

## Related Lawyers

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In education and workplace settings, across many disciplines, high-stakes examinations and/or assessments are often used to measure skills, knowledge and aptitude. Examinations and assessments serve numerous purposes that include screening, certification, licensure, and educational evaluation. Test publishers and sponsors face numerous challenges that can impact the integrity of their examination processes and thereby potentially undermine the decisions made based upon exam results. These challenges include, but are not limited to, unjustified ADA accommodation requests, unscrupulous test preparation companies, careless employees and vendors, copyright infringers, and cheaters. Our lawyers are well experienced in helping test publishers and sponsors navigate these and many other challenges unique to their business.

We counsel test publishers and sponsors on the protection of their intellectual property, assist them in designing and implementing legal protections and practical security measures to minimize cheating, strengthen the integrity of test results and enforce all intellectual property rights that may apply to their examinations. If a breach of exam integrity occurs, we can effectively guide the organization through the detection and investigation process and pursue all remedies available to the client, including examinee sanctions, civil litigation, and/or referral of the matter for criminal and/or regulatory prosecution.

In addition, our lawyers are well-versed in the Americans with Disabilities Act and stay current on the ever-changing legal landscape to ensure that testing clients make decisions on accommodation requests that will be upheld if tested in court.

Examples of assistance we provide to clients in the test publishing, certification and licensure industry include:

- Drafting of legal agreements with employees, vendors, and examinees.
- Counseling and guidance on design and implementation of comprehensive exam integrity programs.
- Preparation and filing of secure copyright registrations.
- Assessments of physical, data, and operational security.
- Investigation of copyright infringement and theft of trade secrets by examinees and third parties.
- Conducting exam integrity investigations to identify and hold accountable individuals who have cheated on secure tests and others who have aided and abetted cheating.
- Pursuing civil litigation against perpetrators of exam fraud.

- Preparing and making criminal prosecution referrals of exam integrity breaches.
- Counseling and advising on sanctions proceedings against examinees.
- Counseling and advising on responses to ADA accommodation requests.
- Defending against ADA claims brought by examinees.

### **NEWS / EVENTS**

#### **Media Coverage**

- Marc Weinstein quoted in Washington Post piece on online privacy and test security

#### **E-Alerts**

- Another Social Media Conundrum: Is Privacy Being Used as a Smokescreen for Copyright Infringement?

#### **Events**

- Truth and Consequences: Conducting Effective Test Security Investigations That Produce Admissible and Compelling Evidence for Later Use in Legal Proceedings
- CLEAR Call Webinar: Exam Integrity 101
- The 2nd Annual Statistical Detection of Potential Test Fraud Conference