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1 of 3

AOKT 558

August 3, 2020

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

To the Honorable Chief Justice Pickering, the Honorable Associate Chief Justice Gibbons, and the Honorable Justices of the Supreme Court of Nevada:

I am writing to express my concerns about the administration of the August 2020 Nevada Bar Exam using the software ILG 360.

I am a member of the Class of 2020 and a graduate of Santa Clara University School of Law — I finished my final year of law school at the William S. Boyd School of Law as a visiting student where I took several Nevada Bar topic courses in anticipation of the Nevada Bar Exam. I am an applicant for Nevada bar licensure, and an examinee of the July 2020, now the August 2020 Bar Exam.

The State Bar of Nevada has attempted three live trials to test the software's capacity to successfully administer the exam in an online format. In my case, like many fellow examinees, each of the trials has been wildly unsuccessful.

During the first trial, examinees were primed to participate but were unable to access the live trial. The State Bar sent an email 22 minutes after the 12 pm start time of the live test informing examinees that the trial had been moved. The Bar administrators had worked diligently with ILG technologies to address problems and improve the software's performance, yet problems have persisted.

The second live trial presented more complications. I faced difficulty downloading the most recent version of the software. After I downloaded the most recent version of the software, I received an error message stating that I needed to download the most recent version, despite the fact that I had just downloaded the software. I re-downloaded and saw the same error again. After downloading the software three times, I was finally allowed to proceed.

Next, I had difficulty logging in. After I entered my password, the software froze and remained frozen for roughly 15 minutes before I could log in. The software then periodically froze throughout the trial, rendering me unable to type or use my mouse.

The Monday, August 3rd live trial presented yet more complications. When logging on, I received the error: Account already associated with another system. I promptly called ILG Tech support to resolve this issue. I remained on hold for an hour before I could speak to someone regarding my issue. The issue was resolved when a tech support worker cleared my "security cache." She explained that sometimes a user's cache must be cleared before the software may be accessed. Once this issue had finally been resolved, I was an hour late for the live trial exam, logging on at 12:50 pm instead of 11:50 am for the 12 pm start time as intended.

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Next, I received a new error message. After completing the initial steps, exiting out of the software to turn off my wifi, and relaunching the software as instructed by the State Bar of Nevada, I received the following error: Could not connect to the server. I again called ILG Tech Support. This time my hold time was 20 minutes. The tech worker was perplexed as to why I received this error, especially since the instructions from the State Bar said to turn off wifi before proceeding to the live trial. She told me she had not received the instructions for the live test from the State Bar about turning off the wifi to continue to the live trial. She instructed me to re-download the newest version of the software and try logging on again. Again, I had to download the software twice before being able to move forward. The tech support worker remained on the phone with me while I tried to log on yet again, and again I received the error: Account already associated with another system. Again, she had to "clear my security cache" before I would be permitted by the software to log on.

Once all the issues were resolved and I successfully logged on to the live trial, 1 hour and 35 minutes had passed since the live trial began.

In light of the number of issues ILG Exam 360 has exhibited just one week before Nevada Bar examinees are scheduled to take the August 2020 online bar exam, I have little confidence that a bar examination can successfully be administered with the ILG technology. I fear, as demonstrated by today's live test, that many examinees are surely to have technological issues similar to the ones I experienced today and last week. An influx of these issues would likely push ILG's limited technological resources to the brink and result in long hold times for examinees who are forced to call into technical support for help. This delay would most certainly be disastrous for bar administration as each examinee would have different start and end times. If exams are stopped and started at different times due to the technological issues presented by ILG the integrity of the exam may be questioned. Additionally, should the software experience any glitches that freeze the program, rendering it incapable of responding to keystroke commands, examinees would lose precious time during the already time-intensive examination. There is no way to differentiate between time in which the program is frozen or has other similar issues and productive exam writing time. This would severely disadvantage examinees by reducing the already limited time required to complete the exam due to no fault of their own.

As a member of the Class of 2020 and a prospective member of the State Bar of Nevada, I respect the time-honored attorney licensure process utilized by the State Bar of Nevada and the Supreme Court of Nevada. However, the current COVID-19 pandemic has rendered an in-person bar exam impossible, and now successfully administering an online bar exam using the technology available, rife with technical issues, seems equally impossible.

In May, when other jurisdictions were reluctant to face the reality that an unprecedented pandemic required unprecedented solutions and charged ahead with in-person bar exams, Nevada was the first to announce an online and modified bar exam. Nevada has led by example in practicality and care for the safety of both the public and bar examinees. I implore the Court to continue its practical and empathic leadership by considering the recent ADKT 0558 filing as a solution to the instability and uncertainty of administering an online bar exam.

Respectfully,

A handwritten signature in black ink, appearing to read 'S. King', with a stylized flourish extending from the top left.

Ms. Samantha N. King
JD 2020