 so I have to keep studying for 6 more weeks without a study plan from the course. I will also need to buy a new laptop closer to October because this laptop screen is small and I usually use my monitor with it. I can't use it for the bar exam because it's a second screen and it does not have a camera. Usually buying a new laptop would be fine for me but I don't know if I will have enough since the money I saved for this summer now has to support two people.
Yes	No	Yes	No		
Maybe	No	Yes	No		
Yes	No	Maybe	No		The lack of a portable score & finding out beyond the late application deadlines for other jurisdictions placed a great burden on anyone who either does not live in MD or had not yet found work there. Essentially, it stripped the flexibility of taking a UBE exam from us & left us to either w/draw our applications or petition to another jurisdiction. This negatively affects job searches or job offers contingent on licensing & placed an undue burden in bar takers at an already stressful time.

	Yes, I am registered to take the bar examination.	27 to 35 years old	Female	Yes	White	
	Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	White	Latinx, Latino/a, Hispanic, White
	Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	White	

Yes	Pure Diploma Privilege (no exam in any format)	5	No	Maybe
No	Email Bar Exam (Questions emailed to test-takers, then they email their answers back; open book and no proctors; see Indiana for an example of this)	5	No	Maybe
No	Diploma Privilege, Plus an Optional Bar Exam	4	Maybe	No

I currently live in Miami in a small apartment with my significant other (who is a Florida bar applicant) and her two cats. I had planned to remain in DC, but my job was deferred due to the pandemic and I needed to move in with her due to the resulting financial hardship. We live on a busy street, my neighbors like to play loud music during the day (as is their prerogative), and the cats are rambunctious and scream when they are ignored. Miami is currently the global epicenter of the pandemic, so there is no where else in the city I can go to study or take the exam while remaining safe. Also, today, there was a fire in my building and we were evacuated. I have no way of ensuring that none of my neighbors' apartments catch on fire on October 5 and 6.	No		Maybe, but unsure right now.	0	Yes
I have roommates in the house that are working from home and the house isn't quiet simply from the number of people in it.	Maybe	Unsure	$750-$1000	0	Yes
I live with 3 roommates. There is always noice and it's not a big space.	Maybe	Unsure	Maybe, but unsure right now.	1	Yes

1	Yes	2	No		No	Yes	1	Maybe/Unsure	Maybe/Unsure	Yes	Yes
2	Yes	1	No		No	Yes	2	Maybe/Unsure	Yes	Yes	Yes
3	No		No		No	Yes	1	Maybe/Unsure	Yes	No	Yes

Maybe	No	Yes	No	My employer has indicated that if the Diploma Privilege Plus Online Exam option is selected, I will be required to take the online exam, even though my employer does not need me to be barred in any other jurisdiction. Therefore, advocating for that solution does folks like me absolutely no good. There was no ability to choose a "second best" option for the administration of the exam, but if pure DP cannot be achieved, my preference would be for MD to follow Indiana's approach and do an open book/email exam. As a final point, for applicants like myself with ADHD, the inability to use scratch paper or physically annotate questions is crippling, especially with respect to the MPT. Digital scratch paper and digital tools for annotating documents (if offered at all) are simply not the same. If we are required to move forward with an online exam, I believe all test takers should be allotted additional time to reflect the added challenge of the digital format.	
Maybe	No	Yes	No		My biggest fear is that the technology is going to give out during the exam. The software that is being used (as evidenced by all the other jurisdictions that are having issues) is not reliable and our licenses should not be based on whether the technology works. I also find it unreasonable that scratch paper isn't allowed. These questions are hard and it is unfair that we aren't allowed to diagram our answers. I'm a visual learner and to do this exam without scratch paper and diagrams is significantly harder. I understand that this exam is occurring during unprecedented times. However, the rules that are being suggested for this online exam are unfair and lack any insight into how lawyers are trained today.
No	No	Yes	No		The bar exam is stressful in normal circumstances. Adding the stress of covid-19 makes it exponentially worse. The Tennessee Bar guidelines are physically impossible. Fidgeting and touching your face is not an easy thing to keep yourself from doing. Also, not allowing the use of scratch paper would be cruel. We are taught to diagram problems out. Not being able to write notes out would be terrible

	Yes, I am registered to take the bar examination.	27 to 35 years old	Female	No	White	White
	Yes, I am registered to take the bar examination.	35 to 42 years old	Female	Prefer not to say	Alaska Native or American Indian	Alaska Native or American Indian, White
	Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	White	

No	Email Bar Exam (Questions emailed to test-takers, then they email their answers back; open book and no proctors; see Indiana for an example of this)	5	No	No
No	Pure Diploma Privilege or Email Bar Exam are the only two equitable solutions	5	No	No
No	Pure Diploma Privilege (no exam in any format)	5	No	No

I live with my husband in a small apartment. Even with doors closed, I can still hear him when he is on the phone for work. It is very distracting	Maybe	Unsure	Maybe, but unsure right now.	0	No
I share a three bedroom townhome with my husband and three school-aged children. My children are required to stream their school day virtually due to the pandemic. My husband's employer has their employees working remotely. All three bedrooms in my home as well as our basement will have someone either doing school work or working. My only choice is the main floor where there are no doors and where my dogs (who are not quiet) live.	Yes	Unsure	$1,000-$2,000	0	Yes
I live off of a very busy street where there is constant foot traffic and car noise at a stoplight right outside of my first-floor bedroom window.	Yes	$100-$250	$250--$500	1	Yes

	Yes	1	No		No	Yes	1	Maybe/Unsure	Maybe/Unsure	Maybe	Yes
1	Yes	4	Yes	3	Maybe	No		Maybe/Unsure	Maybe/Unsure	Yes	Yes
2	Yes	1	No			No		Maybe/Unsure	Maybe/Unsure	Yes	Maybe

					Please carefully consider the issues that other states have faced with trying to administer the exam remotely. In theory, it seemed like a good solution. However, reality has shown that we are trying to force something that isn't a good idea. I can't even imagine the stress I would encounter if the software crashed on me during the test. I also can't imagine taking the test without any scrap paper - all of law school has taught me to outline answers and to diagram! It just really feels like it's getting to the point where we need to acknowledge that a remote exam is not feasible or equitable. Please consider Indiana's option of an exam via email. That seems like a great compromise. Graduates will still be forced to exhibit mastery of legal topics but in conditions much better suited to current circumstances. It also is much more similar to the actual practice of law and has the potential to be a much better indicator of an applicant's readiness to enter the legal profession. Thank you for your thoughtful consideration of this pressing issue.
No	No	Yes	No		
					[illegible] we did not ask to be put in this position. We have worked so hard over our educational careers to get to this point. Many of us have been trying to prepare for this exam since May. Many of us have already developed styles for outlining essays, highlighting key points in MBE questions and mapping out complex property concepts. Some of us do have to write down damages for contracts. This is how we are conditioned; this is what we learned over most of our education. Some of us have exhausted our bar prep materials prematurely. Personally, I have to engage a tutor because the first weeks of bar preparation, occurring in May and early June, contained numerous practices that I cannot get back. I am terrified that I won't remember what I spent so much time trying to learn. Now that I am working full time, I don't have time to go back and try to find a way to start over. I stand to lose progress in three areas of the law that I started before the delays began. To mitigate that, I will incur an additional expense that I did not plan on and frankly am not sure that I can really afford. I'm too afraid not to have the tutoring because I can't afford to lose my job if I don't pass the exam. Remember that we have homes, we have lives, we have families. These things cannot easily be screened out for an online exam. Personally, because my children's educations are just as important as my own, I have to sacrifice space in my home to allow them to attend their classes over the two dates in October. That means I will have to pay for a hotel room and depend on whatever internet they provide, or find another facility that will allow me quiet access. I am not even sure where to begin as COVID is ramping up once again and it is unclear if businesses will remain open if the rates do not drop. I cannot take this at my office as I am not allowed to install software on their devices.
No	No	Yes	No		
No	No	Yes	No		

	Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	White	
	Yes, I am registered to take the bar examination.	22 to 26 years old	Female	Yes	Alaska Native or American Indian, Latinx, Latino/a, Hispanic	Alaska Native or American Indian, Latinx
	Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	White	White
	Yes, I am registered to take the bar examination.	27 to 35 years old	Male	No	White	White
	No, I am not registered to take the bar examination because I have withdrawn my registration.	22 to 26 years old	Female	No	White	White
	Yes, I am registered to take the bar examination.	27 to 35 years old	Female	No	African American or Black	

No	Pure Diploma Privilege (no exam in any format)	5	No	Maybe
No	Diploma Privilege, Plus an Optional Bar Exam	5	No	Yes
No	Email Bar Exam (Questions emailed to test-takers, then they email their answers back; open book and no proctors; see Indiana for an example of this)	4	Yes	Yes
Yes	Pure Diploma Privilege (no exam in any format)	5	No	No
No	Temporary Diploma Privilege (Temporarily admitted to practice on condition that bar exam is taken by a certain date, such as 12/31/2021)	4	No	Maybe
No	Pure Diploma Privilege (no exam in any format)	3	Yes	No

I have to move before the bar exam and do not know the situation regarding neighbors and/or internet access or what my options are if I cannot get internet installed before the exam due to company policies regarding in home installations.	Maybe	Unsure	$750-$1000	1	No
	No		$1,000-$2,000	2	Yes
	No	Unsure	No	2	Yes
Children (under 6 years old) at home, others in house working remotely	Yes	$100-$250	$250--$500	0	Yes
Depends on the availability of childcare at the time of the bar exam	Yes	Less than $100	Maybe, but unsure right now.	1	Yes
I have move out of my apt. by September 24th, and move back in with my mother and 5 siblings.	Yes	$100-$250	Maybe, but unsure right now.		No

	Yes	3	No					Maybe/Unsure	Maybe/Unsure	Yes	Maybe
3	Yes	3	No			Yes	3	Maybe/Unsure	Yes	Yes	No
2	No		No		No	Yes	2	Yes	Yes	Yes	Yes
2	No		Yes		1 Yes	Yes	2	Maybe/Unsure	Maybe/Unsure	Yes	Yes
1	Yes	2	Yes		1 Yes	No		No	Yes	No	Yes
	No		Yes		2 No	Yes	5 or more	Maybe/Unsure	Maybe/Unsure	Yes	Yes

Maybe	No	Yes	No	I would just like to point out that while the online exam may seem like a good solution the rules around the test are contrary to every problem solving process we have been taught in law school. Additionally, while the SBLE is trying to "protect the integrity of the profession" they are asking us a candidates to adjust in ways that have never been asked of other candidates before. Besides changing our study schedule twice, we also have to essentially relearn all of the methods we have learned in law school and so far in bar preparation to adhere to their policies and rules. Furthermore, the presumption of cheating is offensive to me personally as someone looking to enter a field based on integrity.	in a diagram to help problem solve. We continue this habit throughout law school and are taught this in preparation for the bar exam. In every exam situation throughout law school I have been given a physical copy of the questions to mark up/highlight/diagram. I cannot imagine having to write an essay without outlining by hand first. The MPT prompts often have so much material that I do not know how I am going to be able to sort through the material without taking notes. In addition to outlining essays by hand, some of the MBE practice questions are so complex that it's practically impossible to understand the parties and the transactions without physically mapping them out. In addition to this concern, I have concerns about a stranger watching through my camera. The "cyber attack" on Michigan's bar exam has only enhanced these concerns. If there has not been a secure enough system developed to prevent "cyber attacks," the possibility of hackers is not out of the realm of possibilities. Giving a proctor access to my camera and/or computer could potentially open me up to the possibility of hackers. I have genuine concerns about not only opening up my camera and computer to the proctors, but also the world. We should not be forced to compromise our privacy to take a bar exam. My last main concern is the provision of not looking away from the screen. While I have always considered myself an adequate test take in law school, I have found that looking away from the question/answer for a few seconds is sometimes the best way to regain my thoughts and attention. Additionally, I have recently been tested, shown signs for ADHD, and am currently being treated for it. Part of the ADHD test itself was tracking eye movement to see how many times you looked away from the screen. I feel that this presumption of cheating if you are looking away from the computer
Yes	No	Yes	No	For me the largest concern is webcam requirements. My laptop does not have a functioning camera, so I will need to purchase a new one.	
Yes	No	Yes	No		
No	No	Yes	No		I've been trying to adjust to an online bar exam. Given the timeline, this is likely my only shot at being licensed to retain my federal job (they require 14 months to licensure and we are likely to receive our October scores too late to adequately study for the February Bar - if there is one). I learned to manage my nerves while lower enlisted in the Army, especially experiencing combat in Iraq. I am beyond anxious that this iteration of the Bar Exam will fail due to its online nature. I've kept up with failures in Nevada, Indiana, Michigan, the American Board of Surgery's licensing exam and LSAC losing over 140 scores from LSAT examinees after the test was administered online. Many of these jurisdictions had months to plan. I'm fearful that the vendors chosen by NCBE are not up to par. I'm fearful that my power will go out, like it did this week while I studied Barbri. Some BLEs have stated that an outage would result in failure of the exam. I'm fearful that I will have to answer my screaming child or he will accidentally walk into my room during the exam resulting in a failure. Had there been no COVID and the Exam been administered in person this year, I have no doubt I would pass on the merits. My anxiety is through the roof that something beyond my control will result in Bar failure, my loss of job and health insurance for my son, forcing me to find another position during this economic downturn. I faced unknowns in Iraq willingly because it was part of the job, but law school and licensure has generally been predictable. I know COVID has forced us all to get comfortable being uncomfortable, but I hope the Court of Appeals and SBLE can work with examinees to protect both the public and themselves by exploring an alternate route to licensure with added CLEs and supervision.
No	No	Yes	No		
No	No	No	No	I constantly look up when I am thinking and I Constantly look at my keyboard, when typing really fast. Not being able to look up or down, will c	I do not have access to a printer and wonder how I will be able to access the Exam materials if using the "CLOSED book" function on ExamSoft. I constantly look up when thinking and constantly look down at my keyboard when typing really fast. Not being able to look up or down, will create more unnecessary additional stress for me.

	Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	Latinx, Latino/a, Hispanic	Latinx, Latino/a, Hispanic
	Yes, I am registered to take the bar examination.	27 to 35 years old	Female	No	Asian	
	Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	White	White
	Yes, I am registered to take the bar examination.	22 to 26 years old	Male	No	White	
	Yes, I am registered to take the bar examination.	22 to 26 years old	Female	Yes	African American or Black	
	Yes, I am registered to take the bar examination.	27 to 35 years old	Male	No	White	White
	Yes, I am registered to take the bar examination.	27 to 35 years old	Female	No	White	White

Yes	Pure Diploma Privilege (no exam in any format)	5	Yes	Yes
No	Pure Diploma Privilege (no exam in any format)	3	Yes	Yes
No	Pure Diploma Privilege (no exam in any format)	5	No	No
Yes	Pure Diploma Privilege (no exam in any format)	5	No	Maybe
No	Email Bar Exam (Questions emailed to test-takers, then they email their answers back; open book and no proctors; see Indiana for an example of this)	5	No	Maybe
Yes	Pure Diploma Privilege (no exam in any format)	4	No	No
No	Pure Diploma Privilege (no exam in any format)	4	No	Maybe

	No		No	1	No
	No		Maybe, but unsure right now.	2	No
I have two daughters - ages 2 and 5. I study at home and it has been extremely challenging.	Yes	$250-$500	Maybe, but unsure right now.	0	Yes
	Yes	Unsure	Maybe, but unsure right now.	0	Yes
I live at home with a large family. I would likely need to rent a place in order to adhere to all guidelines.	Yes	$250-$500	Maybe, but unsure right now.	0	Yes
I am sharing a household with two other people.	Yes	$250-$500	$250--$500	1	Yes
I resigned my lease for a few months (making it more expensive) after the first push back of the exam, so I wouldn't be moving so close to the exam. Then the exam got delayed again. It made my moving out nightmare a reality. I have to be out of my apartment at the end of September (I can no longer afford to stay where I currently live, so resigning isn't an option). I will be MOVING just days before I need to take the online exam. I can't promise I'll have internet set up to wherever I end up moving to. I have siblings that are local, but all have little children that will be home due to schools being online in the fall.	Maybe	Unsure	No	0	No

	No		No		No	No		Maybe/Unsure	Yes	No	No
	No		No			No		Maybe/Unsure	Yes	Yes	Yes
1	Yes	1	Yes	2	Yes	Yes	1	No	Yes	Yes	No
1	No		No		No	Yes	1	Maybe/Unsure	Yes	No	Yes
5 or more	Yes	2	Yes	3	No	Yes	5 or more	Maybe/Unsure	Yes	Yes	Maybe
2	Yes	1	Yes	1	Yes	Yes	1	No	No	Yes	No
	No		No		No	Yes	1	Maybe/Unsure	Maybe/Unsure	Yes	Yes

Maybe	No	Yes	No		Having done several practice quizzes while bar prepping I have noticed that on quizzes that are administered solely online (without a nightlight function) I score substantially lower than on quizzes provided in practice books which allow me to highlight and underline. On the online quizzes my score range from 40-70 percent whereas on the written quizzes my scores range from 70-80 percent. Highlighting and underlining is a skill that was taught in law school as a way to ensure we could answer complex hypos accurately, not having the ability to do that would seriously hinder my ability to retain certain information from the hypothetical in addition to slowing down my ability to answer questions accurately.
Yes	No	Yes	No		
No	No	Yes	No		
Maybe	Yes	Yes	No		Everyone is in a tough spot here, students and decision-makers both. We are operating under near unrealistic circumstances. With that in mind, it is my personal belief that diploma privilege is the only logical option. Normally, I would not be opposed to an online exam. However, when my entire career is on the line (not to mention hundreds of thousands of dollars), the risk of the unknown of the exam test-taking procedures and potential connection issues is too much to leave to chance. Therefore, I am completely in favor of diploma privilege.
Maybe	Maybe	Yes	Maybe		
No	No	Yes	No		I have paid out of pocket for the Bar Prep which is giving me tips on how how to take the exam if I had a paper copy in hand, or at the very least a scratch piece of paper. If all of our predecessors had the ability to take notes on the physical exam, how is an exam without that option fair? Better question, which part of this exam exemplifies our ability to practice law? This is not about standards, this is about our employability and capability to enter our careers! No one is trying to cheat the system and if they are, I hope you see they will expose themselves!
No	No	Yes	No		

	Yes, I am registered to take the bar examination.	22 to 26 years old	Female		Southwest Asian or North African (formerly known as "Middle Eastern")	Southwest Asian or North African (forme
	Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	White	
	Yes, I am registered to take the bar examination.	27 to 35 years old	Female	No	White	White
	Yes, I am registered to take the bar examination.	27 to 35 years old	Female	No	White	White
	Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	White	White
	Yes, I am registered to take the bar examination.	22 to 26 years old	Male	Yes	White	White
	Yes, I am registered to take the bar examination.	27 to 35 years old	Male	No	White	White

Maybe	Pure Diploma Privilege (no exam in any format)	5	Maybe	Maybe
Yes	Pure Diploma Privilege (no exam in any format)	5	No	No
No	Not opposed to the online bar exam because of safety precautions, but there are so many variables that can't be accounted for. For example, even if someone had	2	Maybe	Maybe
No	Pure Diploma Privilege (no exam in any format)	4	No	No
No	Pure Diploma Privilege (no exam in any format)	5	No	No
Yes	Pure Diploma Privilege (no exam in any format)	3	No	No
No	Pure Diploma Privilege (no exam in any format)	3	No	No

	Yes	$100-$250	Maybe, but unsure right now.	0	No
I live in a one bedroom apartment with my husband, who is currently working full time from home, and our dog, who will bark whenever she sees or hears anyone outside.	Yes	$100-$250	Maybe, but unsure right now.	0	Yes
I live with other people who are forced to work from home due to the corona virus and cannot tell them not to work so I can take a test.	Maybe	Unsure	Maybe, but unsure right now.	0	Yes
My apartment has thin walls and I have two cats that insist on sitting on me or my laptop whenever I'm working	Yes	$250-$500	Maybe, but unsure right now.	0	No
I have 2 dogs and 3 roommates.	Maybe	Unsure	Less than $250	0	Yes
	Maybe	Unsure	Maybe, but unsure right now.	1	Yes
My spouse works from home and my neighbors/traffic are very loud.	Maybe	$100-$250	Less than $250	1	Yes

	No		No		No	No		Yes	Yes	Yes	Yes
1	Yes	1	No		No	Yes	1	Maybe/Unsure	Maybe/Unsure	Yes	No
4	Yes	1	No		No	Yes	4	Maybe/Unsure	Yes	No	No
3	Yes	2	No		No	No		No	Yes	Maybe	Yes
2	Yes	2	No			Yes	3	No	Yes	Yes	No
1	No		No		No	Yes	2	Maybe/Unsure	Maybe/Unsure	Yes	Maybe
1	Yes	1	Yes	1	Maybe	Yes	2	No	No	Yes	No

Maybe	No	Yes	No	Impact on employment, loss of job offers	
No	No	Yes	No		The bar exam, prior to the pandemic, was already a huge source of stress, but what the SBLE and the Court of Appeals are doing to us regarding the remote administration of the exam is cruel. I have had to push my job start date twice, compromising my job security and my income for two months. My health insurance has also been compromised in the middle of a global pandemic! Lastly, the rules coming out about what is allowed and what isn't, is yet another huge source of stress, one that seems completely out of touch with real life applicants. We, applicants and our families, are all trying our best to stay afloat during these unprecedented times, and the message we are getting from the Court and the SBLE is that they not only not care about us, but they prioritize monetary profit over our wellbeing and professional prosperity.
No	No	Yes	No	Not being allowed to fidget or touch your face and or hair will disqualify many people like myself who have anxiety. That is not something I am able to control and would be an absurd basis for cancellation of exam results.	
No	No	Yes	No	The stress of studying, dealing with the pandemic, and not knowing the details of how the test will be administered is just outrageous	The remote bar exam is not a fair and accurate way of determining minimum competence.
No	No	Yes	No	Most of us are also being forced to work during our bar prep.	
Maybe	No	Yes	No	I would like to see more mention of First generation students who face added pressures in the legal world. I would also like to see a question pertaining to jobs being delayed or pushed back because of Covid.	Due to Corona my employment offer has been moved back to January 2021, as such I was unable to remain in my apartment and was forced to move home to my parents house. My parents home is on a small island off the eastern coast of Florida. As hurricane season is starting I fear I will not have reliable internet and power during the exam. With storms like this we have very few days notice and as such I would likely not be able to move evacuate the state to get reliable power and internet.
No	No	Yes	No		Many of us have spent a large amount of money on commercial bar-prep programs. The methods being taught require test takers to be able to map out answers in some manner (on the exam or scratch paper). My program has literally stated that failing to take the time to map out answers is the quickest and easiest way to make mistakes. If I cannot apply the best practices that I am learning then how else should I prepare?

	Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	White	
	Yes, I am registered to take the bar examination.	22 to 26 years old	Female	Yes	White	White
	Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	White	White
	Yes, I am registered to take the bar examination.	22 to 26 years old	Male	No	White	
	Yes, I am registered to take the bar examination.	27 to 35 years old	Male	No	White	

No	Pure Diploma Privilege (no exam in any format)	5	No	Maybe
No	Pure Diploma Privilege (no exam in any format)	3	No	Maybe
Maybe	Pure Diploma Privilege (no exam in any format)	4	No	Maybe
Yes	Pure Diploma Privilege (no exam in any format)	5	No	No
No	Diploma Privilege, Plus an Optional Bar Exam	5	Maybe	Yes

I had hoped to get a hotel room to take the bar exam in, somewhere in the suburbs since I live in the city (and next to train tracks) but because of COVID, hotel prices are sky high since they aren't getting much business and with the timing of the sessions I would have to stay 3 nights (night before, night between, and night after) since the times don't work out with check in/check out times.	Yes	$250-$500	Maybe, but unsure right now.	0	Yes
Household pets, partner who works, distractions throughout neighborhood (yard work etc)	Yes	Unsure	Maybe, but unsure right now.	2	Yes
	No		No	1	Yes
Family in home, public spaces are closed due to covid	Yes	$250-$500	Maybe, but unsure right now.	0	Yes
	Maybe	$250-$500	$250--$500	0	Yes

1	Yes	1	No			No		No	Yes	Yes	No
1	Yes	2	No		No	Yes	1	Maybe/Unsure	Yes	Yes	Yes
1	Yes	2	No		No	No		Maybe/Unsure	Maybe/Unsure	No	Yes
1	No		No		No	Yes	3	Maybe/Unsure	Yes	No	Yes
2	No		Yes	1	Yes	Yes	1	Maybe/Unsure	Yes	Maybe	Yes

No	No	Yes	No		I had set aside my entire summer to prepare for and take the bar exam (incluidng budgeting myself to pay bills through September), because of the delay to October I now have to begin my clerkship August 12th, and study in the evenings rather than full time as I had planned. This was my only choice to be able to pay my bills, delaying my star date past September was not a choice for me. Furthermore, it is now August 1st, and we know nothing of the format of the exam, the restrictions we will be placed under, or what resources we will have access to. We cannot adequately prep for an exam with this many unknowns surrounding the formatting.
Yes	No	Yes	No		Please show that you care about the mental health and do not promote classism by allowing diploma pro ledges, rather than forcing already adequate (and mostly passed MPRE) students to stress over whether they will be barred or not due to circumstances out of their control. Do not punish the mothers, the fathers, the disabled and sick, or the non wealthy who can not afford to accommodate the strict commands already employed by various other states. Be better, Maryland.
Maybe	No	Yes	No		
Maybe	No	Yes	Maybe		
Yes	No	Yes	Maybe		My wife and I cannot safely bring in a nanny or other help for our one year old because my wife has bad asthma and we can't risk her getting Covid. It is extremely hard to raise a child while she works and I have to study for the bar exam. An online exam will not do anything to help us. Regarding the need for the exam to provide assurance to the public—I disagree that anything more than law school and supervised practice, and CLE is necessary. I plan on doing tax law; I practiced in tax as an IRS Enrolled Agent for three years before law school, have taken six JD tax courses and will have an LLM in tax from NYU before practicing as an attorney. Isn't that enough assurance to a client that I am competent at tax law—would they care that I didn't pass an exam that has 0 questions or essays on tax law? What does a closed book exam have to do with being a lawyer for any type of lawyer—especially for those in fields not tested on the exam.

Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	White	White
Yes, I am registered to take the bar examination.	27 to 35 years old	Male	Prefer not to say	White	
Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	Southwest Asian or North African (formerly known as "Middle Eastern")	
Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	White	White
Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	African American or Black	African American or Black
No, I am not registered to take the bar examination because I have withdrawn my registration.	27 to 35 years old	Female	No	African American or Black	African American or Black
Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	White	
Yes, I am registered to take the bar examination.	27 to 35 years old	Male	No	White	White
Yes, I am registered to take the bar examination.	35 to 42 years old	Male	Yes	White	White
Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	African American or Black	African American or Black

No	Email Bar Exam (Questions emailed to test-takers, then they email their answers back; open book and no proctors; see Indiana for an example of this)	5	Yes	Maybe
Yes	Pure Diploma Privilege (no exam in any format)	5	Maybe	Maybe
No	Diploma Privilege, Plus an Optional Bar Exam	4	No	No
No	Pure Diploma Privilege (no exam in any format)	5	Yes	Yes
Yes	Diploma Privilege, Plus an Optional Bar Exam	5	No	No
No	In-Person Bar Exam	3	Yes	No
Maybe	Diploma Privilege, Plus an Optional Bar Exam	5	Yes	Maybe
No	Diploma Privilege, Plus an Optional Bar Exam	5	No	Maybe
Yes	Email Bar Exam (Questions emailed to test-takers, then they email their answers back; open book and no proctors; see Indiana for an example of this)	3	Maybe	Maybe
Yes	Pure Diploma Privilege (no exam in any format)	5	No	No

I will be taking it likely from my apartment - it is difficult to predict at this time if there will be silence and no interruptions. I'm mostly concerned about the internet and the online software.	Maybe	$250-$500	Maybe, but unsure right now.	0	No
I have a large family and we are living in a small home in which it is difficult to find quiet space to work	Maybe	$100-$250	$1,000-$2,000	1	Yes
I live in a basement apartment as this is what I could afford after Graduating with Covid 19 delaying my job prospects. As much as I can ask my upstairs landlords to be respectful while I study and take the exam, it is difficult to secure a quiet place. The walls are very thin and I can hear everything from a sneeze to a full conversation. I live in a loud and busy neighborhood and I have windows just a few feet from the from the street, on the ground level. Ambulances and police sirens are frequent and there is no guarantee what will happen that day. In addition, I share my internet connection with my upstairs landlords and their are occasional delays because of everyone is working from home.	Maybe	Unsure	$250--$500	0	No
	No		Maybe, but unsure right now.	3	Yes
My apartment is constantly having construction and it makes even studying really difficult.	Yes	$500-$750	$250--$500	0	Yes
	Yes	$250-$500	$250--$500	0	No
My family is home most days because my parents are not working full time as a result of the pandemic. It can be quite distracting with them here, so I have to move my study space around at times to find quiet. I am unsure of whether they will be able to leave our home during the bar exam to ensure that it will be quiet.	Maybe	$250-$500	Maybe, but unsure right now.	2	No
It will depend on whether my sister's family has found a place to live by then.	No		$750-$1000	1	Yes
	No	Unsure	No	1	Yes
I have a large family which includes two children under the age of 5. It is not feasible for me to take this exam without interruption because of the activity within my home. It is also impossible for me to find somewhere else to take the exam considering the current global pandemic.	Maybe	$250-$500	Maybe, but unsure right now.	0	Yes

	Yes	1	No	No	No	Maybe/Unsure	Yes	No	Maybe
4	Yes	2	Yes	1	No	Yes	4	No	Maybe/Unsure	Yes	Maybe
	No		No	No	No	No	No	Yes	No
2	Yes	1	No	No	Yes	2	Yes	Yes	Yes	No
1	No	No	No	Yes	1	Maybe/Unsure	Yes	Yes	No
	No		No	No		No	No	Yes	No
	Yes	2	No	No	Yes	2	Yes	Yes	Yes	Yes
3	Yes	1	No	No	Yes	3	Yes	Yes	Maybe	Yes
1	Yes	1	No	No	No	Maybe/Unsure	Yes	No	Yes
5 or more	Yes	1	Yes	3	Maybe	Yes	5 or more	Yes	Yes	Yes	Maybe

Maybe	No	Yes	No	I am extremely concerned about the prohibition of scrap paper. For multiple choice questions, essays, and especially the MPT, scrap paper, outlining, highlighting, crossing, etc. is vital. Not only is it how we have prepared to take this exam, but it is the only way to effectively organize our thoughts to answer the questions.	The October test date has been financially, emotionally, and professionally difficult. If we do take the online bar (or email) in October, I am unsure if we would have our scores back in time to know if we need to retake the exam again in February.Will that still cost the same? The pandemic was obviously an unforeseen, unimaginable thing that has changed everything. I do not blame BLE's for any of this, but certainly think that Diploma Privilege is the only appropriate answer for allowing educated, competent law school graduates to join the profession we've worked so hard for. This is in no way asking for a free pass or minimizing the importance of competency. These crazy times call for changes and adjustments to keep us living and well. The way this process of taking the bar exam, changing dates, unprecedented formats, hearing of other states (Michigan for example) attempting this online exam and having it crash, has made me extremely worried that I will not financially be able to pass this exam. I have never been this anxious or unwell. I am worried that the Bar Exam- due to the uncertainty of the format (Crashing internet, software, fidgeting or touching my hair or thinking too much about that, etc.) and lack of resources, (scrap paper etc.)- is going to force me to choose a different path than being an attorney, the profession I have dreamed about and worked extremely hard for. The delay in time (and potentially more) is putting an insurmountable financial strain on us. I cannot afford to continue to be out of work and keep paying close to $1,000 to retake this exam several times. Again, this is not the BLE's fault, however, they can choose to mitigate the situation by granting Diploma Privilege and holding us to the highest standard. No one is trying to "get away" with not taking the bar exam here... we want to be able to do our jobs despite a pandemic.
Maybe	No	Yes	No	I am having to work full time to support myself and my dependents while studying for this exam that was originally scheduled for July. The constant changes in the exam schedule affect my entire households planning. And scheduling. Many of us have not budgeted for the constant elongation to the timeline of this test. Student loans don't pay themselves.	
No	No	Yes	No		
Maybe	No	Yes	No		
No	No	Yes	No		I am very worried about this online exam. I am a visual learner and processor and I draw diagrams to help me get the correct answer on things. So not being able to do that worries me. Additionally, my living environment will make it more difficult to succeed on this exam because there is construction going on in my apartment, and while studying I have been relying on noise cancelling headphones just to get by.
No	No	Yes	No		
Maybe	No	Yes	No	Great survey. Thank you!	
Maybe	No	Yes	No		
Yes	Yes	Yes	No		
No	No	Yes	No		

	Yes, I am registered to take the bar examination.	22 to 26 years old	Female	Yes	Southwest Asian or North African (formerly known as "Middle Eastern")	
	Yes, I am registered to take the bar examination, but plan on withdrawing my registration.	27 to 35 years old	Female	No	White	Middle Eastern (Israeli)
	Yes, I am registered to take the bar examination.	42 to 50 years old	Male	No	White	White

Yes	Pure Diploma Privilege (no exam in any format)	5	Yes	Maybe
Maybe	Pure Diploma Privilege (no exam in any format)	4	Maybe	No
No	Email Bar Exam (Questions emailed to test-takers, then they email their answers back; open book and no proctors; see Indiana for an example of this)	5	Yes	Maybe

I live on the first floor of my apartment building next to an area that is gardened 2-3 times a week and it is very loud. Further, our building's fire alarm goes off frequently and I am nervous it will happen during the exam.	No		Maybe, but unsure right now.	1	Yes	
While I can study and take breaks to allow my dog to go out - I cannot take the full bar exam uninterrupted.	No		No	1	No	
Will be at home. Disruptions can occur any time regardless of planning.	No		Maybe, but unsure right now.	1	Yes	

1	Yes	2	No		Maybe	No		Maybe/Unsure	Yes	Yes	Yes
	Yes	2	No			Yes	1	Maybe/Unsure	Yes	Maybe	Yes
1	Yes	1	No			Yes	1	Yes	Yes	No	Yes

Yes	No	Yes	No		Thank you for taking the time to reach through these testimonials. As has been stated, the pandemic has caused severe hardships for people throughout our country, as well as the world. Something like the bar exam may seem like a minuscule issue, but for law school graduates, it is one of the biggest issues in our lives. The delay and switch-over to a remote exam has caused a great deal of financial and mental hardship for me and my peers. Please consider diploma privilege, as it is the only equitable solution, especially during this emergency time. In developing rules for the remote exam, please consider easing the rules to allow applicants to wear earplugs, to be able to fidget, and to allow physical scratch paper. During exams, I subconsciously touch my face, hair, etc. It is a nervous habit. I know people who cannot control those movements due to disabilities. Making that a fail-able offense is discriminatory and unfair. For me, earplugs would be necessary as I live on the first floor of an apartment, next to a parking lot, where there is constantly noise. Earplugs would help me drown out any excess noise and to focus on the exam. Further, physical scratch paper should be available. Our bar review courses literally focus on us diagramming and writing things out in order to work out questions. Outlining on paper for me is imperative to help me form my essays. Not allowing physical scratch paper will put test takers at a disadvantage. If you are concerned that these issues will result in cheating, it should show that administering an online exam is just simply infeasible. Emergency diploma privilege should be granted during this time as a start, and abolition of the exam as a whole should be a further discussion. Please listen to the voices of us as future members of the profession and make the transition to licensure a more fair and equitable route. Thank you.
No	No	Yes	No	The proposed rules and regulations for the remote bar exam are especially challenging for those who are neurodivergent. As someone who requests accommodations for ADHD, the idea that I am unable to move, use scratch paper, gaze off into the distance or twirl my hair which I do without thinking, are unimaginable. Further, these rules will take away from a candidates ability to focus on answering the questions and will instead place an inordinate amount of pressure to focus on "acting correctly." For those of us who hyperfocus, I know that my focus will most likely be on whether or not I am twirling my hair and will disadvantage my already challenged mind from being able to correctly answer the questions regarding the actual law.	[illegible] phone. I wanted to ensure that I could write more eloquently and decided to scrap that survey and move to my computer instead. I bounded up the stairs of my new townhouse, pressed the power button my laptop and much to my frustration found that my laptop would not turn on. I attempted again and again and 20 minutes after my original attempt to turn on my laptop, it updated and turned on. This is a minor example of the fear that bar examiners are facing when taking the bar exam. I am a privileged individual who happens to own a home, with one other individual and one pet. However this is not the case for many people who would like to join this elite profession. The bar examination process is meant to test the aptitude of the individual taking the exam and their ability to understand the law. With administering this remote exam, the exam is instead testing the wealth of those who wish to partake and how lucky any one particular person is that day. If there is any issue outside of our control, this would be irrelevant during an in person exam, but could be the end of our exam if remote. If the power goes out, if the internet goes out, if my neighbor comes by and my dog barks, and the ifs go on and on. I would implore that the state of Maryland the bar examiners take into consideration the impact of the uncertainty of this exam can have on individuals. I am registered for the remote exam, however I am deeply disappointed in the manner by which these decisions have been made. While I am lucky enough to have the funds, paying the same amount for the UBE and for this remote exam which is not transferrable (but is now reciprocal) is a financial hit that many of us cannot take. I would implore the state to take extraordinary measures in these extraordinary times and consider that in the best of circumstances this exam is not the best measure of a graduates aptitude. Diploma privileges is the only fair and equitable way to ensure that any graduate that has passed their law school courses, has taken the ethics exam and is in good standing is qualified regardless of income, status, health issues,
Maybe	Yes	Yes	No		

	Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	African American or Black	African American or Black
	Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	White	White
	Yes, I am registered to take the bar examination.	22 to 26 years old	Female	Prefer not to say	White	White
	Yes, I am registered to take the bar examination.	27 to 35 years old	Female	No	Latinx, Latino/a, Hispanic	Latinx, Latino/a, Hispanic
	Yes, I am registered to take the bar examination.	42 to 50 years old	Male	Yes	African American or Black	African American or Black
	Yes, I am registered to take the bar examination.	27 to 35 years old	Female	No	White	

Maybe	Email Bar Exam (Questions emailed to test-takers, then they email their answers back; open book and no proctors; see Indiana for an example of this)	5	No	No
No	Pure Diploma Privilege (no exam in any format)	5	No	No
Yes	Pure Diploma Privilege (no exam in any format)	3	No	No
No	Email Bar Exam (Questions emailed to test-takers, then they email their answers back; open book and no proctors; see Indiana for an example of this)	5	No	No
Maybe	Diploma Privilege, Plus an Optional Bar Exam	1	No	Maybe
No	Diploma Privilege, Plus an Optional Bar Exam	4	Yes	Maybe

	Maybe	$100-$250	Maybe, but unsure right now.	1	Yes
	Yes	$100-$250	Less than $250	0	Yes
I have a roommate who is a teacher and will be working from home, including teaching virtually during that time. We live in a 1 bedroom apartment.	Yes	$500-$750	Maybe, but unsure right now.	1	Yes
Currently live with other family members including kids and pets. The area where I live often experiences loss of power, meaning I will certainly be disconnected to internet for at least a portion of the exam and I won't be able to control that.	Yes	$250-$500	Less than $250	1	Yes
I live with my family, who are working from home; plus the home phone	Maybe	$100-$250	Maybe, but unsure right now.	0	No
Sometimes my house is quiet, but sometimes it isn't - noisy neighbors, frequent construction, pets.	No		Maybe, but unsure right now.	0	No

3	Yes	1	Yes	1	Maybe	No		No	Yes	Yes	Yes
1	Yes	2	No		No	Yes	1	No	Yes	Yes	Maybe
1	No		No		No	Maybe		Maybe/Unsure	Maybe/Unsure	Maybe	Yes
3	Yes	2	Yes	1	Maybe	Yes	2	No	No	Yes	Yes
	Yes	1	No		No	No		Maybe/Unsure	Maybe/Unsure	No	Yes
	Yes	2	No		Maybe	Yes	1	Maybe/Unsure	Yes	Yes	Yes

Maybe	No	Yes	No		Some individuals are experiencing internet disruptions as well as power outages due to storms throughout the day and evening. We are currently seeing impacts from Tropical Storm Isaias where internet providers are reaching out to customers with notices that there will be unavoidable internet disruptions. It is frustrating enough to know that I could be flagged for cheating if I sneeze and my head goes down or my dog barks because he's a dog and everything excites him. But now I must process through the reality that I may also fail due to loss of internet connection. The exam is scheduled for October: Hurricane season. Being directly on the east coast and susceptible to the strong likelihood of power outages and loss of internet for unknown periods of time, I am very fearful that I will lose power, lose internet, and fail the exam due to something completely out of my control. At this point, it is impossible to administer the exam under equal testing conditions which guarantees that the only thing it is accurately predicting is access to resources, not competency to practice law.
No	No	Yes	No		
Maybe	No	Yes	No		I want to believe in this profession that I have chosen to be a part of, but it has become increasingly difficult to do so. I feel support from fellow attorneys and law graduates, but there seems to be a distinct lack of support from the SBLE. These are unprecedented times. I never thought that March would lead into August, and it now seems like any picture of normalcy or the "new normal" as they call it will not come until 2021. I don't mean to be pessimistic or to seem that I am lacking all faith in the SBLE, but it's difficult for me to believe that a remote bar is the right choice for these times and circumstances. My fellow law graduates and I knew that we had to take a bar examination at the end of our three year law school journey, but we could have never anticipated these circumstances that call to question the very equity and value that such an exam even has. The exam this year will not measure competence. It will measure resources. We are all many times more stressed and anxious than would seem fathomable to those who took the exam even last year. Many of us are primary caretakers of family members during these COVID-19 times. Many of us have had or know someone who has COVID-19. Many others have to deal with the fact that their kids will not be going back to school in the fall, and will instead be learning virtually from home. Still others live in cramped quarters and will have to balance studying and taking the exam with roommates and family members that also live with them and will be working remotely from home. I do not say all of this to gain sympathy; we law graduates are a gritty and resilient group. We will do what is necessary, and if that means that we study when we can, when things are quiet, and the kids are done with lessons, and we finally have the available office space in our homes, then that is what we will do. We will do what we must do to pass an exam that determines our so-called competency and future.
No	No	Yes	No		I urge you to please consider mailing the bar exam, as in many of the exam takers real lives, it is impossible to find a 100% quiet space inside our homes, and we won't be able to guarantee our internet speed or power throughout the duration of the exam. We also must be able to circle, highlight and diagram the hypos in order to organize the facts on them before we can even attempt to answer a question.
Maybe	Maybe	No	Maybe		
Yes	No	Yes	No		

	Yes, I am registered to take the bar examination.	27 to 35 years old	Female	No	White	
	Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	Southwest Asian or North African (formerly known as "Middle Eastern")	
	Yes, I am registered to take the bar examination.	27 to 35 years old	Male	No	African American or Black, White	African American or Black, White
	Yes, I am registered to take the bar examination.	42 to 50 years old	Female	No	African American or Black, White	African American or Black

No	Diploma Privilege, Plus an Optional Bar Exam	4	Yes	Yes
Yes	Diploma Privilege, Plus an Optional Bar Exam	5	No	No
Yes	Diploma Privilege, Plus an Optional Bar Exam	5	Yes	Yes
No	Diploma Privilege, Plus an Optional Bar Exam	3	No	Maybe

	No		No	1	No
I dont have enough money to support myself while waiting to take the bar in October and my start date was pushed back a little. As a result, I had to move in with my family in a different state where there is always an average of 5-8 people over, including young boys (10-16 years old) who are very loud and dont understand the importance of staying quiet so I could study because they dont understand the impact that the exam has on my future	Yes	$250-$500	Maybe, but unsure right now.	0	No
	No			2	Yes
	Yes	$250-$500	No	2	No

	No		No		No	No		Yes	Yes	No	Maybe
	Yes	3	Yes	2	No	Yes	4	No	Maybe/Unsure	Yes	Maybe
2	Yes	2	No		No	Maybe	1	Yes	Yes	Maybe	Yes
	No		No		No	No		Maybe/Unsure	Yes	No	Yes

Yes	No	Yes	Maybe	My clerkship start date has (luckily) not been pushed back, but this means that I will be working full-time for the three weeks preceding the exam and taking two days off within my first month of work. I am also trying to juggle starting a new job, moving across the country, and other personal obligations with studying for a bar exam that was supposed to be finished before all of these events.	
No	No	Yes	No	I have an inflammatory bowel disease and the bathroom restrictions will be problematic	I am a first generation university graduate and first generation law school graduate. I have done everything right. I studied hard to beat the odds and get into a good law school and graduate with good grades. I did internships and externships non stop to gain experience. I have taken the MPRE and Maryland bar component and passed both. But now on top of a global pandemic that's ravaging the country and the risks it poses to me as a high risk individual, I have to also worry about the bar exam and all the little rules including not being able to use scratch paper which is what all bar preps train you to use. Virtual scratch paper is not the same! The fact that we are so resilient in advocating for ourselves should show you that we are competent attorneys who will do great in advocating for their clients. Not to mention, everyone in this state has participated in some of the highest ranked clinics in the country. We are competent and the only thing that test will do right now, is set those of us without a quiet area to study or take the test and with bad internet up for failure. Please be kind to us at a time when it is much needed and grant us diploma privileges.
Maybe	No	Yes	Maybe		I support a Diploma Privilege option for students who applied to take MD's 2020 July Bar exam along with the option to take the modified bar exam. Giving applicants two options allow test takers to choose from an exam that is portable in a limited capacity, or to complete the necessary requirements that a Diploma Privilege would require and begin work in the legal profession. The Diploma privilege option is a necessary option for the prospective lawyers who experience hardship because of the national emergency and affords the chance to work for pay while taking the steps to earn their attorney license. Two pathways to becoming barred help mitigate risks associated with mandating just a virtual bar exam in October like ensuring an even playing field for all test takers. During a virtual bar exam, ensuring an even playing field for test takers is absolutely impossible. One example that comes to mind is the size of a test taker's monitor. Test takers with the ability to use a large (tv like monitor) have a clear advantage over someone who may only be able to take the exam on a small laptop screen. Particularly for the MPT and MEE, A larger monitor allows for test takers to have more information on the screen at one time and makes it easier to stay organized. A larger monitor is just one example not mentioned in the original petition, but for this reason and all the others mentioned by the petition, the Court of Appeals must allow the option for a Diploma Privilege. Mandating an electronic bar exam with no option other than postponing our test date to a future date creates undue hardships for many students. Adding the option of a diploma privilege to the scheduled virtual bar exam option is the most effective reaction to the national emergency caused by COVID19, and evens the playing field for all prospective 2020 Maryland bar candidates.
No	No	Yes	No		

	Yes, I am registered to take the bar examination.	35 to 42 years old	Female	Yes	White	White
	Yes, I am registered to take the bar examination.	27 to 35 years old	Female	Yes	White	White
	Yes, I am registered to take the bar examination.	22 to 26 years old	Male	No	White	White
	Yes, I am registered to take the bar examination.	27 to 35 years old	Female	No	White	White

No	Pure Diploma Privilege (no exam in any format)	4	No	No
No	Pure Diploma Privilege (no exam in any format)	5	No	No
Yes	Pure Diploma Privilege (no exam in any format)	4	No	No
No	Pure Diploma Privilege (no exam in any format)	5	Maybe	Maybe

I live with three other people. I don't know if I'll be able to get space in the law school or elsewhere on the exam dates.	Maybe	Unsure	No	1	No
Construction in my building is very loud during the morning through the afternoon	Maybe	Unsure	Maybe, but unsure right now.	1	No
I have a blind pug who barks when he needs attention (which is quite often throughout the day), a chihuahua who is also pretty yappy, a sister who is working from home and is fielding phone calls (so no option to turn off the phone system or put on do not disturb), neighbors to my left and right who are pretty loud and play music outside, children who play basketball on the streets at all hours of day (since they have no where else to be with COVID), etc.	Yes	$250-$500	Maybe, but unsure right now.	0	Yes
I live in a small home with my fiance and 3 pets (2 dogs and a cat) and I cannot guarantee that it will be quiet.	Maybe	Unsure	Maybe, but unsure right now.	1	No

	Yes	2	Yes	2	Yes	Yes	1	Yes	Yes	Maybe	Yes
		1	No			Maybe	1	Yes	Yes	No	Yes
3	Yes	3	No		No	Yes	3	No	Maybe/Unsure	Yes	No
	Yes	3	No			Yes	1	Maybe/Unsure	Yes	Yes	Yes

Yes	No	Yes	No		I live with my partner and two children. My children have been home 100% of the time since March 13th and I have no place to study outside of my home. Additionally, my partner works from home and spends most of his day in phone conferences. There is nowhere in our home where he can work where I can't hear him talking. He would have to take 2 days off of work to allow me to take the exam without his background noise. I also have no idea how I am going to keep my children quiet and away from my home office for the two days of the exam.
Maybe	No	Yes	No		
No	No	No	No		You have an alternative for the Maryland Bar Exam already; that is, the Maryland Law Component test. Why not just take that and make that the Bar Exam? Why are we learning federal rules/jurisprudence if we are NOT getting the benefit of a portable exam score, as we were promised when we signed up to take the UNIFORM Bar Exam. That was the whole benefit of the bargain. Now that portability is no longer an option, we should be spending our time learning and brushing up on MARYLAND law, which we would be able to do if you changed the Bar Exam to the Maryland Law Component test in entirety.
Maybe	No	Yes	No		I live in a small house with 3 animals (2 dogs and a cat) and my fiance who is also taking the MD bar in October. We only have one room with a door (our bedroom). I cannot guarantee that the house will be quiet. Our internet is also spotty at times. I do not feel that this situation will be fair for bar takers.

Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	White	White
Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	White	Latinx, Latino/a, Hispanic
Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	Asian	Asian
Yes, I am registered to take the bar examination.	22 to 26 years old	Male	No	White	White
Yes, I am registered to take the bar examination.	27 to 35 years old	Female	No	Asian	Asian
Yes, I am registered to take the bar examination.	22 to 26 years old	Male	No	White	White
Yes, I am registered to take the bar examination.	27 to 35 years old	Female	No	African American or Black	African American or Black
Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	White	
No, I am not registered to take the bar examination because I have withdrawn my registration.	27 to 35 years old	Female	No	White	
Yes, I am registered to take the bar examination.	22 to 26 years old	Female	Yes	African American or Black	Latinx, Latino/a, Hispanic
Yes, I am registered to take the bar examination.	22 to 26 years old	Female	Yes	White	
Yes, I am registered to take the bar examination.	35 to 42 years old	Male	No	African American or Black	African American or Black
Yes, I am registered to take the bar examination.	22 to 26 years old	Female	Yes	Southwest Asian or North African (formerly known as "Middle Eastern")	
Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	White	
Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	Asian	

No	Email Bar Exam (Questions emailed to test-takers, then they email their answers back; open book and no proctors; see Indiana for an example of this)	4	Yes	No
No	Pure Diploma Privilege (no exam in any format)	5	Yes	Maybe
Yes	Pure Diploma Privilege (no exam in any format)	4	Maybe	Maybe
Maybe	Pure Diploma Privilege (no exam in any format)	4	No	Yes
Maybe	Pure Diploma Privilege (no exam in any format)	5	No	Maybe
Yes	Pure Diploma Privilege (no exam in any format)	5	No	No
No	Pure Diploma Privilege (no exam in any format)	5	Yes	Yes
No	Pure Diploma Privilege (no exam in any format)	5	No	Maybe
No	Diploma Privilege, Plus an Optional Bar Exam	4	Maybe	Maybe
Yes	Email Bar Exam (Questions emailed to test-takers, then they email their answers back; open book and no proctors; see Indiana for an example of this)	5	No	No
Maybe	Pure Diploma Privilege (no exam in any format)	4	No	No
No	Pure Diploma Privilege (no exam in any format)	5	No	No
Yes	Pure Diploma Privilege (no exam in any format)	5	Yes	Maybe
Yes	Pure Diploma Privilege (no exam in any format)	5	No	No
Maybe	Pure Diploma Privilege (no exam in any format)	5	No	Yes

I live with a dog and a roommate, so silence is unlikely and we do not have stable WiFi. I was offered the ability to take it at my law firm, but there's the risk of background noise. My parents' houses are also noisy with dogs and people and I don't have a desk or office to use at their homes.	Maybe	Unsure	Maybe, but unsure right now.	1	Yes
I will be living w my parents and we have two large dogs who may interrupt the test and get my exam flagged by the AI by barking.	Maybe	Unsure	No	3	Yes
I live with my family and walls are not sound proof and construction constantly happens in the area.	No	Unsure	Less than $250	1	No
	No	Unsure	Less than $250	1	No
	Yes	$100-$250	Maybe, but unsure right now.	1	Yes
I have to remain in my apartment due to the pandemic. A quiet space to take the bar exam without interruption cannot be guaranteed in my apartment.	Yes	$500-$750	$250--$500	0	Yes
	No	Unsure	$250--$500	5 or more	Yes
	No			1	
I live with my husband, who will be teaching remotely during the fall, and I have two dogs and two cats. I also live in a neighborhood where lots of renovation is taking place, so it's impossible to predict if someone within earshot of my house will be taking down trees, putting up fences, in demolition/rehab, landscaping, etc.	Maybe	$100-$250	Maybe, but unsure right now.	2	Yes
	Yes	$750-$1000	$1,000-$2,000	0	Yes
I have two pets at home and a partner who is also working from home. We don't have enough work spaces for us each to be in separate rooms.	Yes	$100-$250	$250--$500	0	No
I have two kids who will be online schooling.	Maybe	Unsure	$500-$750	0	Yes
I live on the first floor of my building and there is constant street/parking lot/gardening noise	Maybe	Unsure	Maybe, but unsure right now.	1	Yes
	No		Maybe, but unsure right now.	1	Yes
	No		Maybe, but unsure right now.	1	No

1	Yes	1	No		No	No		No	Yes	Yes	Yes
3	Yes	2	No			Yes	3	Maybe/Unsure	Yes	No	Yes
	No		No			Yes	3	Maybe/Unsure	Maybe/Unsure	Yes	Yes
	No		No		No	No		Maybe/Unsure	Yes	No	Yes
1	Yes	1	No		No	Maybe	1	Maybe/Unsure	Maybe/Unsure	Yes	Yes
2	Yes	1	No		No	Yes	2	No	No	Yes	No
2	Yes	1	No		No	Yes	2	No	Yes	Yes	No
								No	Yes	Yes	Yes
1	Yes	4	No		No	Yes	1	Maybe/Unsure	Yes	Yes	Yes
1	Yes	1	No		No	No		No	Yes	No	Yes
	Yes	2	No			Yes	1	Maybe/Unsure	Yes	Yes	Yes
2	No		Yes	2	Maybe	Yes	1	No	No	Yes	No
1	Yes	2	No		Maybe	No		Yes	Yes	Yes	Yes
1	Yes	2	No			No		No	Maybe/Unsure	Yes	No
	No		No		No	Yes	4	Maybe/Unsure	Yes	Yes	Yes

Maybe	No	Yes	No		I tested positive for the coronavirus at the end of July, the week in which I finally intended to begin my 10 week bar prep course, however due to the symptoms of the illness (exhaustion, fevers, body aches, shortness of breath, and complications with my asthma) I was unable to start the course for an additional two weeks, which has added to the stress of preparing for the October Bar in particular. Illness aside, it has also been difficult finding the motivation to study with all of the constant changes and uncertainty surrounding whether or not there will even be a Bar. Personally, I would prefer an open book, email administration of the exam similar to Indiana. I am also in the relatively unique position of not yet having achieved a passing score on the MPRE (I took it in March for the first time and have not been able to retake it). This presents a different challenge for me to be admitted to the Bar. Will I have to wait until the next administration of the exam? If I take and pass the MPRE in the fall will I be granted DP? Had there been a normal exam this uncertainty would not exist for me. I would like to see these questions answered and this situation addressed.
Maybe	No	Yes	No		
Maybe	No	Yes	Maybe		
Yes	No	Yes	No		
Maybe	No	Yes	No		As a result of multiple delays in the administration of the bar, my start date for my first full-time legal job was delayed by several months. As such, I have had to take on a full-time job to cover the cost of bills, which include the cost of bar prep. Now, I am working a full-time job during a global pandemic and attempting to study full-time for a bar exam the administration of which has yet to be successful in other states. Please consider the vast scenarios of hardships that new legal graduates are currently in, and provide a solution based in equity and reliable data. Such solutions may include implementing a program geared towards transitioning lawyers into practice during a time when new law students are lucky to even have a job.
No	No	Yes	No		Refusing to grant the class of 2020 pure diploma privilege would be an act of extreme, wanton, unnecessary cruelty on the part of the Court and the SBLE. Shame on you for refusing to take proper action until this point. May God have mercy on all of your souls.
Yes	No	Yes	No	The fact that we will not be able to use scratch paper is very concerning	The fact that we will not be able to use scratch paper is very concerning. This rule must be changed!
Maybe	Yes	Yes	No		
Maybe	No	Yes	No		
Yes	No	Yes	No		I attended law school in DC, but came home to MD to practice. The solution should be inclusive for all people wanting to practice in Maryland, regardless of where they attended law school.
Maybe	No	Yes	No		
No	No	Yes	No	I hand wrote all through law school. It will be hard to sit in one spot without moving and use the laptop. I have 2kids who will be home. Getting a sitter is expensive and with COVID, is not wise.	We want a diploma privilege.
Maybe	No	Yes	No		I live on the first floor of an apartment building where there is constant noise happening outside my window. Further, my roommate is also going to be taking the MD bar exam and we don't know if the software will be able to handle two people using the same WiFi and it is a great worry. Further, the delay of the bar exam has caused severe economic hardship as I have had to take out additional loans to stay afloat as well as to assist in having to buy health insurance. Diploma privilege is the only equitable solution to allow us to begin our professions and to earn a living. A remote exam is likely to have a bunch of problems (as we saw in Nevada, Indiana, and Michigan) and it will not be a fair examination as people do not have equal access to resources to succeed on the remote exam. Please grant diploma privilege.
No	No	Yes	No		
Maybe	No	Yes	No	I am an MD applicant in California. California is experiencing rolling blackouts. I do not anticipate having any ability to control when these blackouts occur. I am seriously concerned about this.	I am a disabled applicant. Postponing the bar exam for five months has been extremely difficult for my health. While I was anticipating postponing an important surgery for two months, five months was far too long and I am experiencing significant pain and hardship because I am unable to go for surgery before the exam so as not to interrupt my studying. It is upsetting to me that the Court has not considered disabled or chronically ill applicants when considering online bar exam needs. Nearly every disabled applicant I know has put off important medical exams or procedures due to this delay.

Yes, I am registered to take the bar examination, but plan on withdrawing my registration.	27 to 35 years old	Female	No	African American or Black	African American or Black
Yes, I am registered to take the bar examination.	22 to 26 years old	Male	No	Asian	Asian
Yes, I am registered to take the bar examination.	22 to 26 years old	Female	Yes	Alaska Native or American Indian, Latinx, Latino/a, Hispanic	Alaska Native or American Indian, Latinx
Yes, I am registered to take the bar examination.	22 to 26 years old	Male	No	White	
Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	White	
Yes, I am registered to take the bar examination.	27 to 35 years old	Female	No	African American or Black	
Yes, I am registered to take the bar examination.	27 to 35 years old	Female	No	African American or Black	
Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	African American or Black	African American or Black
Yes, I am registered to take the bar examination.	22 to 26 years old	Male	Prefer not to say	White	White
Yes, I am registered to take the bar examination.	22 to 26 years old	Male	No	White	White
Yes, I am registered to take the bar examination.	22 to 26 years old	Male	No	White	White

Yes	Pure Diploma Privilege (no exam in any format)	5	No	No
Maybe	Pure Diploma Privilege (no exam in any format)	5	Yes	Maybe
No	Pure Diploma Privilege (no exam in any format)	5	No	Maybe
Maybe	Diploma Privilege, Plus an Optional Bar Exam	5	Maybe	Maybe
Maybe	Diploma Privilege, Plus an Optional Bar Exam	5	No	Yes
Yes	Diploma Privilege, Plus an Optional Bar Exam	5	No	No
No	Email Bar Exam (Questions emailed to test-takers, then they email their answers back; open book and no proctors; see Indiana for an example of this)	5	No	Maybe
No	Pure Diploma Privilege (no exam in any format)	3	No	No
Yes	Diploma Privilege, Plus an Optional Bar Exam	5	Yes	Yes
No	Pure Diploma Privilege (no exam in any format)	5	No	No
Yes	Email Bar Exam (Questions emailed to test-takers, then they email their answers back; open book and no proctors; see Indiana for an example of this)	5	No	No

	No	Unsure	Less than $250		0	No
Live with my family. Difficult to ensure absolute silence during exam.	No	Unsure	Maybe, but unsure right now.	5 or more		No
It's likely my family will leave for the exam. But I can't be certain quiet yet.	No	Unsure	$250--$500		3	No
	No				1	Yes
I share a room with multiple people. People come in and out and my home life can be rather loud. I have parents with fluctuating work schedules And no other place to stay currently. We also have multiple animals that will probably make guest appearances during my exam.	No		Maybe, but unsure right now.		0	
Even if I were to procure a "quiet space" at the firm I'm going to, or another place, there is no way to ensure there will not be background noise, reliable internet or "disruption free"	Yes	Unsure	Maybe, but unsure right now.		0	No
I live the house with parents who also work from home. They often spend their days on phone conferences	No				0	No
I live with my family and extended family. My sister and my aunt have both been laid off from their jobs. My sister stays home to watch my 7 year old nephew. It's hard to tell him to stop being a kid so I can study.	Yes	$100-$250	Maybe, but unsure right now.		0	Yes
	No		Maybe, but unsure right now.		1	No
	Maybe	Unsure	Less than $250		0	Yes
Living at home with siblings, kids and parents in a 3 bedroom row house. There simply isn't a period of time more than 2 hours where I am completely alone.	Maybe	$100-$250	$1,000-$2,000		0	Yes

	No		No		No		No		No		Yes		Yes		Yes
	No		No		No		Yes	4	Maybe/Unsure		Yes		No		Yes
	Yes	3	No				Yes	3	Yes		Yes		Yes		Yes
2	No						Yes	2	Maybe/Unsure		Yes		Yes		Yes
	Yes	4	No				Yes	3	Maybe/Unsure		Yes		Yes		Yes
	No		No		No		Yes	2	Maybe/Unsure		Maybe/Unsure		Yes		Yes
	No		No		No			2	Maybe/Unsure		Maybe/Unsure		No		Yes
4	Yes	1	Yes	1	No		Yes	4	Yes		Yes		Yes		Yes
	No		No				Yes	2	Maybe/Unsure		Maybe/Unsure		No		Yes
2	No		No				Yes	1	Maybe/Unsure		Yes		Maybe		Yes
3	Yes	2	Yes	2	No		Yes	4	Maybe/Unsure		Yes		Yes		Yes

No	No	Maybe	Maybe	Impossible to study with the coronavirus pandemic looming over my life	
Yes	No	Yes	No		
Yes	No	Yes	No		
Maybe	No	Yes	No		
Maybe	No	No	No		
No	No	Yes	No	People now have to work and prepare for the bar when they otherwise would not (not me, but many of my friends). Additionally, those of us who had higher paying firm jobs last year do not qualify for subsidized health insurance through the state, and therefore I'm now paying over $300/month with no other option because I cannot work.	I implore the court to adopt an option that creates equity and balance. As things stand now, there is no way for the exam to administered fairly in a manner in which all things are equal for everyone.
Maybe	No	Yes	Maybe		
No	No	Yes	No		This is concerning diploma privilege provisions based on a read from Delegate Julie P. Carr: I went to law school out of state at an ABA accredited school. So because of my decision 3 years ago, I may not be able to be included in the potential diploma privilege plan? University of Baltimore is ranked 126th in the nation yet their students can bypass the bar exam but out of state students can't? Just curious.
Maybe	No	Yes	Maybe		The risks involved with taking an online exam via clearly questionable software, given what occurred with Michigan's bar exam and ExamSoft's other prior issues, render holding such an exam not feasible. Diploma privelege, with perhaps the option to take the exam in order to port scores, is a much safer option. There are other potential issues that may arise, such as if scores are lost after they are submitted due to data corruption, which happened with the LSAT. In addition, there are ethical concerns regarding the collection of data. To top all of this off, some of us do not have reliable Internet access, are forced to study in noisy conditions, and may need to spend additional money for childcare and other expenses. Does an online bar exam justify these concerns? I would say "No." These are extraordinary times we are living in and they call for commensurate measures. The sky will not fall if diploma privilege, with adequate safeguards, is ordered. Rushing to place the exam on questionable software, on top of all the other issues mentioned, is misguided and susceptible to disaster, yet alone significant hardships for many of us. Studying and taking the exam under these conditions is incomparable to anything any attorney has ever experienced. It is time for appropriate measures to be initiated. Thank you for your consideration and I hope you and your families are safe.
No	No	Yes	Maybe	Replacements for the Bar exam	
No	No	Yes	No	The proposed online rules are contrary to 3 years of law school and 3 months of bar prep instruction. Some of the questions are explicitly designed to be charted, and we probably won't be able to use any scratch paper.	I realize that passage of the bar is a time honored rite of passage and an important step in being acknowledged as a lawyer. I believe that pure diploma privilege is just for certain people who face more serious hardships than I do, but at the same time I do think the class of 2020 should be subject to some sort of assessment to demonstrate minimum competency. I think the Court needs to cut the class of 2020 some slack. Whether that entails lowering the cut score or doing an email based exam is up to the SBLE, but we as a class have faced more hardships and barriers to entry than any other group of law students in the history of the bar exam. This should be considered by the Court and SBLE.

	Yes, I am registered to take the bar examination.	27 to 35 years old	Male	No	White	White
	Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	White	
	Yes, I am registered to take the bar examination.	27 to 35 years old	Male	Prefer not to say	Asian	Asian, White
	Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	White	
	Yes, I am registered to take the bar examination.	27 to 35 years old	Female	Yes	White	
	Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	White	Latinx, Latino/a, Hispanic, White
	Yes, I am registered to take the bar examination.	27 to 35 years old	Female	No	White	White

Yes	Pure Diploma Privilege (no exam in any format)	5	No	No
Yes	Email Bar Exam (Questions emailed to test-takers, then they email their answers back; open book and no proctors; see Indiana for an example of this)	3	Maybe	Maybe
No	Pure Diploma Privilege (no exam in any format)	4	No	No
No	Pure Diploma Privilege (no exam in any format)	5	No	No
Maybe	Email Bar Exam (Questions emailed to test-takers, then they email their answers back; open book and no proctors; see Indiana for an example of this)	4	No	Maybe
Yes	Pure Diploma Privilege (no exam in any format)	5	No	No
Yes	Pure Diploma Privilege (no exam in any format)	5	No	No

I am sharing my residence with my spouse, child, and dog. My spouse works from home and must engage in conference calls throughout the day. My dog will bark at passers by. My child cannot be guaranteed to keep silent during th testing period, especially in light of the inability to safely play with other kids.	Maybe	$250-$500	$1,000-$2,000	0	Yes
I am currently living with my parents. They sometimes leave me alone but otherwise do not understand how intensive studying is. When it comes to the exam itself, I am probably going to have to ask them to leave the house for the exam days, both for a quiet Space as well as increased internet access.	No		Maybe, but unsure right now.	2	No
	Yes	$250-$500	$250--$500	0	No
I live off of a very busy street with constant traffic noise. This includes cars blaring music when they are stopped at the stoplight in front of my house.	Yes	$100-$250	Less than $250	0	Yes
I have animals, loud neighbors, and step-children.	No	$250-$500	Less than $250	0	No
Because I live in a one bedroom apartment with my husband who is working from home full time until spring of 2021, and has to constantly take calls and videoconferences.	Yes	$250-$500	$250--$500	0	No
	Maybe		More than $2,000	0	No

1	Yes	1	Yes	1	Yes	Yes	2	No	Maybe/Unsure	Yes	Maybe
	Yes	2	No		No	Yes	2	Maybe/Unsure	Yes	No	Yes
	Yes	2	No			Yes	1	No	No	Yes	No
2	Yes	1	No					No	Maybe/Unsure	Yes	Yes
2	Yes	2	Yes	2	No	Yes	1	No	Yes	Yes	Yes
	Yes	3	No		No	Yes	1	No	Yes	Yes	No
	No		No			Yes	1	No	Yes	Yes	No

					concerning. First, this option exposes takers to considerable risk of failure due to technological failures. I have spoken with my internet provider who cannot assure me that the internet will not go down or be subject to an automatic update at the time of the exam. This presents a serious risk of failure based on something other than the merits of the exam or my ability. Second, Examsoft (as well as the other 2 providers) has failed to demonstrate they are capable of ensuring exam software will work as intended and/or that will prevent cyber attacks on the takers' computer. Examsoft has a history of in reliability and even recent attempts by test-takers to explore the software's functionality have demonstrated that there are unaddressed bugs that prevent it from working as intended. This software also requires takers to give the software administrator access, which could easily expose any or all computers being used to a significant risk of breach by a third party. Third, my bar prep course, which I have been using since graduation, does not prepare takers for an online exam. Instead, this program instructs takers to diagram answers and make excessive use of marking up the exam. A recent lecture was added to the curriculum, which was intended to allay concerns about an online bar exam. This lecture basically informed me that this is a tough situation and hopefully the majority of questions will not be too complicated. Digital scratch paper is not an equivalent to either marking up the exam or diagramming an answer. The use of digital scratch paper would only slow takers down to such an extent that it would eliminate any benefit derived due to loss of time. I, like most takers in this situation, have put in countless hours of preparation. Now our efforts may be for naught, should the software
No	No	Yes	Yes		fail, computers are hacked, or our testing strategies are rendered
Maybe	No	Yes	No		
No	No	Yes	No		
No	No	Yes	No		
Yes	No	Yes	Maybe		
No	No	Yes	No	I am extremely worried about my information's safety being compromised	We continue to respectfully ask the Court and the SBLE to consider the extreme hardships that are being placed on us by this online administration of the bar exam. Our professional careers are being jeopardized and delayed, our finances are being drained, and the uncertainty of the format, coupled with the inability of prep courses to teach us the right skills in time, are all causing extreme anxiety and frustration. Please, consider the extraordinary circumstances that we're facing, and grant us diploma privilege to be able to start our careers. I am a public interest attorney who is eager to help the people I spent 7 years studying to fight for, and I fear for my job security and my financial ability to remain housed and able to maintain myself until my first paycheck.
No	No	Yes	No	The hardship on my family. I live with an older family member in a very small place. They are currently working remotely because of serious underlying health issues that put them at a higher risk. I have to ask them to take two full days off work so I can take the bar. They will not be able to leave their room because the sound will be audible where I am taking the test. They will have to forfeit vacation days and pay because of the bar exam. I have no where else to take the bar, and they have no where else to go to do their work. The decisions about the bar impact more than just test takers. The emotional and psychological toll of the pandemic and watching remote bar fail in other jurisdictions while we move ahead is so difficult. It is hard enough to study; studying for something that we know is going to be a train-wreck during a global pandemic feels impossible. We heard so much about caring for our mental health in law school; why hasn't that same support and understanding been shown now?	First, I, like many others, am unable to afford a new computer right now. My start date for my job has been pushed back by months. My computer is older, and it works ok for normal usage, but I do not know if it will be able to handle a remote exam. I have seen reports that the exam crashes computers. I am terrified my computer will crash during the exam, causing me to fail the exam and lose all my photos and documents. Second, I am extremely uncomfortable with the privacy policy and terms of use provided by ExamSoft. I feel under duress to sign off my consent because how can I become licensed without signing off? I do not feel safe having my face recorded for hours and the information going through AI or having random people look at the recording. I don't know where or for how long my data is retained. Who else gets to see it? I don't feel safe knowing that if my information is compromised, ExamSoft says it will not be liable. It feels like we are guinea pigs. There have been and will continue to be numerous security issues. None of that feels addressed. Finally, there has been no statement of what the bar exam's purpose is, exactly. What is the bar exam's purpose? This is a serious question. What is the actual function of the exam? It has been shown to not measure competency. The idea that all attorneys leave the bar exam to be generalists is an outdated idea. The bar doesn't measure if one will be an emotionally intelligent attorney for a client. The bar doesn't measure the late nights of research. It doesn't measure the hours spent practicing in front of the mirror before speaking to a room of negotiators or in front of a panel of judges. It doesn't measure the passion attorneys have for their work. The bar is nothing like legal work. What is the bar measuring?

Yes, I am registered to take the bar examination.	42 to 50 years old	Male	No	White	
Yes, I am registered to take the bar examination.	27 to 35 years old	Male	No	African American or Black	African American or Black
Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	White	White
Yes, I am registered to take the bar examination.	27 to 35 years old	Female	Yes	White	White
Yes, I am registered to take the bar examination.	35 to 42 years old	Male	No	White	White
Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	Asian, White	Asian, White
Yes, I am registered to take the bar examination.	27 to 35 years old	Female	No	White	White
Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	African American or Black, Latinx, Latino/a, Hispanic	

Maybe	Email Bar Exam (Questions emailed to test-takers, then they email their answers back; open book and no proctors; see Indiana for an example of this)	5	No	No
Yes	Pure Diploma Privilege (no exam in any format)	3	No	No
No	Diploma Privilege, Plus an Optional Bar Exam	5	No	No
Yes	Pure Diploma Privilege (no exam in any format)	5	No	No
No	Email Bar Exam (Questions emailed to test-takers, then they email their answers back; open book and no proctors; see Indiana for an example of this)	5	No	Maybe
Maybe	Pure Diploma Privilege (no exam in any format)	5	Yes	Yes
No	Email Bar Exam (Questions emailed to test-takers, then they email their answers back; open book and no proctors; see Indiana for an example of this)	4	No	Yes
Yes	Pure Diploma Privilege (no exam in any format)	5	Yes	Yes

	Yes	$250-$500	$250--$500	1	No
	Yes	$100-$250	$250--$500	0	Yes
I live in an extremely noisy, dangerous area with near daily gunfire, loud music, and fairly heavy traffic. My 80+ year old house is not insulated well enough to block out that noise, not to mention the noise that comes with having pets. My mother was kind enough to help me build a study space in our garage, but that is only helpful to avoid the noise of other people being in the house, not the environmental noise I mentioned.	Yes	$100-$250	$250--$500	0	Yes
I live in a one bedroom apartment in downtown Miami with my girlfriend (also a 2020 law grad) and her two very loud cats. My upstairs neighbor blasts music during the day, and there's also the usual sounds of a busy street coming in through the walls (traffic, people yelling, and, inexplicably, a brass band). Since Miami is a COVID hotspot, I can't go anywhere else to take the exam, and I can't escape the sounds of the cats, my neighbors, and downtown while in my apartment.	No		$250--$500	0	Yes
I have children and animals that I am trying to get a sitter for and board the animals due to testing requirements	Maybe	Unsure	$250--$500	0	No
	No		$250--$500	1	No
	No		Maybe, but unsure right now.	1	No
	No		Maybe, but unsure right now.	5 or more	

	Yes		5 or more		Yes		1	Yes		Yes		2	Maybe/Unsure	Maybe/Unsure		Yes	Yes
1	No				No			No		Yes		1	No	Maybe/Unsure		Yes	Yes
1	Yes		3	No				No		Yes		1	No	Yes		Yes	Yes
1	Yes		2	No				No		Yes		1	Maybe/Unsure	No		Yes	Yes
	Yes		2	Yes			2	Yes		Yes		1	Maybe/Unsure	Maybe/Unsure		Maybe	Yes
	No			No				No		No			Maybe/Unsure	Yes		Maybe	Yes
	Yes		2	No				No		Yes		1	Maybe/Unsure	Maybe/Unsure		No	No
	No									Yes		3	Yes	Yes		No	Yes

No	No	Yes	No	There are many questions that require marking the question to help get to the correct response. Without scrap paper this will be almost impossible.	Diploma Privilege is the best answer but a very close second is an email style essay exam like Nevada recently completed. My former clinic partner just took that exam and was able to put her headphones on and shut out the world. She was able to use scrap paper and still work within a time limit. To me this most closely resembles the practice of law. You show me a lawyer who writes a memo to the client or partner without double checking the law and I wil show you a lawyer soon to be disbarred.
No	No	Maybe	No	People who tested positive for COVID lost study time or may lose study time if they are sick.	Taking a remote bar exam is unfair to the people with limited resource. Everyone is suppose to be on the same playing field but with this exam it's so unfair that it almost seems to be in place to keep minorities out.
No	No	Yes	No	I would have LOVED to see a question along the lines of "SBLE has not reopened the accommodations request form since switching to an online format. Do you have a condition that requires different or additional accommodations during an online exam [versus the accommodations the person would've needed had we taken the exam in person, as anticipated when the accommodations request was due]?"	In addition to the many data privacy and test-taking environment concerns that have already been brought up (which I concur with), I am extremely concerned about the impact that the online format will have on examinees with disabilities. After more than 15 years of symptoms, I was diagnosed in late 2019 with a rare condition that prevents my heart and brain from pumping blood appropriately in response to changes in position or situations of serious physical or mental stress. My condition has progressed to the point that, left untreated, I experience spells of extreme dizziness and fainting approximately 5-10 times per day. It can quite easily be managed, though, through the use of certain prescriptions, constant access to water and sports drinks, and shifting positions as needed to keep myself comfortable. These interventions are seemingly not allowable under the proposed rules for taking the online bar exam. When the accommodations request form was due, I did not need to submit one; at the time, MD was still scheduled to take an in-person bar exam, and I would not have needed permission to have a beverage with me or potentially been accused of cheating for shifting in my seat to find a comfortable, stable position. The accommodations request form has not been reopened since the switch to an online exam, which means I will have to choose between taking the bar exam in October or avoiding a possible medical emergency. The delay in licensure also has devastating implications for my employment prospects. I was unable to apply for jobs for a significant portion of the typical window for clerkship, fellowship, and general employment applications for the Class of 2020; I was busy dealing with a series of family emergencies which in part included the process of receiving my own diagnosis and my brother's diagnosis and treatment for advanced-stage Hodgkin's lymphoma. I
Maybe	No	Yes	No		
Maybe	No	Yes	No	Part of my study And testing system for the past 4 years Has been to thoroughly write out notes for issues and diagramming potential rules for those issues. I am sincerely concerned that any online note taking will slow me down and cause me significant points.	Good Day Your Honor, I am a Naval Officer and for the past 4 years an evening law student. I took this path knowing that it would be a difficult road. I took it not expecting a handout and to work hard to accomplish the goals I set out. One of those goals was passing the bar. However, due to events stemming from COVID 19, I am caught In a terrible dilemma. I cannot postpone taking the examination until February or I will lose out on a career opportunity in the JAG Corps. On the other hand, I feel it nearly impossible to pass the remote exam without scratch paper and reliable internet. I have tried to make other arrangements to test in a safe location, but those are proving extremely difficult. Furthermore, as a cyber security specialist, I have little to no confidence that any of the software companies can provide a reliable testing platform for the largest jurisdictions. I want to be clear and reiterate that I am not looking for a handout. I am looking for an equitable solution that meets the needs of showing competency beyond passing our law school curriculum and preventing massive harm to those of us dealing with extraordinary issues during this time. I would not put my Sailors in this position, and I hope that you find a reasonable solution for this October's examinees.
Maybe	No	Yes	No		
Yes	No	Yes	Maybe		
Yes	No	Yes	Yes		

Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	African American or Black	African American or Black
Yes, I am registered to take the bar examination.	27 to 35 years old	Male	No	White	White
Yes, I am registered to take the bar examination.	22 to 26 years old	Male	No	White	
Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	White	White
Yes, I am registered to take the bar examination.	22 to 26 years old	Female	Prefer not to say	White	White
Yes, I am registered to take the bar examination, but plan on withdrawing my registration.	27 to 35 years old	Female	No	White	
Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	White	
Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	White	White
Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	White	White
Yes, I am registered to take the bar examination.	27 to 35 years old	Female	No	African American or Black	
Yes, I am registered to take the bar examination.	22 to 26 years old	Female	Yes	White	White
Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	White	

Yes	Pure Diploma Privilege (no exam in any format)	4	No	No
No	Email Bar Exam (Questions emailed to test-takers, then they email their answers back; open book and no proctors; see Indiana for an example of this)	4	No	No
No	Pure Diploma Privilege (no exam in any format)	3	No	Yes
No	Pure Diploma Privilege (no exam in any format)	5	Yes	Yes
Maybe	Pure Diploma Privilege (no exam in any format)	5	No	No
No	Pure Diploma Privilege (no exam in any format)	4	No	No
Maybe	Pure Diploma Privilege (no exam in any format)	5	No	Maybe
Yes	Pure Diploma Privilege (no exam in any format)	5	Maybe	Maybe
Maybe	Pure Diploma Privilege (no exam in any format)	5	Maybe	Maybe
Yes	Pure Diploma Privilege (no exam in any format)	5	No	Maybe
Yes	Pure Diploma Privilege (no exam in any format)	0	Yes	No
No	Pure Diploma Privilege (no exam in any format)	4	Yes	Yes

	Yes	$100-$250	Less than $250	1	No
I have children full time	Yes	$250-$500	Maybe, but unsure right now.	0	No
	No		Maybe, but unsure right now.	1	Yes
I believe I do, but I have two very active and noisy cats who do not get along and cannot be in the same room. So if I take the office there will be a lot of meowing and jumping and scratching doors cause one cat wants to escape the bedroom but can't cause the main apt has the other cat	No		No	1	Yes
I live with multiple people in a small apartment on the ground level. There are normally garbage trucks, moving vehicles, fire alarms, dogs barking, etc. There is no possible way for me to ensure a quiet space.	Yes	Unsure	$250--$500	0	Yes
I live with two roommates. We do not have a home office and my room is not big enough for a desk.	Yes	$100-$250	Maybe, but unsure right now.	1	Yes
I live with three other people and two dogs. There's no such thing as uninterrupted quiet time.	Yes	$250-$500	$500-$750	0	Yes
	Maybe	Unsure	Less than $250	0	Yes
The law school may be opening the library for 2020 grads for these purposes. Otherwise, I don't live alone and there are constant interruptions and noise	No		No	0	Yes
	Maybe			2	No
My house is entirely open plan and I live with my girlfriend. There is nowhere for me to Take it that won't restrict her access to the kitchen or the bathroom.	Yes	$250-$500	No	0	Yes
	No		No		No

	Yes	1	Yes	1	Maybe	Yes	4	No	No	Yes	Yes
	Yes	1	Yes	2	Yes	Yes	1	Maybe/Unsure	Yes	No	Yes
1	Yes	1	No		No	Yes	1	Maybe/Unsure	Yes	No	Maybe
1	Yes	2	No		No	No		Yes	Yes	No	Yes
2	Yes	2	No		Yes	Yes	1	Maybe/Unsure	Yes	Yes	Yes
1	Yes	2	No		No	No		Maybe/Unsure	Yes	Yes	Yes
3	Yes	2	No			Yes	3	No	Yes	Yes	Yes
1	No		No			Yes	1	Maybe/Unsure	Maybe/Unsure	Yes	Yes
1	No		No		No	Yes	1	No	Yes	No	Maybe
	No		No		No	Yes	1	No	No	Yes	Yes
1	No		No		No	Yes	1	Maybe/Unsure	Yes	Yes	Yes
	No		No		No			Yes	Yes	Maybe	Yes

No	Maybe	Yes	Maybe	What guarantees have been made that this software will not compromise our laptops? How do we know that ExamSoft has not given itself access to our hard drive that remains even after their software is uninstalled? Why provide waivers and release of liability forms - it seems NCBE and SBLE's across the country are only focused on protecting themselves and not bar applicants.	It is impossible to fully satisfy all requirements and restrictions for this exam. After studying for several months, relying on methods and tips that require use of scratch paper, I find out I can't use it. The restriction on touching my face or fidgeting is unavoidable because I will sneeze or cough requiring me to cover my face or slightly move and I'll end up flagged for cheating. On top of that, I live with my family which includes a teacher that will be holding virtual lessons, and a 14 year old that will be starting her high school classes virtually. There are two other adults in my household and a dog that barks consistently because thats what dogs do. The most quiet place I can go is my room but it is not soundproof and I will likely hear everything and everyone, making it extremely difficult to focus on the exam. We do not have stable internet. It periodically goes out several times during the day. I even had concerns taking my final exams before graduating law school because the connection dropped midway through my exam. It could be even more detrimental if a storm comes through. We always lose power when it thunderstorms. But a stronger storm, like tropical storm Isaias, left us without power and internet for hours. What if a midday storm knocks out my internet and power leaving me with no way to access the exam on time or submit it on time? For these reasons and a multitude of others, granting Diploma Privilege is the only equitable and appropriate course of action.
Maybe	No	Yes	No		
Maybe	No	No	No		I live in a small one bedroom apartment with my girlfriend that works remotely and our dog. I am currently set up in the bedroom as that is the only room in our place and I am going to have to explain to her that I need to take the mirror off the wall. I have to tell her that if she enters the room at all or if she is a little too loud in the living room that my exam may be disqualified. A remote bar exam is not the "best worst" solution. The "best worst" solution is diploma privilege. Period.
Yes	No	Yes	No	I'm worried about the successful application of the bar. I am worried about the inequity. I am privileged and lucky to not be facing so many challenges. But that isn't the same for all applicants and I dislike how unequal this is. The exam has already had a disproportionate impact on minorities and those with lower socioeconomic standing and now with the remote exam it's only increasing that impact and yet those having us take the exam don't seem to care about that as much as cheating.	Many applicants have ADHD and Anxiety disorders. Tests are hard enough to stay focus during and manage the anxiety while testing. But to be constantly worrying about internet connection and if the exam will even work or if it will crash. How with a disorder are you expected to bounce back quickly and focus when the exam working, you're score could be impacted by the total loss of focus after such an event. A panic attack could be triggered and that takes time to come back from. Time in an exam you don't have. Additionally how does the SBLE plan to protect our answers? Other remote tests have lost applicants answers in their entirely what happens if that occurs? Are we forced to take the exam again and pay for everything again because someone else lost our answers?
Maybe	No	Yes	No		
No	No	Yes	No		
Maybe	No	Yes	No		
Maybe	No	Yes	No		
Maybe	No	Yes	No	In addition to the increased anxiety levels that will cause me to fidget or play with my hair, I do not have an office or anywhere else particularly comfortable for sitting long periods of time for an exam, meaning I will definitely have to adjust my seating now and then to get through the exam. I'm also concerned because I can't control my internet or even my computer's automatic updates. When the updates want to install, my whole computer freezes and I have to do a hard shutdown. It then takes 20-40 minutes to restart while installing updates. I'm terrified my computer will do this during the exam. Buying a new computer won't fix the problem either--automatic updates are a 'feature' of Microsoft Windows (and I can't justify buying a Mac for one exam). My job also got delayed because of the pandemic/bar delays. I'm also making less money until I pass the bar. It's also a clerkship, and now I'm stressed about how a delayed start impacts my resume when, by next August when a clerkship typically ends, I will not have worked a full year. I'm extra concerned about my resume, too, because I expect the job market to be tight.	Preparing for the Bar is a stressful event in the best of circumstances. With pandemic protocols, stress levels are increased exponentially. It is difficult to study for an exam without knowing how or if it will take place. Normally, I would be spending every day at the library with my bar exam prep class (which I also had to pay over $2000 for and is teaching me unusable techniques). Now, I'm studying at home with multiple distractions and worrying about how to minimize those distractions during the exam. I'm also disappointed and stressed out by the lack of transparency during this situation. Instead of providing clear and frequent updates, the SBLE has been nearly silent. I get the majority of my information from advocacy groups and tracking twitter feeds. Our profession emphasizes the benefits of gathering information, managing risks, and practicing with professional responsibility, yet the responses to those of us newly entering the profession (who have expressed concerns regarding online testing protocols, AI hacking concerns, and live-proctor stalking concerns, amongst other) have ranged from opaque to downright unwelcoming. Especially at a time when people are struggling, and many of those struggles are leading to legal problems, it seems we should be encouraging new lawyers, not making our situation harder.
Maybe	No	Yes	No	It's also important to take into consideration that some of us had to move in with family with one or more working from home. Therefore they will be audibly on the phone during the exam as they are when we are studying and I can't ask them to ignore their appointments and work so I can take the test uno territory for two days. Also having to share internet connection with family working from home has made the internet very unreliable even while studying. The internet company truck is in our neighborhood almost everyday because of the strain on the network due to more people working from home during the pandemic.	
No	No	Yes	No		The SBLE suggested taking the exam in a library, law school, or office. In Baltimore those are all still closed. I'm particularly shocked at the library suggestion, I'm not aware of any that are open.
Yes	Maybe	Yes	Maybe		

	Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	White	White
	Yes, I am registered to take the bar examination.	27 to 35 years old	Male	No	Asian	Asian
	Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	African American or Black	
	Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	African American or Black	
	Yes, I am registered to take the bar examination.	27 to 35 years old	Male	No	African American or Black	African American or Black
	Yes, I am registered to take the bar examination.	22 to 26 years old	Male	No	White	
	Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	White	White
	Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	Latinx, Latino/a, Hispanic	African American or Black, Latinx, Latino
	Yes, I am registered to take the bar examination.	22 to 26 years old	Male	No	African American or Black	African American or Black
	Yes, I am registered to take the bar examination.	27 to 35 years old	Male	No	African American or Black	African American or Black
	Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	African American or Black	African American or Black
	Yes, I am registered to take the bar examination.	27 to 35 years old	Male	Yes	Asian	Asian
	Yes, I am registered to take the bar examination.	22 to 26 years old	Male	No	White	White
	Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	White	
	Yes, I am registered to take the bar examination.	27 to 35 years old	Male	Yes	White	White
	Yes, I am registered to take the bar examination.	22 to 26 years old	Female	Yes	African American or Black, White	
	Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	African American or Black	
	Yes, I am registered to take the bar examination.	27 to 35 years old	Male	No	White	White
	Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	African American or Black	African American or Black
	Yes, I am registered to take the bar examination.	27 to 35 years old	Male	No	White	White

Maybe	Email Bar Exam, Pure Diploma Privilege, Online Bar Exam (last resort)	5	Yes	Yes
No	Pure Diploma Privilege (no exam in any format)	3	Yes	Yes
Yes	Pure Diploma Privilege (no exam in any format)	5	No	No
Yes	Diploma Privilege, Plus an Optional Bar Exam	3	No	No
Yes	Pure Diploma Privilege (no exam in any format)	5	No	No
Maybe	Email Bar Exam (Questions emailed to test-takers, then they email their answers back; open book and no proctors; see Indiana for an example of this)	4	No	No
No	Pure Diploma Privilege (no exam in any format, with DPP being inclusive of repeat takers and out of state test takers)	5	No	No
Maybe	Temporary Diploma Privilege (Temporarily admitted to practice on condition that bar exam is taken by a certain date, such as 12/31/2021)	4	No	Yes
Yes	Pure Diploma Privilege (no exam in any format, with DPP being inclusive of repeat takers and out of state test takers)	4	No	No
No	Pure Diploma Privilege (no exam in any format, with DPP being inclusive of repeat takers and out of state test takers)	5	Maybe	Maybe
Yes	Pure Diploma Privilege (no exam in any format, with DPP being inclusive of repeat takers and out of state test takers)	5	Yes	No
No	Diploma Privilege, Plus an Optional Bar Exam	5	No	No
Yes	Diploma Privilege, Plus an Optional Bar Exam	5	No	Maybe
Yes	Diploma Privilege, Plus an Optional Bar Exam	5	No	Maybe
No	Pure Diploma Privilege (no exam in any format, with DPP being inclusive of repeat takers and out of state test takers)	5	Yes	Maybe
Yes	Pure Diploma Privilege (no exam in any format, with DPP being inclusive of repeat takers and out of state test takers)	5	Maybe	No
No	Diploma Privilege, Plus an Optional Bar Exam	3	Maybe	Maybe
No	Pure Diploma Privilege (no exam in any format, with DPP being inclusive of repeat takers and out of state test takers)	5	No	No
Maybe	Whatever decision made, should be inclusive to all MD bar takers regardless of if they went to a MD law school or Not for Diploma Priv.	3	Yes	Maybe
No	Pure Diploma Privilege (no exam in any format, with DPP being inclusive of repeat takers and out of state test takers)	5	No	No

	No		Maybe, but unsure right now.	2	No
	No		Maybe, but unsure right now.	2	No
I have a roommate who works full time and will be home while I'm taking the exam. I have no where else to because libraries are closed.	Yes	Unsure	Maybe, but unsure right now.	0	Yes
I don't live alone and everyone is working/functioning from home at the moment.	Yes	$100-$250	$250--$500	0	Yes
	Yes	$500-$750	Maybe, but unsure right now.	0	No
I live in a small apartment with another person who now works from home. Noise from outside and other neighbors can typically be heard from inside the apartment as well.	Maybe	Unsure	$500-$750	0	Yes
	No			0	Yes
	No		$500-$750	1	Yes
I live in rowhome in Baltimore City	Yes	$100-$250	No	0	Yes
I live in an apartment building which has multiple things that could happen such as crying of babies next door, random music coming from neighbors apartments, to things happening on the street right in front of my balcony since I'm street level. There are a wide range of distractions that could occur because of me living in such a tight proximity to neighbors who are not only all working from home, but daily caring for young children which you can't guarantee how they might behave.	No		No	0	No
The rules for the remote bar exam are incredibly strict. I do not have an acceptable quiet space for that long of a time window during a pandemic.	Maybe	Unsure		0	Yes
I share an apartment with 4 other roommates.	Yes	$250-$500	More than $2,000	0	Yes
	Maybe	$100-$250	$500-$750	1	Yes
my husband works from home.	Maybe	Unsure	No	1	No
I live at home with my parents. They babysit my 2-year-old niece several times per week. She's runs around screaming most of the time, which can be heard throughout the house.	No	Unsure	Maybe, but unsure right now.	2	Yes
The software is worrisome because any sound gets detected and it is not necessarily an option to be in a completely silent space during this pandemic. If you live in a shared home or have to go to a public environment, other people are inevitably going to be making noise.	Yes	$250-$500	Maybe, but unsure right now.	0	Yes
I primarily used libraries and my university to study which I no longer have access to. I also did not have wifi in my apartment as I was intending to use the university's where I pay tuition.	Yes	$250-$500	$500-$750	1	No
I live in a one room apartment with s/o and animals	Yes	$100-$250	$250--$500	0	Yes
Everyday noises around the house, issues with power outages	Maybe	$250-$500	$250--$500	1	No
I have a pet (will try to find someone to take care of them during the exam), but I also live in downtown Rockville and fire trucks and police cars drive by with sirens on frequently.	Maybe	Unsure	Maybe, but unsure right now.	1	

	No		No		No	Yes	2	Yes	Yes	No	Maybe
	No		No		No	Yes	2	Maybe/Unsure	Maybe/Unsure	No	Maybe
1	No		No		No	Yes	1	No	No	Yes	Yes
4	No		Yes	3	Yes	Yes	3	Maybe/Unsure	Maybe/Unsure	Yes	Yes
	Yes	4	No			Yes	1	No	No	Yes	Yes
1	Yes	1	No			No		Yes	Yes	Maybe	Maybe
2	Yes	2	No			Yes	2	Maybe/Unsure	Maybe/Unsure	Yes	Maybe
1	Yes	2	No		Yes	Yes	1	Maybe/Unsure	Yes	Yes	Yes
1	Yes	1	No			Yes	1	Maybe/Unsure	Yes	Yes	Yes
	No		No		No	No		Maybe/Unsure	Yes	Yes	Yes
1	Yes	1	No			Yes	1	Maybe/Unsure	Yes	Yes	Yes
4	No		No		No	Yes	1	No	No	Yes	No
1	Yes	2	No		No	No		Maybe/Unsure	Yes	No	No
	Yes	1	No		No	Yes	1	Maybe/Unsure	Yes	Maybe	Yes
2	Yes	1	No		No	Yes	2	Maybe/Unsure	Yes	Maybe	Yes
1	Yes	2	No			Yes	1	Maybe/Unsure	Yes	Maybe	Maybe
	No		No		No			No	Yes	Yes	Yes
1	Yes	2	No		No	Yes	1	No	Yes	Yes	Yes
	Yes	2	No		No	Yes	2	Maybe/Unsure	Yes	Yes	No
	Yes	1	No		No	Yes	1	Maybe/Unsure	Maybe/Unsure	Yes	Yes

Maybe	No	Yes	Maybe		Hurry up and have some compassion.
Maybe	No	Yes	No		
No	No	Yes	No		
No	No	Yes	No		
Maybe	No	Yes	Maybe		
No	No	Yes	No		
Maybe	No	Yes	No		
Maybe	No	Yes	No		
No	No	Yes	No		
No	No	No	No		
No	No	Yes	No	What the outcome for maryland residents who went to law school out of state would be regarding DPP? How will we be included?	Not being allowed scratch paper nor ear plugs is an absolutely unfair and possibly detrimental request/demand for the bar exam! Furthermore, the maryland bar DPP (if allowed) should be extended to all maryland residents, not just maryland law school graduates. Maryland residents who went out of state for law school should be treated the same as in state law students. Ultimately, both parties are residents of the state and should be treated fairly when wanting to practice in their home state. Otherwise, are we supposed to get barred in another state after applying to Maryland's bar and studying for it? That wouldn't make much sense and to have us pull our Maryland bar app, resubmit to another random state, and then study for their bar even if we don't want to practice there is a completely unreasonable suggestion.
No	No	No	No	I don't have money to purchase food and my employer just rescinded my offer. I need to be licensed by September to get back my offer.	Please help us in this situation. We can't fight for justice for whom need it if we can survive.
No	No	Yes	No		
Maybe	Maybe	Yes	No		
Yes	No	Yes	Maybe	I had to start my judicial clerkship on August 12, because I didn't want to inconvenience my judge, I was running out of money, and my school health insurance terminated at the end of July. I had to buy a plan from a private carrier, which was cheaper than what was on the exchange, with the caveat that it is not ACA-complaint and doesn't cover pre-existing conditions. It's not an ideal health plan for a pandemic. The stress of studying for the bar and acclimating to my new job has caused considerable stress, resulting in the loss of sleep, appetite, and weight. Further, the stress has caused my autoimmune disease to flare. If diploma privilege isn't the solution, I plan to defer taking the bar until February with the hope that studying will be easier when I'm not simultaneously learning a new job.	
No	No	Yes	No		This worldwide pandemic has touched so many of us in so many different ways. While a slim number of people may be able to defer until February to avoid taking the bar during this tumultuous time, not all of us can. We need to work. We need health insurance. We need a bit of stability in our lives. We deserve it. It is not clear who would be harmed by allowing us new lawyers to get out there and get our hands dirty. We wouldn't be without supervision as diploma privilege can and does require that and just like any other year, if someone messes up while practicing they will get their license taken away. Day in and day out we hear stories of people in our lives dying, becoming sick, or becoming further displaced by this pandemic. However, through it all, we are supposed to be studying for the biggest exam of our lives while also finding appropriate accommodations (in a time when so many spaces are still closed or are only allowing a limited capacity) so as to not violate the rules that have been proposed for the proctoring of an online exam. Please. Show a bit of kindness and mercy for us graduates. We have given it our all these past three years and have been thrown so far under the bus of this pandemic that I am afraid some of us will not make it out. The decision of our futures is in your hands, so please, use your power wisely. Thank you.
Maybe	No	Yes	Maybe		
No	No	Yes	No	Mental health is at an all time low	We are going through an incredibly difficult time, our family members are sick, jobs are being pulled, and the world is burning. Please grant Diploma Privilege so we can give our attention and talent to other people and issues that need it more.
Maybe	No	Yes	No		In doing a remote exam at home, it is almost impossible to positively assure that there will be no issues during testing day including:noise from the street/sounds from neighbors (will be an issue if no ear plugs are allowed,) as well as internet issues because technology is reliable and great until it is not. I cannot imagine what it would be like if the internet connection messed up for whatever reason and I lost all my progress. Also, not being able to move during the exam when during an in person exam one is able to take a bathroom break. Also, we don't have a safeguard of a manual handwritten exam in the event that something goes wrong. I would hate to be penalized and have to retake the exam due to issues outside of my control.
Maybe	No	No	No		

Yes, I am registered to take the bar examination.	22 to 26 years old	Male	No	White	White
Yes, I am registered to take the bar examination.	22 to 26 years old	Male	Yes	White	White
Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	Asian, White	Asian, White
Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	African American or Black	
No, I am not registered to take the bar examination because I have withdrawn my registration.	42 to 50 years old	Female	Prefer not to say	White	White
Yes, I am registered to take the bar examination.	27 to 35 years old	Male	Prefer not to say	White	

No	Email Bar Exam (Questions emailed to test-takers, then they email their answers back; open book and no proctors; see Indiana for an example of this)	4	No	Yes
Yes	Pure Diploma Privilege (no exam in any format, with DPP being inclusive of repeat takers and out of state test takers)	1	No	No
Maybe	Pure Diploma Privilege (no exam in any format, with DPP being inclusive of repeat takers and out of state test takers)	5	Yes	Yes
No	Pure Diploma Privilege (no exam in any format, with DPP being inclusive of repeat takers and out of state test takers)	4	No	Yes
No	Pure Diploma Privilege (no exam in any format, with DPP being inclusive of repeat takers and out of state test takers)	3	No	No
Yes	Email Bar Exam (Questions emailed to test-takers, then they email their answers back; open book and no proctors; see Indiana for an example of this)	5	Maybe	Maybe

I would have to rent a hotel room or some sort of office arrangement.	Yes	Unsure	Maybe, but unsure right now.	1	Yes
I could no longer afford to live in my apartment and was forced to move back home with my parents into their already cramped condo. We are a multigenerational house as we are also taking care of my grandfather who's wife (my grandmother) passed away last month.	Maybe	Unsure	Maybe, but unsure right now.	1	Yes
	No		$250--$500	1	No
	No		$250--$500	1	Yes
	Maybe	Unsure	Maybe, but unsure right now.	0	Yes
I have a large family and live at home. There is often a lot of noise even if I am in my room alone.	Yes	$100-$250	$1,000-$2,000	1	No

2	No		No		No	No	Yes	Yes	Yes	No
3	No		No			Maybe	2 Maybe/Unsure	Maybe/Unsure	Yes	Maybe
	No		No		No	No	Maybe/Unsure	Maybe/Unsure	Maybe	Yes
1	No		Yes	1	Yes	Yes	1 Maybe/Unsure	Maybe/Unsure	Yes	Yes
1	Yes	4	Yes	2	Yes	No	Maybe/Unsure	Yes	Yes	Maybe
	Yes	1	No		No	Yes	3 Maybe/Unsure	Maybe/Unsure	Yes	Maybe

No	No	Yes	No		my family farm in eastern North Carolina. I couldn't plow a straight row to save my life growing up, but I could always talk my way out of a paper bag if necessary. I wanted to be a criminal lawyer since probably age 8, or whenever I was old enough to be able to pick a career. I came to Maryland from North Carolina with the understanding that I would be able to have a reciprocal score in North Carolina. I currently do not have a post-bar job (Public Defender's budget is currently frozen) and I decided that taking the October bar exam would give me a better position to quickly obtain a job in Maryland. However, a parent's health has quickly deteriorated since COVID so it would be helpful to have the option to move back. I originally planned to take the July exam, then changed my mind to likely defer until February so that I could have a reciprocal score. I was working at a firm as a law clerk and decided that was the best idea until February. Then I thought that the February exam might not happen, so I found a replacement for work and my bosses graciously let me take off to study for the bar in October. This seemed fine, but now the exam company's possible inability to administer the bar in October gives me tremendous uncertainty about my next steps. I love Baltimore and Maryland. The people have been very welcoming and I consider it my home. However, the pandemic and uncertainty of the bar exam and my future ability to practice make me question whether I made the right decision to move to this state. I am fortunate to have some financial support, but my resources are quickly dwindling. If something doesn't work out soon, my short-term solution will likely be to work on the family farm. There isn't necessarily anything wrong with that, and I'm thankful to have a potential job. However, it's crazy to me that my lifelong dream to practice law (and often unpopular stray from my family's wishes that went along with it) should feel closer than ever, but it feels so far away. There are many things that we should be worrying about right now, SBLE's ability to administer the bar exam should not be one of them.
Maybe	No	Yes	No	Many of us have had to delay our employment due to the continued delay of an exam. My employer needs me to start as soon as I have taken the bar. I fear if MD decides to simply push the exam to 2021 I will lose my job that I worked so hard to get.	
Maybe	No	Yes	No	I currently live in a Southern coastal state that frequently receives hurricanes from the months of July to October. We sometimes have less than a week's notice if a hurricane hits, and our world can be rocked, with family having to stay over at my house to shelter, having to prepare sandbags and shutters, and power outages lasting a week or more. I'm nervous that- as an out-of-state test taker- if such a hurricane should hit and I lose power or Internet access because of a storm during the day of the online bar exam, that no accommodations will be made for me and I will be told that I have to wait until the next administration of the Bar exam, which I cannot afford to do. If there is such a hurricane, I have nowhere not in my immediate area that I can evacuate to that will have a guaranteed stable Internet connection or power source, and no rooms in which to take the exam where I won't be bothered by family members.	As a 2020 graduate, I have been actively keeping up with the online administrations of the bar exam, and what I have seen from other states is not promising. Numerous test takers in Michigan were unable to connect to the bar exam program. Florida cancelled their online bar examination administration less than 72 hours prior to the exam and delayed it close to two months due to numerous software failings and potential data hacks of sensitive information from those who downloaded the program onto their computer. The states that have decided to move forward with an online bar exam have so far not succeeded in its administration. As a test taker, I'm extremely concerned with my ability of my laptop to handle such a proctoring program, particularly since I have seen numerous 2020 graduates I know from other states like Florida whose fairly new computers were either unable to handle the program, overheated, or had the program completely shut down or destroy their computer. I'm concerned that- even if my computer is able to handle the stress of the program- that there is a chance that some sensitive information (including my social security number, financial and banking records, and credit card information), may be hacked or leaked through hackers accessing my computer through weaknesses in the proctoring program. I have already had to discuss with my family and other classmates taking the Maryland Bar exam the possibility of having to purchase a new laptop solely for the purpose of this exam so there is there is no sensitive information that can be mined in case of a hack. Between the cost of having my Internet service upgraded and potentially having to purchase a new computer solely for this exam, I am looking at spending an additional $350 or more in order to take this exam. Additionally, I am nervous about what will happen if I am unable to access the bar exam server for a number of reasons, including a failing on the server's end (such as occurred in Michigan) or if there is a power or Internet outage on my end. I currently live in a
Yes	No	Yes	No		
No	No	Yes	No		
Maybe	No	Yes	No		The entirety of my educational career has included being able to diagram, outline, and mark up tests by hand. The inability to use scratch paper and pencil is the most daunting change to this ever evolving set of test circumstances. I am struggling to change a behavior that was taught in Gradeschool, undergraduate, law school and the bar exam prep course.

Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	Asian	Asian
Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	White	White
Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	White	White
Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	White	White
Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	White	Southwest Asian or North African (forme
Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	Asian	Asian
Yes, I am registered to take the bar examination.	27 to 35 years old	Male	No	White	White
Yes, I am registered to take the bar examination.	22 to 26 years old	Male	No	Asian	
Yes, I am registered to take the bar examination.	27 to 35 years old	Male	Yes	Asian	Asian
Yes, I am registered to take the bar examination.	27 to 35 years old	Male	No	Asian	Asian
Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	White	White
Yes, I am registered to take the bar examination.	27 to 35 years old	Female	No	White	
Yes, I am registered to take the bar examination.	22 to 26 years old	Male	No	Latinx, Latino/a, Hispanic	
Yes, I am registered to take the bar examination.	27 to 35 years old	Female	No	White	White
Yes, I am registered to take the bar examination.	22 to 26 years old	Male	No	White	White
Yes, I am registered to take the bar examination.	22 to 26 years old	Male	No	White	
Yes, I am registered to take the bar examination.	22 to 26 years old	Female	No	African American or Black	

Maybe	Diploma Privilege, Plus an Optional Bar Exam	5	No	No
Yes	Pure Diploma Privilege (no exam in any format, with DPP being inclusive of repeat takers and out of state test takers)	5	Maybe	Yes
No	Diploma Privilege, Plus an Optional Bar Exam		No	No
No	Email Bar Exam (Questions emailed to test-takers, then they email their answers back; open book and no proctors; see Indiana for an example of this)	5	No	Maybe
No	Pure Diploma Privilege (no exam in any format, with DPP being inclusive of repeat takers and out of state test takers)	4	No	No
No	Pure Diploma Privilege (no exam in any format, with DPP being inclusive of repeat takers and out of state test takers)	5	No	No
Yes	Pure Diploma Privilege (no exam in any format, with DPP being inclusive of repeat takers and out of state test takers)	5	No	No
No	Diploma Privilege, Plus an Optional Bar Exam	5	Yes	Yes
No	Pure Diploma Privilege (no exam in any format, with DPP being inclusive of repeat takers and out of state test takers)	5	No	No
No	Diploma Privilege, Plus an Optional Bar Exam	4	No	Maybe
Maybe	Pure Diploma Privilege (no exam in any format, with DPP being inclusive of repeat takers and out of state test takers)	4	No	No
No	Pure Diploma Privilege (no exam in any format, with DPP being inclusive of repeat takers and out of state test takers)	3	Yes	Yes
Yes	Pure Diploma Privilege (no exam in any format, with DPP being inclusive of repeat takers and out of state test takers)	3	No	Yes
No	Pure Diploma Privilege (no exam in any format, with DPP being inclusive of repeat takers and out of state test takers)	4	No	No
Yes	Pure Diploma Privilege (no exam in any format, with DPP being inclusive of repeat takers and out of state test takers)	5	Yes	Maybe
Yes	Email Bar Exam (Questions emailed to test-takers, then they email their answers back; open book and no proctors; see Indiana for an example of this)	5	Yes	Maybe
No	Temporary Diploma Privilege (Temporarily admitted to practice on condition that bar exam is taken by a certain date, such as 12/31/2021)	4	No	No

I live in a toxic environment with toxic foreign unsympathetic loud parents and their friends who come over every afternoon to drink and party. Even with noise cancelling headphones, I can still hear them. Since I want to focus on passing the bar exam, I am not looking for a job, especially one that would require me to work in a public area since, according to my several health care specialists, I am immunocompromised and do not want to risk being constantly exposed to public places like the library.	Yes	$750-$1000	More than $2,000	0	Yes
	No		$250--$500	0	No
I live in a one bed room apartment with another person and we are both planning on taking the bar exam. There is also construction outside or people in the hallways.	Yes	$250-$500	$250--$500	0	Yes
	Yes	Less than $100	$250--$500	0	Yes
I live with someone who must work from home and has a customer service job. We live in a small apartment and I can hear him making calls all day no Matter how far I distance myself. I also live with a dog who barks frequently.	Maybe	Unsure	Maybe, but unsure right now.	0	Yes
A lot of family at home, in a small house, can't tell family to leave the house while they are working from home on Monday and Tuesday	Maybe	Unsure	Maybe, but unsure right now.	2	Yes
	Yes	$100-$250	Less than $250	0	Yes
	No		Less than $250	1	Yes
	Yes	$250-$500	$500-$750	1	Yes
	Maybe	Unsure	No	1	Yes
I have 3 roommates and 2 dogs in a townhome. Loud neighbors as well.	Maybe	Less than $100	Maybe, but unsure right now.	0	Yes
	No		$250--$500	1	Yes
	No		Maybe, but unsure right now.	1	Yes
	No	Unsure	$1,000-$2,000	2	No
I have a roommate and two cats.	Maybe	Unsure	Maybe, but unsure right now.	2	Yes
My girlfriend and I are both taking the bar on the same day (she is taking DC's bar). We live together and will have to take the bar at the same time in our 1 bedroom apartment.	No		No	2	Yes
I live in a noisy area and i can hear my neighbors conversations on a daily basis. I live with my family and I cannot get 20 mins of peace without some sort of interruption.	Yes	$500-$750	More than $2,000	0	Yes

3	Yes	1	No		Maybe	Yes	4	No	No	No	Yes
	Yes	1	No		No	Yes	3	No	Yes	Yes	Yes
1	Yes	1	No			Yes	1	No	No	Yes	No
1	Yes	2	No			No		Maybe/Unsure	Yes	Yes	Yes
1	Yes	1	No		No	Yes	1	Maybe/Unsure	Yes	No	Maybe
3	No		No		No	Maybe	2	Yes	Yes	Yes	Yes
1	No		No		No	Yes	1	No	No	No	Yes
1	No		No		No	Maybe	1	Yes	Yes	No	Yes
3	No		No			Yes	1	No	No	Yes	No
1	Yes	1	No		No	No		Maybe/Unsure	Maybe/Unsure	No	Maybe
3	Yes	2	No		No	Yes	3	No	No	Yes	Yes
2	Yes	1	No		No	Yes	1	Yes	Yes	Yes	No
1	No		No			Yes	2	Yes	Yes	No	Yes
	Yes	2	No		No	Yes	2	Maybe/Unsure	Maybe/Unsure	No	Maybe
1	Yes	2	No		No	Yes	1	Maybe/Unsure	Maybe/Unsure	Maybe	Yes
1	Yes	1	No					Yes	Yes	No	Yes
3	Yes	2	Yes		2 Yes	Yes	3	No	Yes	Yes	Maybe

No	No	No	No	Students who were granted with accommodated testing for the scheduled July 2020 Maryland Bar Exam now have different accommodations that does properly "accommodate" those bar examinee for a remote bar exam.	Bar examinees who are granted with "extended time" are subjected to a stricter requirement than students without accommodations, making it more difficult for them to take a 2-day test without a reliable or stable internet connection or a quiet place to study. "There will be a virtual proctor and you will need to stay on screen for the MEE and MBE. There will be an off-screen break for the MPT. All details have yet to be worked out so this office has yet to send notifications." This statement differs from the FAQ's for the October 2020 Maryland Bar Examination which states, "Each examinee's testing location must have Wi-Fi access to check-in and begin each session of the exam and at (or after) the close of the exam to submit examination answers, but the applicant is not required to maintain an active internet connection throughout each session." See page 1 of FAQs. Why are examinees with granted testing accommodations held to a higher standard than those who were not granted testing accommodations? This seems unjust and SBLE should grant accommodations to create a leveled playing field between accommodated testing bar examinees and non-accommodated testing bar examinee applicants.
Maybe	No	Yes	No	I have severe OCD, Tourette Syndrome, and ADHD. There is no way I will be able to stay still for a camera due to my physical tics and no way that I will be able to complete the exam without using scrap paper to diagram problems due to my ADHD.	I have severe OCD, Tourette Syndrome, and ADHD. There is no way I will be able to stay still for a camera due to my physical tics and no way that I will be able to complete the exam without using scrap paper to diagram problems due to my ADHD.
No	No	Yes	No		
Maybe	No	Yes	No		
No	Maybe	Yes	No		
Maybe	No	Yes	No		
No	No	Yes	No		
Yes	No	Yes	Maybe		
No	No	No	No		
Maybe	No	Yes	No		
Maybe	No	Yes	No		
Maybe	No	Yes	No		
No	No	Yes	No		
Maybe	No	No	No		
Maybe	No	Yes	No		
Maybe	No	Yes	No		I lost my job offer because of Covid. I am having a hard time getting past the initial screening for any positions because the first question is always “are you licensed to practice law in Maryland?” I have to say no and then never hear from the firm or agency again. I am basically as likely to get a job as a lawyer as someone who never attended law school. I have $160,000 in debt that becomes due beginning in November. I understand that it was my decision to take these loans but I worked hard and got a job offer. Losing my offer because of Covid was difficult but not being able to get past initial screening for the few jobs that are available is completely unfair and extremely dangerous.
No	No	Yes	No		Leaving those of us who having BEEN studying for the Bar exam since May hanging by a thin thread is extremely cruel, unfair, and create additional unnecessary feelings of anxiety, fear and depression. Just when we think we have answers, in an instant it all changes again, now it may change for a 3rd time. Studying for an already stressful exam while family and friends are dying and/or being hospitalized on a weekly basis is enough to deal with but not knowing when I will be able to be barred and find a job is agonizing. Especially when debt collectors (loan repayment) are looming in the background to collect the minute this nightmare is over. We are not asking for Diploma Privilege as a cop out but more so as a viable option to end a series of problems that have sprang up due to covid. If law school across America can make adjustments to giving their final exams due to a GLOBAL PANDEMIC then I believe the SBLE can make reasonable adjustments as well. After all, if we all get sick or die from taking them exam then that is an even bigger issue/ class action lawsuit coming directly your way.

[redacted]	Yes, I am registered to take the bar examination.	42 to 50 years old	Female	No	African American or Black	African American or Black

No	Pure Diploma Privilege (no exam in any format, with DPP being inclusive of repeat takers and out of state test takers)	4	No	Maybe

I do not live alone; however, if I might be able to take the exam in a quiet place at UMB.	No		$750-$1000	0	Yes

1	No		No		No	Yes	1	No	Yes	Yes	Yes

Maybe	No	Yes	Maybe		The Court should consider the mental health of the bar applicants. The pandemic has likely dramatically increased the stress and anxiety that typically accompany bar preparations. People are experiencing depression, diagnosed and undiagnosed. The desire to study or focus on a given day or period of time may be uncontrollable despite best efforts. The abnormal testing conditions, constantly evolving specifications, and uncertainties add to this stress. These are anything but normal studying or testing conditions and people are not ok.