

**APPLICANT AGREEMENT FOR THE
JULY 2021 COLORADO REMOTE BAR EXAMINATION ADMINISTERED BY
THE COLORADO OFFICE OF ATTORNEY ADMISSIONS (OAA)**

Any Applicant sitting for the July 2021 Colorado remote bar exam must execute this Agreement by no later than 5:00 PM Mountain Time, Tuesday, June 1, 2021. Failure to execute this Agreement by the deadline may result in an Applicant being denied to sit for the July 2021 Colorado bar exam.

IN FAIRNESS TO ALL EXAMINEES IN ALL JURISDICTIONS AND TO MAINTAIN THE INTEGRITY AND SECURITY OF THE BAR EXAMINATION, THE FOLLOWING RULES AND CONDITIONS MUST BE FOLLOWED AND WILL BE STRICTLY ENFORCED.

Any Applicant who breaches a required testing condition may be subject to sanctions by the Colorado Supreme Court, Office of Attorney Admissions (OAAO), or the Colorado Board of Law Examiners Character and Fitness Committee; sanctions may include, but is not limited to, referral to a Colorado Character and Fitness Inquiry Panel, closure of the Applicant's admission's application, and/or nullification of the Applicant's bar examination score.

Please enter your initials on the appropriate line by each numbered paragraph after you have read it. By entering your initials, you are indicating that you have read and understood the information in the paragraph. By electronically signing and submitting this Agreement, you are agreeing to the terms and conditions for the July 2021 Colorado remote bar exam.

_____ 1. I affirm that I am a bona fide Applicant for admission to Colorado and am taking the Colorado bar exam with the intent of pursuing admission to practice law in Colorado. I understand that Colorado DOES NOT allow courtesy seating for the UBE, although I know this does not preclude me from transferring my earned score to applicable UBE jurisdictions.

Computer/ Technology Requirements and Obligations:

_____ 2. I understand that the entire exam will be administered remotely through the testing platform provided by ExamSoft, called Examplify. I understand that it is my sole responsibility that my testing computer meets all Minimum Standard Requirements (MSR) as set forth by ExamSoft. I further acknowledge that the Office of Attorney Admissions **strongly** encourages, but does not require, that my computer meets the recommended settings. For instructions on how to check your computer's specifications, click [here](#).

_____ 3. I understand that unless I have been granted an accommodation under the ADAA, I must use a laptop or desktop computer for all portions of the July 2021 remote examination, with a functional webcam and microphone.

_____ 4. I affirm that all necessary updates to the operating system on my computer will be installed prior to day of the examination.

_____ 5. I understand that I am responsible for monitoring my email account for the email address I have on file with OAA, as that is the email address that will be used to create applicants' ExamSoft registration accounts. And, I understand I must contact my OAA licensure analyst if I need to change my registered email address.

- _____ 6. **MANDATORY COMPUTER REGISTRATION:** I will 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. I understand that if I do not timely register and install the required ExamSoft software and complete a baseline photo in ExamID, that I will not be permitted to sit for the July 2021 Colorado remote bar examination.
- _____ 7. **MANDATORY MOCK EXAMS:** I will take and upload the two mandatory mock examinations to test the software's compatibility with my computer, test my computer component and set-up, and to familiarize myself with the software.
- _____ 8. I understand that if I do not timely take and upload the two mandatory mock examinations, that I may not be permitted to sit for the July 2021 Colorado remote bar examination.
- _____ 9. I agree to the use of biometric data collected during the mock examinations and used to verify my identity on examination days. I understand that the photo taken as part of ExamID at the beginning of each exam testing session must reflect an image that matches the photo from my mandatory mock exams, as well as the photo I submitted to the Office of Attorney Admissions when I submitted my bar exam application.
- _____ 10. I understand that I 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.
- _____ 11. I understand that by taking this exam in a remote manner requires me to download exam files to my computer prior to exam day. I know that OAA and ExamSoft will notify me in advance when exam files will be available and by what date I must download the files to my computer. I understand that if I do not timely download the exam files to my computer, that I may not be permitted to sit for the July 2021 Colorado remote bar examination.
- _____ 12. I understand that unless I have been granted an accommodation, I must use a laptop or desktop computer for all portions of the July 2021 remote examination, with a functional webcam and microphone. I understand that I 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.
- _____ 13. I understand that internal/integrated webcams, microphones, keyboards, monitors, and mice are recommended. **If I choose to use an external device in lieu of the integrated device, I must set this up by selecting the device(s) during the first mock examination.** It is my responsibility to ensure that the computer set-up, with a functioning webcam and microphone, is compatible with the Exemplify software.
- _____ 14. I understand that if I do not own the computer that I intend to use for the examination, I am responsible for verifying that there are no restrictions in place on the computer that will prevent me from downloading and running the software or for possible remote access by ExamSoft for IT support. I also understand that I must have access to the computer after the examination has concluded until results are released.
- _____ 15. I understand that I must login and begin the examination according to the testing schedule set by OAA, and regardless of what time zone from which I am taking the exam, that I must adhere to the OAA Mountain Time Zone exam schedule.
- _____ 16. Passwords will be available to examinees 15 minutes prior to the start time for each

examination test session. I understand that I may begin the login process as soon as I retrieve the password. Further, that I will have a 15-minute grace period after the test session start time to login, but after which time I may not be able to access the exam session. If I am unable to access the test session due to a technical problem or other emergency, I will immediately contact ExamSoft Technical Support and OAA for assistance.

_____17. If I decide to not take the July 2021 bar exam at any time prior to July 27, 2021, I will remove all exam files previously downloaded to my computer. Further, that if I decide at any time during the exam days of July 27 and July 28 that I do not want to take the exam or continue with the exam I already started, I will not open any further exam files stored on my computer. I understand that I must contact OAA immediately if I do not intend to take or finish taking the exam.

_____18. I understand that I must upload via the internet my answer files from each test session and the ExamMonitor files (audio/video) by 11:59 p.m. Mountain Time each day of the examination. I will contact ExamSoft technical support immediately if I have any problems with timely uploading the required files, and will notify OAA of any issues.

TESTING ENVIRONMENT:

_____19. I understand that I must be alone in the room where I am taking the examination, including not having my pets in the testing room. Except for a technical issue that requires a phone call to solve, I may not communicate with anyone during the examination. Further, that I should not talk to myself or read the questions aloud.

_____20. I understand if I choose to use an external monitor with my computer/laptop, I will have to make sure that my webcam is positioned in front of me to ensure I am on camera during the entire testing session. I understand I can check this by clicking on the Monitoring tab at the top of my screen during the mandatory mock exams and during the examination.

_____21. **PROHIBITED ITEMS:** To ensure the security and integrity of the examination, I understand the following items are prohibited and not permitted in the area in which I am testing:

- Any toy, clock or watch that makes a noise (smart watches, digital watches, analog watches, etc.), timers, clocks, fitness trackers, calculators;
- Backpacks, bags, purses, tote bags, briefcases, laptop cases, sleeves, or shells;
- Any written material or scratch paper (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 Examinees may use during the MPT test sessions only, as outlined below);
- Reference materials, bar review materials, notes of any kind; and,
- Cell phones (permitted only as outlined below) or other video/audio recording devices of any kind.

_____22. **PROHIBITED BEHAVIOR:** To ensure the security and integrity of the examination, I understand that I may NOT:

- Wear a headset, headphones of any kind, earmuffs, hats, or anything that covers the head, ears, or face. (Head coverings for religious purposes are permitted.);

- Have any sort of writing implement or paper in the testing area for the MEE (Test Sessions 1 and 2) and MBE (Test Sessions 5, 6, 7, and 8);
- Seek, obtain, or use answers or information from another Applicant or any other person or source during the bar exam administration;
- During any testing session, communicate through any means whatsoever, including any visual, aural, verbal, electronic, or any other type of communication, with another Applicant or any other person except for seeking assistance from ExamSoft;
- Sit for the examination for any purpose other than admission to the bar;
- Use any camera or recording device in the testing area other than the registered devices for purposes of taking the exam;
- Play music during the exam;
- Move the computer; the computer must remain stationary throughout each test session. (Adjustments should be made prior to, or after a test session. Adjustments to your camera to ensure that you are within the camera frame may be made during the exam, but you should announce what you are doing when you are adjusting the camera.);
- Wear 'removable' jewelry, non-prescription glasses (other than permitted "blue light" glasses), or clothing that may be deemed offensive or derogatory (or taking the exam in only my underwear); and,
- Smoke any tobacco or other products, including smokeless tobacco and e-cigarette/vapor devices.

23. **PERMITTED ITEMS:** I understand that the following items are permitted in the testing area:

- Lumbar support or seat cushion, foot stool or other physical support devices;
- A desktop or laptop computer with ExamSoft and ExamMonitor downloaded on it and compatible power cord. If using a laptop battery it should be fully charged in case there is a power interruption or use a back-up power pack. I understand it is recommended that I keep my computer/laptop plugged in during the exam for optimal computer performance;
- I may also use a compatible mouse and full-size or ergonomic keyboard, both of which may be wireless or corded, docking station for an external monitor, an external monitor, and an external camera. (I understand it is my responsibility to ensure these items are all compatible with ExamSoft and ExamMonitor, and that I must test my set-up during the mandatory mock exams.);
- Medication, personal feminine products, medical devices (e.g. glucose monitor, breast pumps, etc.);
- Utility devices such as fans, heaters or white noise machines that do not interfere with the audio recording during the exam;
- Snacks and beverages in clear plastic containers, with no labels or printing on them. (I understand that I should have a secure lid on any beverages, as I will not be given extra time if the beverage spills.);
- Foam or silicone earplugs that insert into my ears that I will display for ExamMonitor for each test session used;

- A cooling pad, if necessary, for your laptop;
- Glasses cleaner and cleaning cloth, tissues, and hand-sanitizer;
- Face mask if I am testing in a public area where required; and
- Scratch Paper Exception for MPT Items Only. For *each* MPT test item only, I may use blank scratch paper, lined or unlined, and non-digital pens or non-mechanical pencils. I must remove the scratch paper and writing utensils from the testing room following the MPT examination sessions. I understand that the use of scratch paper or writing utensils during any other portion of the examination is NOT permitted unless an accommodation has been granted by OAA as a part of a non-standard testing accommodation request. I understand that if I use unauthorized paper and writing utensils on any other part of the exam, that my actions may be subject to investigation with possible embargo of my exam score.

_____ 24. If a technology issue occurs during the examination, I may retrieve a cell phone from outside the testing room to use to contact ExamSoft technical support. I understand that I may leave the testing room to retrieve the cell phone for this purpose. I must use the cell phone in front of my computer. Once the support call is completed, I must set the phone to silent mode and remove it from my arm’s reach. I must remove the cell phone from the testing room when I finish that test session. (It is strongly recommended that Examinees save the phone numbers for ExamSoft Tech Support and OAA in their cell phone prior to exam day or leave written instructions outside your testing room for easy access to the information.)

TEST SECURITY:

_____ 25. The MPT, MEE and MBE are owned by the National Conference of Bar Examiners (NCBE) and protected by U.S. copyright laws. I understand that I am 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.

_____ 26. I acknowledge that because the examination is being administered remotely, the OAA must rely on the recording of my 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 OAA is necessary. I acknowledge that the types of behavior that may be flagged include, but are not limited to:

- Disconnecting the webcam during an examination session
- Leaving the view of the webcam during an 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 an examination session

- Looking or gazing away from the computer monitor for significant time periods or repetitively. (If you wish, you may close your eyes during a test session.)

- _____27. I must stay in the testing room and in view of the camera during the entire testing session, with the following exceptions:
- Pre-approved accommodations made by the OAA, or
 - In case of an emergency.
- If I have to leave the test area during the exam, I will state out loud towards the microphone for recording purposes the reason I need to leave the testing area.
- _____28. If I finish the exam early, I must exit the software before leaving the view of the camera. I am not required to sit in front of the computer during breaks.
- _____29. I shall not falsify or misrepresent information required for admission to the examination, impersonate another Examinee, or have an impersonator take the examination on my behalf.
- _____30. I will not give, receive, or seek aid from any other Examinee or source during the administration of the examination, with the exception of seeking technical assistance from ExamSoft or OAA.
- _____31. Just like licensed attorneys have an ethical duty to report serious misconduct by other attorneys, I understand that if I become aware of dishonest conduct by other applicants I must report that to the Office of Attorney Admissions.
- _____32. I will not place my name or initials or otherwise make any attempt of personal identification in any way on any part of the examination answers, except where may be required by the use of my NBCE or OAA-assigned examinee number.
- _____33. I will remove from the camera view prior to the examination any diplomas or other items that might personally identify me by name.

ACKNOWLEDGMENTS

- _____34. I understand that unless I have been granted an accommodation under the ADAA, I must use a laptop or desktop computer for all portions of the July 2021 remote examination, with a functional webcam and microphone. I acknowledge that I will not receive additional time to complete the examination due to any unforeseen complications, for example, power failure, lost data, and/or other technical problems. I understand that I have a duty to ensure my computer is in proper working condition before the exam and that I have followed all installation instructions.
- _____35. I acknowledge that a mechanical failure or malfunction of my 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 my score by OAA.
- _____36. I understand that I will contact ExamSoft Technical Support immediately if I experience any technical complications; and I will notify OAA for guidance and assistance if needed.
- _____37. I acknowledge that examinees are expected to demonstrate integrity, professionalism, honor, and ethical behavior during all exam sessions, including on the mock exams and in exam photos.

I have read the above terms for the July 2021 Colorado Bar Examination and agree to abide by these conditions. I understand that OAA may amend any of these conditions prior to the administration of the July 2021 bar exam, but that I will be notified of any changes. I understand that a violation of any of these conditions could cause me to be directed to appear before a Character and Fitness Inquiry Panel, which could result in my score being temporarily or permanently embargoed or a recommendation to the Colorado Supreme Court that my admission to practice law in Colorado be denied. If I have any questions or concerns about the administration of the exam, I will contact OAA.

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