EXAMINATION RULES

(These Rules are Intended to Track the Rules Applicable to the Bar Examinations Administered by the State Bar of California but are not necessarily governed by said Rules or their interpretation by the State Bar)

In General

Examination Area Environment

Students should come prepared to accommodate other noises, such as those made by other students taking the examination, equipment inside or outside the test center that may make noise while operating, other meetings or conventions in the same facility, etc. Ear plugs are strongly recommended.

Students may not communicate with one another in any way, either verbally or non-verbally, during the administration of the examination.

Only the following items, if actually needed, are allowed into the examination area without timely request and prior written approval:

1. The materials distributed by the Law School at the time of the examination
2. Pencils and/or pens
3. Silent analog watches, timers and clocks no larger than 4 x 4" inches
4. Rulers
5. Paper clips
6. Highlighters
7. Back Support
8. No more than two pillows, both without pillow case covers
9. One book stand
10. One foot rest
11. Splints
12. Braces
13. Inhalers
14. Crutches
15. Wheelchairs
16. Casts
17. Hearing aids

18. TENS Units

19. Eyeglasses

20. Ear plugs or plastic material normally associated with the sport of swimming

21. Feminine hygiene items

22. Medicine

23. Wallets

24. The sheet of paper supplied by the Law School.

Items not in immediate use must be kept in a transparent, clear plastic bag supplied by the student.

Students cannot bring gum, candy or other food or drinks into the examination room, with the exception that clear water bottles with "sports caps", with all labels removed, can be used.

Students will be permitted to exit the examination room to use the bathroom. When leaving the room, all examination materials must remain in the examination room. Students are not permitted to leave the Law School building during the administration of any examination and are prohibited from entering any other classroom of the Law School or the Student Lounge.

Subsequent to the first scheduled administration of an examination, students shall not communicate, directly or indirectly, with the instructor whose course is being examined about the contents, administration or grading of the examination until after the results of the examination have been released by the Law School.

Failure to Follow Examination Policy and Procedures

Failure to follow any of the examination policies and procedures set forth herein and/or all oral and written instructions given at the time of any examination, could result in an Honor Code violation, notification to the Office of Admissions of the Committee of Bar Examiners of the State Bar of California of a violation of examination rules and dismissal from the Law School. Conduct that results in a violation of security or which disrupts the administration of the examination, including, but not limited to, bringing unauthorized items into the examination room; writing after time has been called; looking at another student's paper or papers; looking at any paper or papers not permitted; talking while the examination is in session; being abusive to other persons, staff, proctors and/or other examination personnel, could also result in an Honor Code violation, notification to the Committee of a violation of examination rules and dismissal from the Law School. Students are expected, at all times, to maintain a professional attitude toward other students, faculty, staff, proctors and other personnel.

Handwritten Examinations

Blue books and scratch paper will be provided to students by the Law School. ONLY blue or black ink will be accepted for handwritten examinations. DO NOT USE PENCIL.

Upon completion of the examination, all examination questions, the examination facing page, any examination booklet, all blue books and all sheets of paper, used or unused, must be returned to the Law School.

Students must place only their identification number, the course title, and the question number being answered, on the cover of each blue book. In order to maintain anonymity in the grading process, students must NOT put their name or other identifying matter on or in their blue books.

The student's answer to each examination question must be started in a new blue book. If students stop writing in the middle of a page, but continue the answer on another page, they are advised to provide a notation or draw an arrow and put an "X" on the remainder of the unwritten page or pages so that the instructor does not overlook the additional writing.

When a student finishes the examination, blue books must be brought to the Proctor's desk and placed in the appropriate place provided. Writers using more than one blue book per question must staple together all blue books pertaining to a single question.

Students who finish the examination early are expected to leave the examination room quietly so as not to disturb students who are not yet finished. During the final five (5) minutes of the examination, no one will be permitted to leave or deposit their blue books in the places designated on the Proctor's desk until time is called.

When time is called, students must stop writing immediately. Failure to do so will be documented and may constitute an Honor Code violation and may, in the sole and absolute, but good faith, subjective discretion of the Dean, in consultation with the proctor, may be cause for a reduction in the student's grade.

MONTEREY COLLEGE OF LAW'S LAPTOP PROGRAM FOR EXAMINATIONS

Monterey College of Law will continue its program in the use of laptop computers for examinations.

All students wishing to use laptop computers must timely download the designated software, become certified in its use by the deadline that will be published by Monterey College of Law AND personally possess a laptop computer with minimum hardware and software requirements imposed by the examination software provider, the Law School, or both.

BY ELECTING TO TAKE THE EXAMINATION BY LAPTOP, THE STUDENT REPRESENTS AS A FACT TO THE SCHOOL THAT THE STUDENT POSSESSES (OR HAS THE USE OF) A LAPTOP IN THE REQUIRED CONFIGURATION.

For students electing to use laptop computers, software provided by Examsoft will be used during the written portions of examinations. Students must register and complete the registration process by the beginning the date or dates of the academic year specified by the registrar. It is the student's responsibility to be familiar with the software, since technical support will not be provided before or during the examination session.

The Computer Access Fee of $50.00 each semester covers costs in connection with administration and monitoring of the laptop program.

Students using laptops must take their laptop computer home after each examination and bring it back for each subsequent examination. On each day of the examination, students using laptop computers **must** be seated no later than **6:15 p.m**., at which time instructions for making the laptop

computer ready to use will begin. Students should plan to arrive at the Law School at least 15 minutes prior to that time so that they can be seated comfortably. General instructions regarding administration of the examination will commence promptly at **6:20 p.m.** **Late** arriving students **will not be allowed** to use a laptop computer for the examination. In addition, if your laptop computer is not ready for use at the designated time for commencement of the examination, you must begin the examination by handwriting. NO extra time will be provided.

Student laptop computers do not need to be inspected prior to the beginning of the examination. In the event of a software, hardware or power failure before or during administration of the examination, a student will be required to handwrite their answers to the examination. Students will not be permitted to use typewriters or word processors as backups and "back-up" computers are not allowed.

It is strongly recommended that students using Examsoft become familiar with its use well in advance of any examination so that in the event of any technical difficulties in its use students can notify the Examsoft Technical Help Desk or the Law School's Administrator of Laptop Examinations, *Debbie Perez*, to report problems and get technical support. In addition, students can get on-line technical support at www.Examsoft..com.

Students must bring their own power cord and laptop computer to the examination room each day of the examination. Although an electrical outlet will be provided, students must be sure to have a fully charged battery in case of a temporary power outage. Students must not bring any floppy disks, into the examination room, either on their person or in their laptop computer. If such items are found in the examination room or in a student's laptop computer, they will be confiscated and will not be returned.

Once a student is registered with Examsoft, NO CHANGES can be made to the configuration of the student's laptop computer. Do not uninstall the Examsoft program for at least four (4) weeks following the examination in the event that a backup copy of the examination needs to be accessed. Do not have someone else download the software for you.

Pay careful attention to and follow the instructions provided during the examination. Use great care when highlighting and deleting during the examination as well as using other key functions that may significantly change a document. Students who do not take the time to become familiar with their laptop computers or with word processing functions should consider handwriting their examination answers. No extra time or other administrative relief will be granted in the event that an examination file is deleted or otherwise altered.

Printing Answers

Examination answers will be printed by staff following the conclusion of each session. You will not be permitted to oversee the printing process. Answers are printed using a standard format, such as line spacing and font, which may cause the final printed answer to look different from what you saw on your laptop computer screen. However, the substance of your answers will not have changed. If there is a problem with the printing of your answers, you may be required to bring your laptop computer back to the Law School so that the encrypted backup copy of the examination answer(s) on your laptop computer's hard drive can be retrieved.

Laptop Computer Problems After Registration

If, after registering with Examsoft, students experience problems with their laptop computers (i.e., the computer crashes), students may return to the Examsoft website and download the software into the new or repaired laptop computer at any time one week prior to the first day of the examination.

Any attempt to disable or tamper with the security features of the software is prohibited. If it is discovered that tampering has been attempted, this information will be reported to the Law School and the Committee of Bar Examiners for whatever action either or both deem appropriate. It is each student's responsibility to be familiar with their equipment, the Examsoft software and instructions provided by the Law School and Examsoft on its website or elsewhere prior to the start of the examination.

Information Regarding the Examsoft Software Program

The Law School has contracted with Examsoft for the Monterey College of Law Laptop Program.

REGISTERING WITH Examsoft, INSTALLING THE SOFTWARE, and UTILIZATION OF ALL AND ANY OF ITS FEATURES is strictly a matter between Examsoft and each student. By electing to take the examination by laptop, the Student waives any and all claims, against the Law School, any employee, agent, representative, or contractor to the Law School, known or unknown, in connection with any and all matters related thereto, directly or indirectly. The Law School's contract with Examsoft provides, in pertinent part, the following terms, by which all electing students will be bound, in direct favor and benefit of the Law School and EXAMSOFT, and each of them:

"NO RETURN OR REFUND. A demonstration of the Software is available without charge on the EXAMSOFT, INC. web site at http://www.Examsoft.com. If you have any questions regarding the method of operation of the Software or its features, please contact tech support at 866.429.8889 or 954.429.8889.

AS IS. TO THE MAXIMUM EXTENT PERMITTED BY LAW, SOFTWARE SECURE, INC. DISCLAIMS ALL WARRANTIES, EXPRESS OR IMPLIED. IN PARTICULAR, THE SOFTWARE IS PROVIDED "AS IS", WITHOUT WARRANTY OF ANY KIND, INCLUDING WITHOUT LIMITATION THE WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE AND NON-INFRINGEMENT. The entire risk as to the quality and performance of the Software is borne by you. This disclaimer of warranty constitutes an essential part of this Agreement. SOME JURISDICTIONS DO NOT ALLOW EXCLUSIONS OF AN IMPLIED WARRANTY, SO THIS DISCLAIMER MAY NOT APPLY TO YOU AND YOU MAY HAVE OTHER LEGAL RIGHTS THAT VARY BY JURISDICTION.

Export Controls. You agree you will comply with the provisions of U.S. laws restricting export of any software, technical data or other information or materials, including without limitation the United States Export Administration Act and regulations there under, and will not export any hardware, software, technical data or other information or materials to any country in violation thereof, and specifically you certify that your use of the Software complies with the requirements of such Act and regulations."

What Are the Minimum System Requirements?

Examsoft may only be used on a PC. It is not permissible to use Examsoft on any Macintosh computer. The minimum recommended system requirements are:

- CPU = 450 MHz Pentium III or Industry Equal
- RAM = 256 MB
- Drives = 50 MB of free space and one floppy disk drive
- Operating System = English versions of Windows 2000 (Pro) or XP (Home, Pro or Tablet PC)
- Software = Internet Explorer 5.0 or greater
- Internet Access for Sign Up, Registration, Exam Download and Upload
- AOL Users - Version 6.0 or higher required
- Screen Resolution must be 1024x768 or higher

Answers to Frequently Asked Questions

Why can't I advance past Step 1? I have a firewall installed.

If your computer contains a personal firewall (e.g. Norton Personal Firewall, McAfee Personal Firewall, Zone Alarm, etc), you can instruct your personal firewall to treat www.examsoft.com as a trusted website. If unsure how to do so, please see your manufacturer's instructions. If you are using a computer which is part of an office network, ask your network administrator to contact ExamSoft Client Support for installation and use instructions.

SofTest Download, Install & Uninstall Questions

Why am I told during SofTest installation that I do not have Administrative level rights?

If you have administrator level rights but are told that you do not, it is possible that Webroot Spy Sweeper is preventing SofTest from properly identifying your actual level of rights. Therefore, if you receive this error message and have Webroot Spy Sweeper running on your PC, temporarily disable it, install & register SofTest, then re-enable Webroot Spy Sweeper.

SofTest Registration

How do I register SofTest for use at two different schools or two bar exams?

Although SofTest can be registered under a law school and a bar jurisdiction simultaneously, it cannot be registered under two different schools or two bar jurisdictions simultaneously. Nevertheless, SofTest registration can be easily modified prior to each exam. The easiest way to describe this is to use a hypothetical of a Bar applicant who intends to take the California Bar (CA Bar) Exam on a Tuesday and the Wyoming Bar (WY Bar) on a Thursday. To do so they would:

1. Sign up using an ID & password and register SofTest under WY Bar first.
2. Sign up using a different ID & password and register SofTest under CA Bar second.

3. Take the CA Bar exam.

4. After the CA Bar exam, launch SofTest and press the CTRL + F7 keys on your keyboard simultaneously.

5. Click YES then OK when prompted to unregister SofTest.

6. Double click the SofTest icon on your Windows Desktop.

7. Register SofTest using your WY Bar ID and password.

8. Take your WY Bar exam.

You can use the same steps even if you and a roommate share a computer but attend different schools that permit SofTest use. Just register under both schools and unregister then re-register using the ID and password associated with the student that needs to take the next exam.

Practice Exam

Can I print or save answers that I type into the Practice Exam?

You can print answers while your Practice Exam is in progress however no answer data is saved once the Practice Exam is exited.

The spellchecker is available on my Practice Exams. Will it be available on my actual exam?

Use of spell check is disabled during examinations. Most of the basic functions of Word processing are disabled during examinations.

Does the format of the Practice Exam directly reflect the format of my actual exam?

The basic layout of the question and answers will be the same. All other word-processing features will be the same on both the Practice Exam and your actual exam. The number of questions on your actual exam will be customized by your institution.

During Exam Questions & Errors

Why does SofTest return to Windows every time I start an exam?

The most likely cause is AntiSpyware software installed on your computer preventing SofTest rebooting into secure mode. You must disable any AntiSpyware software on your computer prior to beginning a secure exam. Common AntiSpyware software known to cause this problem includes Microsoft AntiSpyware and StopZilla. If you are unable to determine if you have such software on your computer, please contact ExamSoft Support.

I am experiencing lag time between when I type a character and when it appears on the screen.

Intermittent reports of lag time between typing and text appearing on screen have been received from some users. If your computer has an 'external' wireless card, remove it from your computer prior to launching SofTest. If your computer has an 'internal' wireless card, you must locate the switch or

button combination used to turn the card off prior to launching SofTest. Remember to reinsert or enable the card after exiting the exam, especially if you are using a downloaded exam file.

If this fails to resolve the issue, it may be caused by an existing application on your PC using a large amount of processor time during an exam. ExamSoft support is capable of examining your computer and determining the application that is causing the lag time. Please contact ExamSoft Support at 866-429-8889.

My computer continually reboots into SofTest after I take the Qualification Exam or any secure exam.

If this happens, you are in what is called a Software Loop. Looping occurs in a small number of instances but is easily repaired. Just contact ExamSoft Support by phone at 866-429-8889 and they will walk you through the repair. If you are unable to contact ExamSoft support, you may attempt to repair the loop yourself by following these steps:

1. Hit Ctrl-Alt-Delete on your keyboard to enter Task Manager.
2. Click File->New Task (Run).
3. Type "eswinsr.exe" and click OK.
4. Click the "Restore Settings" button.
5. Click "Yes".
6. Click "OK" or "End Task" on any dialog boxes that pop up until the computer reboots.

The reboot loop should now be resolved. However, if the issue that caused the loop was not a one-time occurrence, running SofTest again will cause the computer to enter another loop. For this reason we recommend contacting ExamSoft Support as soon as possible.

General Exam Taker Questions

Why am I told that I do not have an Internet connection in SofTest even though I am on a wireless or other high-speed connection?

If using a high speed Internet connection, consider enabling Internet Explorer's Auto Detect LAN Settings option. To do so:

1. Exit SofTest
2. Launch the Internet Explorer web browser
3. Select Tools...Internet Options
4. Select the Connections tab
5. Click the LAN Settings button
6. Place a check in front of 'Automatically Detect Settings'
7. Click OK twice and close all web browsers
8. Double-click the SofTest icon and register SofTest.

Note: You will need to uncheck this item if this fails or when/ if you use this computer on a dial-up connection.

Does SofTest automatically save my answer data or do I need to manually save my work throughout my exam?

SofTest automatically saves your exam data throughout your exam every sixty seconds. There is a manual save button in SofTest if you prefer, but it is NOT necessary to manually save.

What is a Service Pack?

Periodically, enhancements to SofTest are made. These enhancements are provided to existing SofTest users through the distribution of a Service Pack. To download the Service Pack, go to www.examsoft.com/servicepack. Note that you will need your ID and Password to install the Service Pack.