

**ACKNOWLEDGMENT OF REQUIRED TESTING CONDITIONS  
FEBRUARY 2021 NORTH CAROLINA BAR EXAMINATION**

Please review the following Required Testing Conditions for the February 2021 North Carolina Bar Examination and initial on the appropriate line by each numbered paragraph to indicate that you have read and understand it. Sign the statement at the bottom of the page. **This document must be completed and uploaded to your secure portal account by 5:00 p.m. Eastern Time on January 13, 2021. If you fail to complete and upload this document before this deadline, you will not be permitted to sit for the examination.**

Any applicant who breaches any required testing condition is subject to sanctions by the Board of Law Examiners (the Board) or its authorized representative including, but not limited to, rejection of his or her application and nullification of his or her examination score.

- \_\_\_\_\_ 1. Applicants affirm that they are not, and will not be, sitting for any other jurisdiction's bar examination administration in February 2021 in which NCBE tests are used.
- \_\_\_\_\_ 2. Applicants must take the examination on a computer with a functional webcam and microphone.
- \_\_\_\_\_ 3. Applicants affirm that all necessary updates to the operating system on their computer will be installed prior to day of the examination.
- \_\_\_\_\_ 4. Applicants must register and install the required ExamSoft software on a computer that meets the minimum system requirements specified by ExamSoft for Exemplify® software with ExamID and ExamMonitor enabled, and take and upload two mock examinations by 5:00 p.m. Eastern Time on January 29, 2021.
- \_\_\_\_\_ 5. ExamSoft registration will open on January 14, 2021 by 5:00 p.m. Eastern Time, and will close on January 29, 2021 at 5:00 p.m. Eastern Time. Applicants will be able to access the mock examinations once they register with ExamSoft. **Applicants must take and upload two mock examinations to test the software's compatibility with the applicant's computer and to familiarize themselves with the software by 5:00 p.m. Eastern Time on January 29, 2021. Applicants who do not take and upload the two mock examinations by 5:00 p.m. Eastern Time on January 29, 2021 will not be permitted to sit for the bar examination.**
- \_\_\_\_\_ 6. Applicants are strongly encouraged to take and upload the third mock examination and to use all of the time allotted for each of the mock examinations, to familiarize themselves with all of the features available within the Exemplify software and ensure their computer's compatibility with the software.

- \_\_\_\_\_ 7. Applicants must agree to the use of biometric data collected during the mock examinations and used to identify the applicant on examination days.
- \_\_\_\_\_ 8. Applicants must review and accept the use of Exemplify under the provisions of ExamSoft's privacy policy (<https://examsoft.com/privacy-policy>) and agree to be bound by those terms and conditions.
- \_\_\_\_\_ 9. Applicants will be able to download the examination files on February 16, 2021. **Applicants must download the examination files by 5:00 p.m. Eastern Time on February 19, 2021. Applicants who do not download the examination files by 5:00 p.m. Eastern Time on February 19, 2021 will not be permitted to sit for the examination.**
- \_\_\_\_\_ 10. Applicants must use a computer for all portions of the February 2021 examination. Applicants may NOT use an iPad or other tablet-type device to take the examination. Virtual system software (a computer file that mimics a computer operating system) is not supported and cannot be used to take the examination. An internet connection is required to start the examination and to upload answer files but is not required during the test sessions.
- \_\_\_\_\_ 11. Internal/integrated webcams, microphones, keyboards, and mice are recommended. If an applicant must use an external device in lieu of the integrated device, the applicant must set this up by selecting the device(s) during the first mock examination.
- \_\_\_\_\_ 12. If an applicant does not own the computer the applicant intends to use for the examination, the applicant hereby verifies that there are no restrictions in place for the computer that will prevent the applicant from downloading and running the software. The applicant hereby verifies that the applicant will have access to the computer after the examination has concluded until results are released.
- \_\_\_\_\_ 13. Applicants must login and begin the examination according to the schedule set by the Board for standard-time applicants, unless the Board has approved special testing accommodations for the applicant, in which case the applicant must adhere to the approved accommodations schedule.
- \_\_\_\_\_ 14. Passwords will be available to applicants 15 minutes prior to the start time for each examination test session. Applicants may begin the login process as soon as the applicant retrieves the password. Applicants will have a 15-minute grace period after the test session start time to log in, after which time applicants will not be able to access the session.
- \_\_\_\_\_ 15. Applicants must be alone in the room where they are taking the examination. Except for a technical issue that requires a phone call to solve, applicants may not communicate with anyone during the examination.

- \_\_\_\_\_ 16. Applicants may not talk to themselves, other people, or pets while testing. Applicants may not read the questions aloud.
- \_\_\_\_\_ 17. Applicants may not leave the view of the webcam during the test sessions. Applicants will learn how to monitor the camera frame in the mock examinations and should practice staying within the frame.
- \_\_\_\_\_ 18. To ensure the security and integrity of the examination, the following items are PROHIBITED and not permitted in the room in which Applicant is testing:

PROHIBITED ITEMS

- Watches of any type (smart watches, digital watches, analog watches, etc.), timers, clocks, fitness trackers, calculators;
- Food, unless Applicant has a medical condition for which the Board has granted special testing accommodations;
- Medication, unless Applicant has a medical condition for which the Board has granted special testing accommodations;
- Headphones, earbuds, headsets, earplugs, or any sound suppression device;
- Music or white noise. (All radios, stereos, or other devices/equipment that emit audible sounds must be turned off at all times during the examination);
- Backpacks, bags, purses, tote bags, briefcases, laptop cases, sleeves, or shells;
- Tobacco products of any kind, including smokeless tobacco, E-cigarettes/Vapor devices;
- Any written material (other than the permitted scratch paper for the MPT test sessions only, as outlined below);
- Highlighters, pens, pencils, book holders or stands, erasers, pencil sharpeners, pencil grips (other than the permitted non-digital pen or pencil Applicants may use during the MPT test sessions only, as outlined below);
- Reference materials, bar review materials, notes of any kind;
- Hats and hoodies (unless a head covering is required for religious purposes, in which case Applicant must request written permission from the Board prior to the examination.) Any head covering cannot obscure Applicant's eyes or face;
- People other than the applicant;

- Pets; and
- Cell phones (permitted only as outlined below).

- \_\_\_\_\_ 19. Applicants may have water in a clear container with no labels or printing at their workspace. The Board recommends that the container have a top, as applicants will not be given extra time if the beverage spills.
- \_\_\_\_\_ 20. Scratch Paper Exception for MPT Items Only. For each MPT test item only, Applicants may use up to three (3) sheets of blank 8 ½ x 11-inch paper, lined or unlined, and up to three (3) non-digital pens or non-mechanical pencils. No highlighters are permitted. When MPT session begins, applicants will be required to show each piece of paper (front and back) and all writing utensils to the camera. Applicants must remove the scratch paper and writing utensils from the testing room following the MPT examination sessions. Use of scratch paper or writing utensils during any other portion of the examination is NOT permitted.
- \_\_\_\_\_ 21. If a technology issue occurs during the examination, applicants may retrieve a cell phone from outside the testing room to use to contact ExamSoft technical support. An applicant may leave the testing room to retrieve the cell phone for this purpose. The applicant must use the cell phone in front of his/her computer. Once the support call is completed, the applicant must set the phone to silent mode and remove it from arm's reach. The applicant must remove the cell phone from the testing room when the applicant finishes that test session. It is strongly recommended that applicants save the ExamSoft Support number in their cell phone prior to exam day.
- \_\_\_\_\_ 22. The MPT, MEE and MBE are owned by the National Conference of Bar Examiners (NCBE) and protected by U.S. copyright laws. Applicants are not permitted to remove or attempt to remove original, duplicated, or recorded test materials, notes, reconstructed test questions, or answers by any means or at any time. This includes sharing the substance or details of any test question fact pattern, option choices, or answer, in whole or in part, by verbal communication, email, blogs, online social or professional networking sites, written notes, or any other means.
- \_\_\_\_\_ 23. Applicants must agree to comply with and be bound by the following NCBE terms and conditions before they may access the examination test material:
- **“NCBE COPYRIGHT NOTICE AND PENALTIES.** I will not copy or otherwise reproduce any MBE questions or answers by any means or disclose any (MBE)(MEE)(MPT) questions or answers to any unauthorized individual or entity before, during, or after the examination, whether orally, in writing, electronically, or otherwise. I acknowledge that the (MBE)(MEE)(MPT) is owned by NCBE and protected by US copyright laws, and that any unauthorized disclosure of its contents-in whole or in part-could result in civil liability, criminal penalties, cancellation of my test scores, denial of my bar application on character and

fitness grounds, and/or other consequences, including disciplinary action if I have been admitted to practice law.”

- **“NCBE DATA USE.** (MBE)(MPT)(MEE) testing information and data, including personally identifiable information, may be shared by your testing jurisdiction with NCBE for scoring, research, exam security, and statistical and other purposes. Such information and data are held by NCBE in accordance with the NCBE Privacy Policy (<http://www.ncbex.org/privacy-policy/>), which also applies to information found in or provided by way of NCBE Accounts. NCBE may contact you via email after the test administration to ask you to participate in a voluntary survey regarding your testing experience.”
- **“NCBE LIMITATION OF LIABILITY.** Each jurisdiction is responsible for handling test registration, test administration, requests for testing accommodations, and the reporting of scores for its bar examination. In the unlikely event that an error or mistake occurs or a claim arises relating to any of these activities, you agree that any remedy will be determined and provided under the exclusive authority and discretion of your jurisdiction. NCBE is not responsible for any such errors, mistakes, or claims.”

- \_\_\_\_\_ 24. Applicants may not use any camera or recording device in the testing room, other than the applicant’s registered computer.
- \_\_\_\_\_ 25. Applicants acknowledge that because the examination is being administered remotely, the Board must rely on the recording of the applicant’s examination sessions to determine whether any security breaches have occurred. Behaviors that may indicate a security breach will be flagged by the artificial intelligence built into the ExamMonitor software program. All flagged behaviors will be reviewed by two human proctors to determine whether further analysis by the Board is necessary. Applicants acknowledge that the types of behavior that may be flagged include, but are not limited to:
  - Disconnecting the webcam during an examination session
  - Applicant leaving view of the webcam during examination session
  - Having a prohibited item in the testing room
  - Accessing, using, or reviewing notes or other prohibited materials
  - Having others in the testing room
  - Unnatural hand gestures or eye gaze
  - Talking during examination session
- \_\_\_\_\_ 26. No Applicant shall falsify or misrepresent information required for admission to the examination, impersonate another applicant, or have an impersonator take the examination on an applicant’s behalf.

- \_\_\_\_\_ 27. No applicant shall give, receive, or seek aid from any other applicant or source during the administration of the examination, with the exception of seeking technical assistance from ExamSoft or the Board.
- \_\_\_\_\_ 28. Under no condition shall an applicant place his or her name or initials or otherwise make any attempt of identification in any way on any part of the examination papers except by the use of the applicant's applicant number.
- \_\_\_\_\_ 29. Applicants must remove from the testing room any diplomas, photographs, or other items that might personally identify the applicant. These items must be removed from the visibility of the webcam prior to the examination.
- \_\_\_\_\_ 30. Applicants must upload their answer files from each test session and the ExamMonitor files (audio/video) by 11:59 p.m. Eastern Time each day of the examination.
- \_\_\_\_\_ 31. A mechanical failure or malfunction of the applicant's computer, any other equipment, loss of power or inability to access the internet during the administration of the examination will not be grounds for reconsideration or modification of an applicant's score.

I have read the above Required Testing Conditions for the February 2021 North Carolina Bar Examination and agree to abide by these conditions. I understand that a violation of any of these conditions could cause me to be directed to appear before the Board in regard to my character and fitness.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Applicant Name