

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE MATTER OF THE JULY 2020
NEVADA STATE BAR EXAMINATION

ADKT 0558

FILED

JUL 31 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

O R D E R

On July 30, 2020, Megan Ortiz, a member of the class of 2020, William S. Boyd School of Law, submitted a petition requesting this court to reconsider its July 24, 2020, order postponing the July bar examination to August 11 and 12, 2020. The petition further requests this court to waive the bar examination requirement in Supreme Court Rule 49 and grant diploma privilege to applicants currently registered for the August 2020 examination and for those applicants who deferred and intend to register for the February 2021 examination.

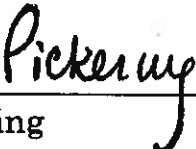
Having reviewed the petition, we elect to construe it as a motion to reconsider our July 24, 2020, order postponing the July 2020 examination and our May 20, 2020, order in which we rejected canceling the examination and granting diploma privilege in favor of a modified examination. Accordingly, the clerk of this court is directed to return the \$250 filing fee to Ms. Ortiz, to file the petition received on July 30, 2020, in ADKT 0558, and to serve a copy of the petition on the members of the Nevada Board of Bar Examiners and the Director of Admissions, Brian Kunzi.

The court has been in contact with the Chair of the Nevada Board of Bar Examiners, Richard M. Trachok, II, and Mr. Kunzi concerning these issues and directs the clerk to file, also in ADKT 558, the July 29, 2020 letter from Mr. Trachok to the court and the Notice to Applicants from Brian Kunzi the court received on July 29, 2020. These documents report

proposed modifications to the testing software and schedule a beta test of the process for August 4, 2020. The Board of Bar Examiners shall report to the court the result of the August 4, 2020 beta test no later than noon on August 5, 2020.

The court has also received correspondence from examinees concerning the July 2020 exam which, with the writer's permission, it has forwarded to the clerk for filing in ADKT 558. Any further comments should be submitted to the clerk of this court for filing in ADKT 0558. Comments may be submitted electronically to nvscclerk@nvcourts.nv.gov. Comments must be submitted no later than August 5, 2020, at 12:00 p.m.

It is so ORDERED.


_____, C.J.
Pickering

cc: Richard M. Trachok, II, Chair, Board of Examiners
Brian Kunzi, Admissions Director, State Bar of Nevada

Chief Justice Pickering,

On behalf of the BBX I would like to update the Court on the status of the upcoming remote Nevada Bar Exam. As outlined in the Court's Friday's press release both Indiana and Nevada performed beta tests using the ILG verification software for the upcoming exam. To provide some clarity I will outline the services that ILG provides for the regular in-person bar exam and the extra services it was providing for the remote administration of the exam.

Nevada has used ILG to provide the testing software for examinees using their individual computers to take the bar exam. Prior to ILG the BBX used a product provided by ExamSoft. A number of states use ExamSoft and others use ILG for testing purposes. Nevada determined that the ILG product was easier to use for both the examinees and the graders. The ILG system also provides a grading program that allows for the tracking of grading of individual exams that allows real time calibration between graders.

The ILG software under in person examination conditions works as follows. Each examinee upon registration downloads the examination program onto their personal computers. On examination day at the start of each examination period, the password for that session is provided to the examinees. The examinee then writes the exam answers and at the end of the session those answers are stored into the program on the individual examinee's computer. This is repeated for each of the remaining sessions. At the conclusion of the exam, the examinees have one day to upload their answers onto the ILG server. The program prevents access to answers by the examinees once a session is closed. The Bar Examiners are able to commence grading once the exam answers are uploaded.

With the move to a remote examination ILG created an additional software tool that was to sit on top of the examination program. This software program required each examinee to log onto the website where a photograph of an ID and the person were taken. These photographs were to be forwarded to the exam proctors. Upon verification the software was then to be placed examinees into a virtual testing room. Once the exam was initiated, the questions were to be available to the examinees. At this point the examination was to function just as in a live setting. In addition to the log in procedures, the software would have allowed the proctors to monitor via the individual computer cameras for the duration of the exam.

As mentioned in my previous memo to the Court, the log on procedure did not function in tests performed in other jurisdictions and the applicants were not able to access the virtual testing room. The BBX performed a beta test of this log on feature at noon on Wednesday, July 29th. The log in did not function at the start of the beta test. The identifier for the updated program was changed to the new August exam date, which did not match the identifier for the July exam date that was being searched for by the server. Once this was corrected, approximately 15 minutes after the start of the test, 176 examinees who had volunteered for the test were admitted to the virtual testing room. During the three-hour period of the test examinees were allowed access to an exam question from a previous exam and a sample performance test, which were embedded in the testing program. The initial glitch and the fact that Indiana experienced difficulties during multiple beta tests caused consternation with some of the examinees. A number of the Boyd applicants requested the Court to cancel the exam and grant diploma privileges to Boyd applicants.

Whereupon as chair I make the following recommendation to the Court. Nevada will not use the ILG software providing for the verification and online streaming features that has caused the noted

difficulties during beta testing. Removing these functions will allow the applicants to test on a program that will function the same as testing in person as in previous exam cycles.

The BBX will email the password for each examination session to all examinees testing remotely. The examinees will be given the allotted time as previously scheduled for each session to answer those questions or the Nevada Performance Test. The program will log the time the examinee opened the questions and the time the exam was completed. Examinees will be required to upload the exams to the central server in the same manner as is done for in person exams. Each examinee will be required to sign an affidavit that they did not receive any assistance in taking the exam. In addition, if any examinee writes for more than the allotted time then those answers will not be graded and a score of 0 will be given for that portion of the exam.

We are able to administer the exam in this fashion since Nevada decided at the outset that the exam would be open book. We also feel that although we will not have online video streaming during the exam there are sufficient safeguards to prevent cheating. The fact that the live streaming camera will not be running during the exam will significantly reduce the load on each examinee's computer. The justifiable anxiety many of our examinees have with the verification software and logging onto the system and into the virtual testing room should be obviated.

The BBX will instruct all examinees to reload the basic ILG exam program today. There will be sufficient time to address any download problems. The board staff will be available to address any concerns that are raised.

Richard Trachok

2020 Nevada Bar Exam Applicants,

The Nevada Board of Bar Examiners recently proposed modifications to the ILG exam program to address issues that many of you have raised based on the beta testing that have been conducted here and in Indiana. The Nevada Supreme Court has accepted these modifications.

The modifications will eliminate the check in process and other internal functions. Both of these proved problematic during the beta test. It is likely that the software overtaxed some of the computers. With these modifications your computer will have the same demand on computer resources as if you were testing in person under our standard conditions.

While I regret these modifications will require an additional uninstall/reinstall, these changes are necessary to address the concerns that have been raised and assist with reducing your anxiety with the new program. You will need to complete steps 1-4 as set forth in the instructions you receive from ILG. The final step to complete the reinstall is the trial exam. The only system requirement is that you type a minimum of 10 words in a trial exam answer.

After steps 1-4 are completed you can move to step 5, which is labeled "Live Exam Test." We will conduct another Live Exam Test exercise on Monday, August 4th at Noon. I will send out an email to all applicants with the Live Exam Test password. This will simulate the actual exam email release of the password for each section of the exam. If you want to participate in an exercise that will simulate an exam day, please join us. If you are not free at that time, please use the password to log into the Live Exam Test.

I know and appreciate that most of you have used the trial exam process to help you familiarize yourself with the exam format. I encourage you to use the Live Trial Exam, which you can enter as many times and stay as long as you wish. Sample performance test materials are in the Live Trial Exam. You can see how the documents are organized and practice moving between the documents. Getting comfortable with the format will help you tremendously on the exam.

You will receive the uninstall/install instructions directly from ILG. I encourage anyone that experienced technical issues during the trial exam yesterday spend as much time as necessary to confirm if the modifications have addressed those issues. Please send a support ticket to ILG through the ILGExam360® application on your computer. Also, please send me an email that details the operational difficulties you experienced with your computer.

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