

You May Now – Finally – Take the Exam

Ohio's second bar exam of 2020 will be administered remotely October 5 and 6

By Leyla Shokooh

The coronavirus pandemic of 2020 will be forever remembered for significant changes it left American society: the casualty of the handshake; the pummeling of the restaurant industry; and for law school graduates and the broader legal community, the changes made to the annual bar exam. The year's second bar exam in Ohio, postponed twice, will now be administered online October 5 and 6, 2020.

In 2018, the Supreme Court of Ohio, responsible for administering the exam, announced the intent to adopt the Uniform Bar Examination (UBE), becoming the 33rd jurisdiction in the country to do so, beginning with the July 2020 bar exam. The February 2020 bar exam proceeded as usual, both in person and with the former structure of the Ohio bar exam.

Then came the presidential declaration on March 13 of a national emergency due to the rapid, widespread COVID-19 pandemic. The Ohio Supreme Court announced on May 14 the delay of the July bar exam to September. On July 22, the court further delayed the exam, now to be administered remotely, on October 5 and 6.

"We had been hoping when we originally delayed the exam to September that the status of the virus would be much improved," said Gina White Palmer, Esq., director of the office of bar admissions for the Supreme Court of Ohio. "But as everyone knows, that's not what happened."

The National Conference of Bar Examiners (NCBE), who prepares the UBE exam materials, has offered three separate versions of the exam for jurisdictions to administer an in-person exam (the components of the exam are single-use): the original July date, the delayed September date, and another date in late September/early October. The NCBE offered an abridged version to jurisdictions who determined it was unsafe to hold an in-person exam to administer remotely on October 5 and 6. Because Ohio decided to transition to the UBE for the July bar exam, there was no preparation of exam items by the Board of Bar Examiners to fall back on.

The abridged exam includes 100 multiple choice questions, down from 200; three essay questions instead of six; and just one of two performance tests, which entails a 90-minute simulated exercise. In the abridged format, the UBE loses its portability, or the transference of scores to other UBE jurisdictions in the country. As of August 4, Ohio has entered into a Memoranda of Understanding to retain portability with eight other jurisdictions: Kentucky, Tennessee, Massachusetts, Maryland, New Hampshire, Vermont, Washington, D.C., and New Jersey.

Palmer dispelled myths about the process of taking the online bar exam.

"The remote proctoring will not kick applicants out during the exam," she said. "You do not have to have an internet connection the entire time you are taking the exam. It uses artificial intelligence to proctor the exam, and it saves the video recording and the mic on the device of the applicant."

The online bar exam uses software called ExamSoft. The exam is password-protected; registrants must be connected to the internet to enter the password, retrieve testing material and later to upload their exam. The exam is administered from noon to 1:30 p.m. on October 5 and 6 in EDT, with a half-hour break, and then from 2:00 p.m. to 3:30 p.m. Exams are monitored through what is essentially three-

factor authentication: first by artificial intelligence in the software, then by a human ExamSoft proctor, and finally by Palmer's team.

Preparing for the bar exam, abridged or not, is an involved process for graduates. Most spend the months between graduation and the July exam studying exclusively. The delay has thrown timelines off for students who took time off from work to prepare.

The option of recent graduates practicing law using diploma privilege (which has been approved in other states) was brought to the Ohio Supreme Court and the requests were denied. Practice Pending Admission (PPA), an opportunity previously available to out-of-state attorneys wishing to practice in Ohio, has been expanded to allow recent law graduates who meet certain eligibility requirements to apply to the court for temporary supervised practice.

Brittany Ellis, a May graduate of the Chase College of Law at Northern Kentucky (and the CBA's law clerk) has taken to including references to PPA on resumes she has sent to local potential employers.

"I wanted to just focus on studying, but with the postponements, I don't want to sit around for two months or longer and not have a job," she said.

Ellis is one of an estimated 950 registrants for the July Ohio bar exam who will now be taking the remote exam in October. Local law schools are working to keep in contact with students in the meantime. Joel Chanvisanuruk, assistant dean of academic success and bar programs at the University of Cincinnati College of Law, holds around 30 weekly meetings with students, for four to five weeks during the summer. The College of Law's graduating class this year is around 90 people. Chanvisanuruk also added a week of tutorials in both August and September.

"Studying for the bar exam is one of the most insane things that ever happens in any attorney's life," said Chanvisanuruk. "The bar study is being prolonged, and I think it's just sort of a maddening experience, because I think a lot of folks would rather have it done."

Ellis agreed.

"To have it pushed back twice, it's definitely been an adjustment. We're all trying to stay positive about it," she said. "We just want to become lawyers, that's the end goal, so we're doing our best."

Results are expected sometime in December. To read the order amending the testing date, view the Remote Testing FAQs and for more information, visit supremecourt.ohio.gov.

Shokooh is the Cincinnati Bar Association's director of communications. Originally published in the September/October issue of the CBA Report.