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Investigating the Benefits of Live Remote Proctoring

State Bar of California

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EXECUTIVE SUMMARY

This research project evaluated the Live Remote Proctoring (LRP) for the First-Year Law Students' Examination (FYLSX) in terms of test performance, examinee experience, and exam violation incidents.

Utilizing LRP in the October 2022 FYLSX, the study compared this session to 20 previous exams spanning from 2012 to 2022 and analyzed post-exam feedback and violation reports. The findings indicate that LRP did not conclusively outperform previous remote testing modalities in terms of exam performance. While there was a modest improvement in pass rates, it fell within the expected range of historical fluctuations, suggesting that LRP may not have been the influencing factor. Furthermore, gender disparities in performance raise concerns, suggesting potential disadvantages for female examinees under the LRP modality. While LRP showed promise in reducing the rate of exam violations, the benefits observed from a single session's data are not sufficient to establish a conclusion. The most notable concern with LRP was the overwhelmingly negative examinee feedback regarding the testing experience, mainly due to the live monitoring aspect.

Given these mixed results, if LRP continues to be used, exploring alternative providers might be necessary to enhance the testing experience.

OBJECTIVE

The objective of this project is to assess the potential benefits of Live Remote Proctoring (LRP) for the First-Year Law Students' Examination (FYLSX), focusing on test performance, examinees' testing experience, and false-positive exam violation incidents. The five previous remote FYLSX sessions have been monitored through AI-based analysis of recorded tests, a system that presented several challenges. These included a high incidence of false-positive violation flags that required significant staff time for validation, thereby increasing exam administration costs. There were also reports of complications with password distribution and the processes for downloading and uploading exam materials and videos.

As part of this grant project, the October 2022 FYLSX exam was administered using the LRP modality. In this approach, a live human proctor monitors examinees in real-time via a webcam. By facilitating direct communication between examinees and the proctor prior to the exam, LRP could mitigate technological issues related to exam passwords and video distribution. This could improve the exam-taking experience, potentially leading to improved test outcomes.

This research project aims to answer the following questions:

1. How does the performance in LRP tests compare to that of past remote tests?
2. Did LRP improve the examinees' test experience?
3. Did LRP reduce the incidents of exam violations?

BACKGROUND

The California First-Year Law Students' Examination (FYLSX), often referred to as the "Baby Bar," is designed primarily for students from California's unaccredited law schools to assess their progress in legal education. Passing the FYLSX is mandatory for these students to earn credit for their first year. Additionally, the test serves students seeking readmission after disqualification from ABA schools, those with less than two years of college prior to law school, students who "read the law" in a law office or judge's chambers, and some who use it for practice. Established over 40 years ago, the FYLSX is a biannual test, conducted in June and October. It comprises a 4-hour written segment with four essay questions and a 100-item multiple-choice section. Scores above 560 indicate passing; those below 540 result in failure, while scores between 540 and 559.999 are reevaluated by graders. Since June 2020, the exam has been administered remotely.

DATA

To evaluate the impact of LRP on test performance, exam experience, and violation rate, we analyzed the following datasets:

1. Exam Performance Data:
    a) Results from the FYLSX exam administered in October 2022, which was proctored live and remotely, including demographic data.
    b) Results from "record and review" AI proctored FYLSX exams administered in June 2020, November 2020, June 2021, October 2021, and June 2022, including demographic data.
    c) Results from in-person FYLSX exams conducted from 2012 to 2019.

2. Post-exam Survey Data:
    a) Responses from the post-exam survey conducted in December 2022 following the October 2022 LRP test.
    b) Responses from post-exam surveys conducted in June 2020 and June 2021.

3. Exam Violation Reports: Reports from the June 2021, October 2021, June 2022, and October 2022 exams.

EXAM PERFORMANCE – THE LIVE REMOTE MONITORED EXAM RESULTS

Overall Exam Performance

The October 2022 FYLSX had a cohort of 238 examinees, with 168 being repeat takers. The previous five remote tests had a slightly larger cohort on average - 276 examinees. The proportion of repeaters in the October 2022 cohort was approximately 70.6 percent, slightly above the earlier average of 68.7 percent. As shown in Figure 1, exam performance in the October 2022 LRP session had a pass rate of 24 percent, which is an improvement from previous remote exams. However, attributing this improvement solely to LRP is premature, as fluctuations in pass rates between individual exams have historically ranged from 2 to 4 percentage points. The increase from the June 2022 session to October 2022 falls within this typical variance.

A closer look reveals that the improved pass rate in October 2022 is largely attributable to repeat exam takers. As Figure 2 demonstrates, first-time takers in this session had a pass rate of 40 percent, aligning with historical pass rates, with the exception of the October 2021 exam. However, the pass rate for repeaters rose to 17 percent, surpassing the usual range of 11-13 percent seen in recent remote tests. This improvement among repeaters is particularly notable compared to the pre-2019 in-person exam periods, where repeaters generally had a pass rate between 17 percent and 20 percent. Despite these observations, the direct impact of LRP on this increased pass rate among repeaters remains an area for further exploration.

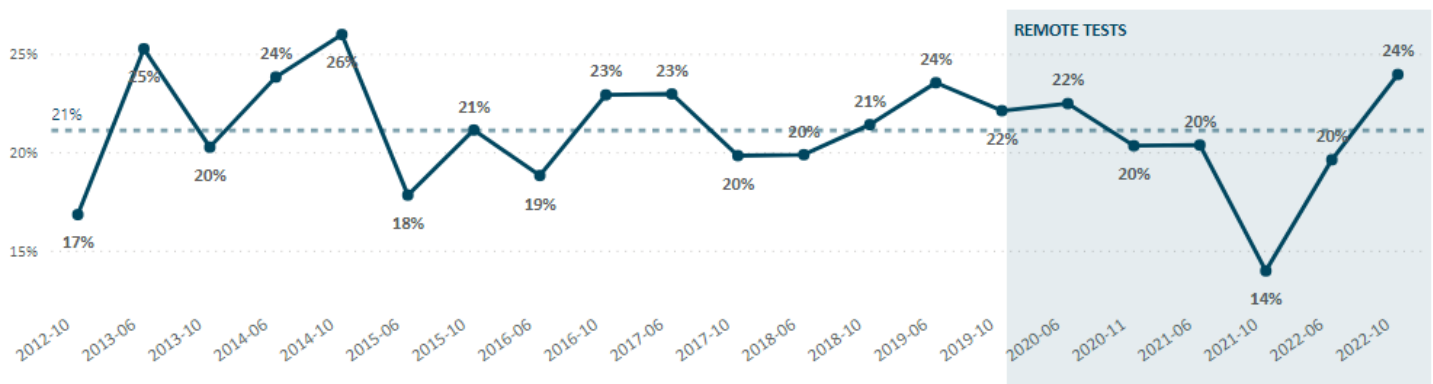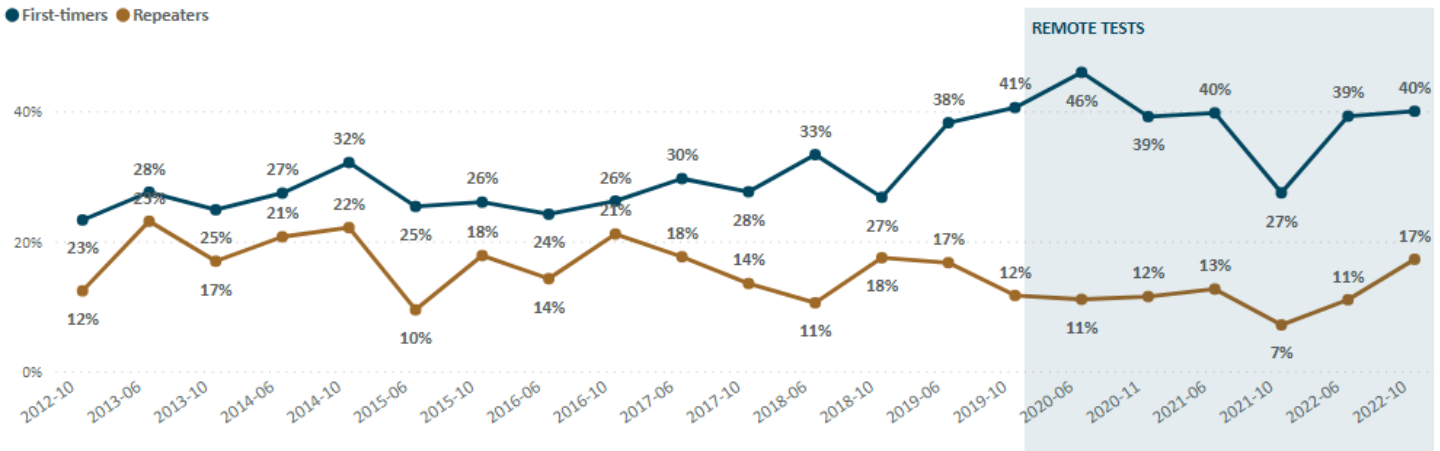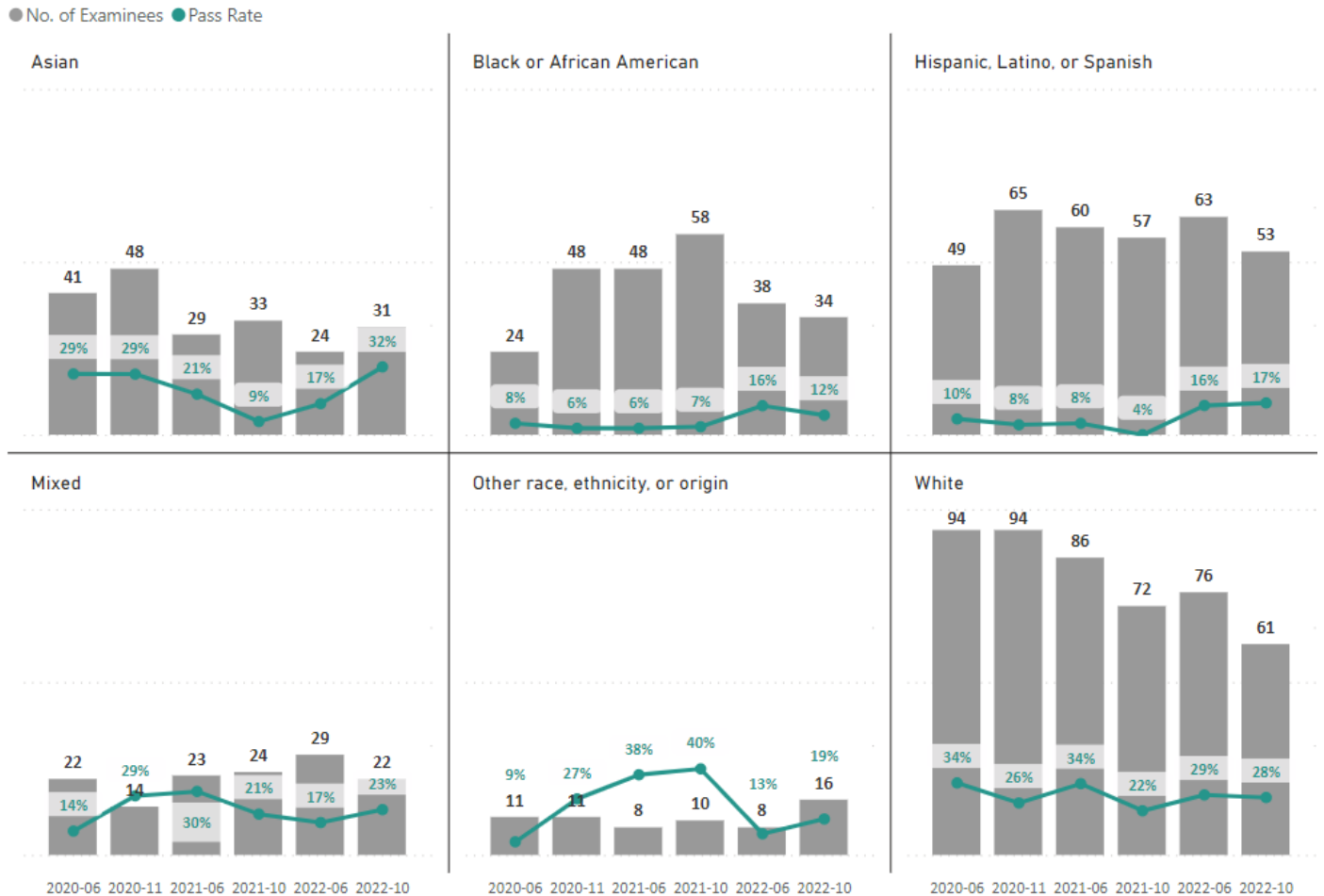**Figure 1. Overall Pass Rate - 10/2012 to 10/2022**

Figure 2. Pass Rate by Exam Attempts- 10/2012 to 10/2022
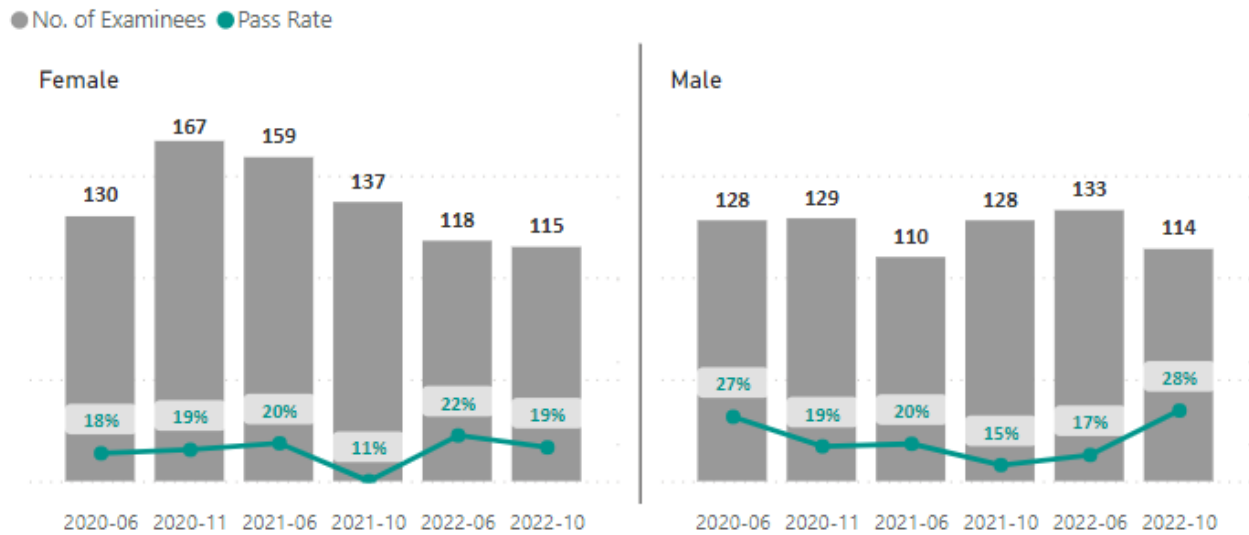
Exam Performance by Race and Gender

In the October 2022 exam, most racial groups experienced improved pass rates, as illustrated in Figure 3. However, Black examinees saw a 4-percentage point decrease. Given the small cohort size of Black examinees, it is unclear whether the LRP modality influenced this decline. For context, 6 out of 38 Black examinees passed the exam in June 2022, compared to 4 out of 34 in October 2022.

Figure 3. FYLSX Exam Pass Rate by Race

A surprising and potentially concerning finding was the disparity in pass rates between female and male examinees, as depicted in Figure 4. The pass rate for females decreased from 22 percent to 19 percent in October 2022, while males saw an 11-percentage point increase. The female pass rate remains in line with historical trends, but the decrease was unexpected, particularly against the backdrop of rising male pass rates.

Figure 4. FYLSX Exam Pass Rate by Gender

A detailed analysis of the scores, as presented in Table 1, shows that the gender gap for multiple-choice scores is consistent with past trends, yet the essay scores show a surprising 13-point difference—females averaging 224 versus males at 237 for the 2022 October LRP test. Statistical analysis, including a T-test, verified that this difference is significant. These findings suggest that live monitoring may have had a disproportionately negative impact on female examinees' essay performance. Determining whether this issue stems from the LRP test modality or is unique to this particular exam provider requires further investigation.

Table 1. FYLSX Exam Average Scores by Gender

Exam Session	Multiple Choice Score - Average		Essay Score - Average		Total Score - Average	
	Female	Male	Female	Male	Female	Male
2020 -Jun.	215	240	230	227	440	467
2020 -Nov.	222	228	229	222	451	450
2021 -Jun.	215	242	220	226	435	468
2021 -Oct.	212	228	222	213	434	440
2022 -Jun.	222	238	231	227	453	465
2022 -Oct.	219	241	224	237	442	478

Repeat Examinee Performance

In the LRP test, as described in Table 2, both the pass rate and average scores for repeat examinees were markedly higher compared to previous tests. Unlike past remote tests where first-time examinees considerably outperformed those retaking the test, the disparity between these two groups was slightly smaller in the LRP exam.

Table 2. FYLSX Exam Pass Rate and Average Test Scores for Repeat Remote Test Takers

Exam	Exam Cohort Size (N)		Pass Rate (%)		Average Score	
	Repeaters	First-timers	Repeaters	First-timers	Repeaters	First-timers
2020 -Jun.*	180	87	11%	46%	441	484
2020 -Nov.	208	97	12%	39%	438	485
2021 -Jun.	197	78	13%	40%	435	485
2021 -Oct.	181	91	7%	27%	433	452
2022 -Jun.	181	79	11%	39%	451	480
2022 -Oct.	168	70	17%	40%	456	476

*2020 – Jun. was the first remote FYLSX exam. Repeat examinees in this cohort had only taken the exam in-person previously.

Figure 5 illustrates that most racial groups saw a rise in pass rates among repeat takers. The difference in pass rates between genders was not as stark as overall pass rates, but female examinees performed marginally below male examinees, as shown in Figure 6.

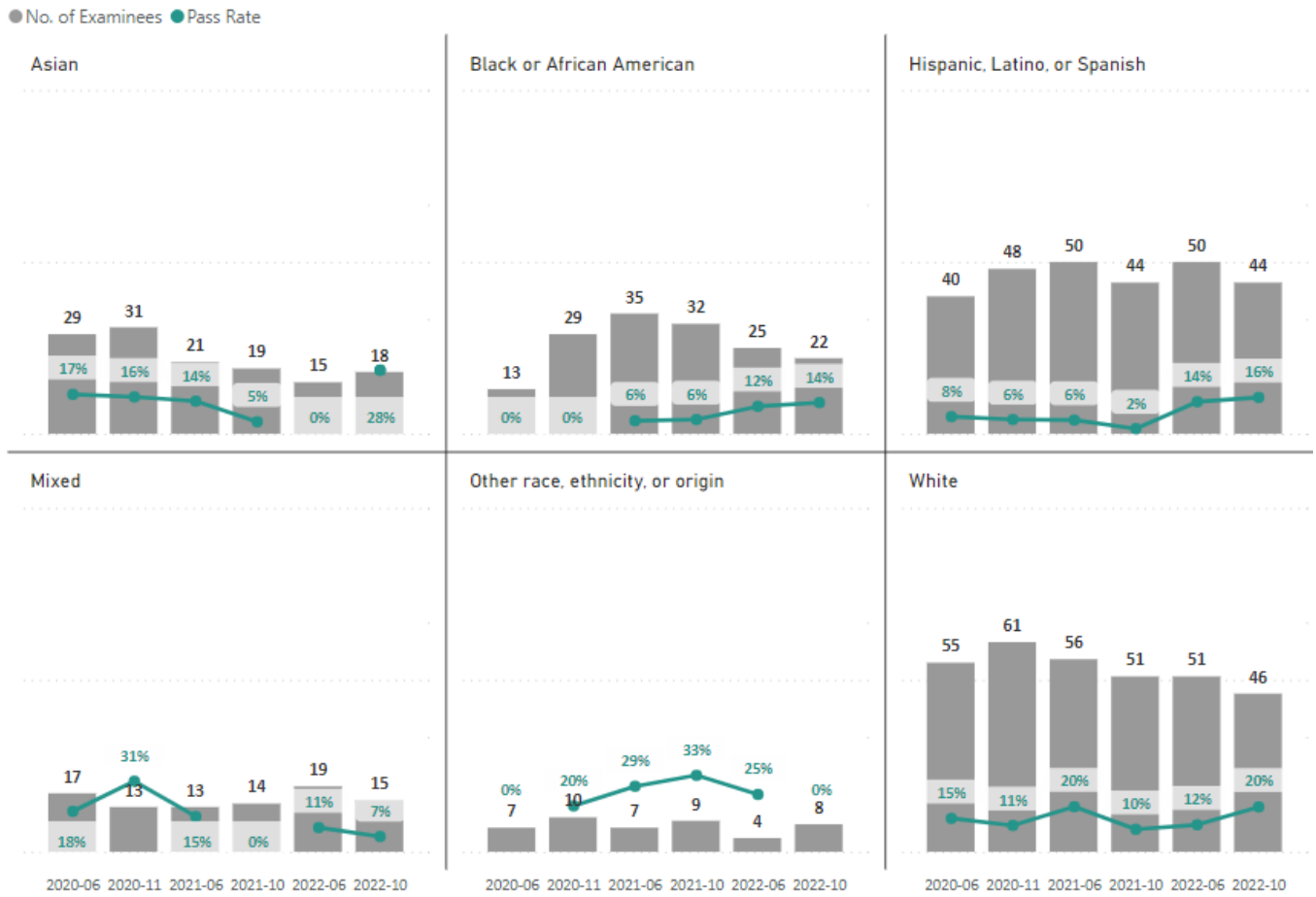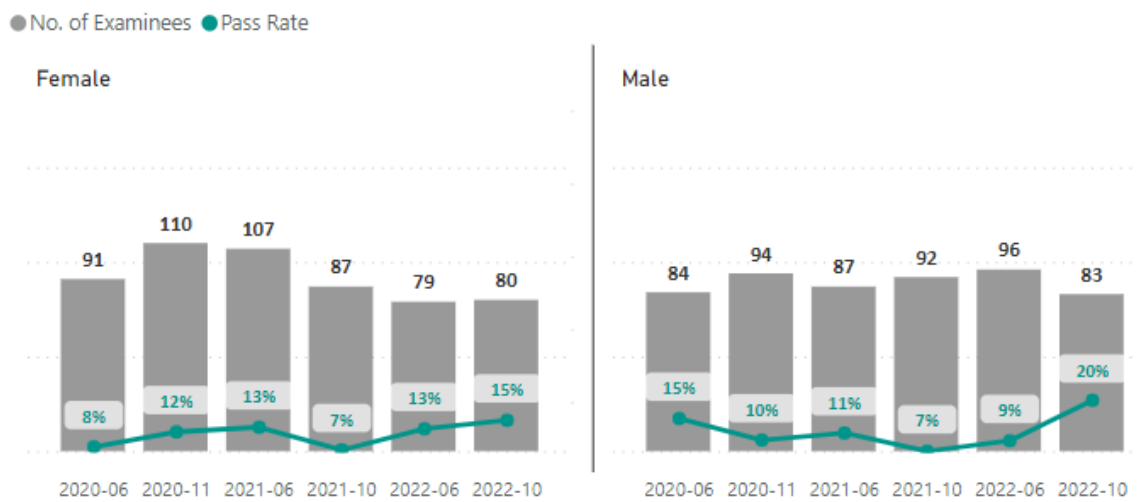# Figure 5. FYLSX Exam Pass Rate by Race - Repeat Examinees

Legend: No. of Examinees, Pass Rate

Asian
2020-06	2020-11	2021-06	2021-10	2022-06	2022-10
29	31	21	19	15	18
17%	16%	14%	5%	0%	28%

Black or African American
2020-06	2020-11	2021-06	2021-10	2022-06	2022-10
13	29	35	32	25	22
0%	0%	6%	6%	12%	14%

Hispanic, Latino, or Spanish
2020-06	2020-11	2021-06	2021-10	2022-06	2022-10
40	48	50	44	50	44
8%	6%	6%	2%	14%	16%

Mixed
2020-06	2020-11	2021-06	2021-10	2022-06	2022-10
17	13	13	14	19	15
18%	31%	15%	0%	11%	7%

Other race, ethnicity, or origin
2020-06	2020-11	2021-06	2021-10	2022-06	2022-10
7	10	7	9	4	8
0%	20%	29%	33%	25%	0%

White
2020-06	2020-11	2021-06	2021-10	2022-06	2022-10
55	61	56	51	51	46
15%	11%	20%	10%	12%	20%

Figure 6. FYLSX Exam Pass Rate by Gender - Repeat Examinees

Legend: No. of Examinees, Pass Rate

Female
2020-06	2020-11	2021-06	2021-10	2022-06	2022-10
91	110	107	87	79	80
8%	12%	13%	7%	13%	15%

Male
2020-06	2020-11	2021-06	2021-10	2022-06	2022-10
84	94	87	92	96	83
15%	10%	11%	7%	9%	20%

Despite a better-than-average test performance outcome, feedback on the LRP exam experience was less favorable than that from previous tests. Following the October 2022 exam, the State Bar invited examinees to participate in a post-exam survey. With the incentive of a gift card offer, we achieved an excellent response rate of 95 percent. For comparative analysis, we have examined data from two previous post-exam surveys conducted in June 2020 and June 2021[1]. Although the three surveys had distinct questions, there were enough overlapping questions to allow for meaningful comparison.

In all 3 exams, survey respondents had higher pass rates than that of the exam cohort.

Table 3. Exam Cohort and Survey Respondents Comparison

Exams	Exam Cohort			Survey Response Rate		
	Overall	Repeaters (% of exam cohort)	Overall Pass Rate	Overall	Repeaters (% of survey cohort)	Overall Pass Rate
2020 -Jun.	267	180 (67%)	22%	205	102 (50%)	26%
2021 -Jun.	275	197 (72%)	20%	140	92 (66%)	26%
2022 -Oct.	238	168 (71%)	24%	212	108 (51%)	26%

As shown in Table 4 below, the October 2022 cohort expressed a significant level of dissatisfaction regarding their remote testing experience, with only 28 percent expressing satisfaction. In stark contrast, the satisfaction rates for the June 2020 and June 2021 cohorts stood at 67 percent and 69 percent, respectively. The high dissatisfaction level in the October 2022 test cohort was primarily attributed to the real-time monitoring aspect of the test, with frequent interruptions by proctors being the common complaint. Furthermore, 39 percent of the October 2022 examinees reported technology-related issues, in contrast to only 12 percent from the June 2021 cohort reported such issues.

Table 4. Overall Satisfaction Level with Remote Testing Experience

Exam Cohort	Extremely dissatisfied	Dissatisfied	No opinion	Satisfied	Extremely satisfied
2020 -Jun.*		18%	15%	67%	
2021 -Jun.	4%	7%	20%	40%	29%
2022 -Oct.	36%	20%	16%	22%	6%

*June 2020 survey question wording and options were slightly different.

Repeat Examinee Response

Repeat test takers offer valuable comparative insights, having experienced both testing modalities. Of October 2022 survey respondents, 56 percent had previously taken the FYLSX exam using the "record and review" testing modality. These repeat examinees expressed a

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[1] In recent years, June exam cohorts have, on average, performed better than October cohorts, potentially influencing their reported exam satisfaction levels.

strong preference for the recorded test modality, for ease in accessing exam questions and submitting answers.

Sentiments regarding the live-proctor modality were similar between first-time takers and repeaters. Although most examinees found the exam instructions and access to essay and exam files straightforward, many reported negative experiences with the live proctors. They cited frequent and lengthy interruptions, challenges during the ten-minute breaks because of security checks and verifications, and inadequate communication from the proctors. However, some appreciated the ability to ask proctors questions and felt reassured by the monitoring. When asked about potential improvements, many emphasized the importance of proctor professionalism, reduced distractions, and enhanced software functionality.

EXAM VIOLATION INCIDENCE

The October 2022 LRP exam saw a notable reduction in reported exam violations compared to previous remote exams. During this session, only one violation was flagged and subsequently dismissed by the Admissions team. This contrasts sharply with the 82, 298, and 124 potential violation incidents reported in the 3 previous remote exam sessions as shown in Table 5 below. Of these, 11 percent to 14 percent were identified as possible Chapter 6[2] violations, which can include prohibited items, exam rule breaches, disturbances, and possible cheating. If confirmed by the Office of Admissions, penalties for these violations could vary from a warning to a zero score or a moral character evaluation referral. In the previous three remote exams, 56 percent-93 percent of the suspected Chapter 6 violations were affirmed by the Office of Admissions and the remainder were dismissed.

However, we should note that this insight is based on just one LRP exam. More data from additional LRP exams are needed to definitively conclude if LRP effectively reduces false violation reports. Such a reduction could result in cost savings by reducing the staff time required for violation validation.

Table 5. Exam Violation Incident Report

Exam	Exam Cohort Size	Incidents Reported	Applicants with Reported Incidents	Chapter 6 Violations	Chapter 6 Violations Affirmed
2021 -Jun.	275	82	16	12	7
2021 -Oct.	272	298	51	42	16
2022 -Jun.	260	124	22	14	13
2022 -Oct.	238	1	1	1	0

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[2] https://www.calbar.ca.gov/Portals/0/documents/admissions/Examinations/Chapter-6-Notice-Guidelines-Administrative-Hearings-Decision-Matrix.pdf.

CONCLUSION

The LRP modality has not yielded sufficient benefits to outweigh its drawbacks, the primary one being subpar exam experiences. Feedback from examinees regarding their LRP experience has been overwhelmingly negative. Repeat test-takers, exposed to both AI-based "record and review" and LRP modalities, have consistently expressed preference for the AI-based method. While a minor increase in pass rates was observed during the LRP test, this improvement aligns with historical fluctuations and cannot be conclusively attributed to the LRP modality. Furthermore, the observed disparities in performance across genders raise concerns about the potential for LRP modality to disadvantage female examinees.

The only apparent benefit of LRP is exam violation reduction. However, even this claim needs further validation, as it is based on a single exam session. Should the State Bar decide to continue with the LRP modality, exploring alternative providers who may offer a better experience for examinees is recommended.