

Statement of Alex Elson

1. My name is Alex Elson.
2. As a result of my direct involvement in the matters set forth below, I have personal and firsthand knowledge of the facts set forth in this declaration, and I could and would testify competently to such facts if called as a witness.
3. I discovered Testmasters through the recommendation of a friend at Columbia University Law School. In an attempt to learn more about the organization, I went to www.testmasters.com. At this website, I found a company offering LSAT courses at Hunter College in New York City, where I currently reside. Having no reason to assume that this was not the nationally renowned Testmasters company, I signed up for the class. As an average consumer, I had no reason to believe that two different companies would provide the same services in the same location under the same name.
4. I attended two classes with Testmasters Educational Services, Inc. before I learned that it was not the nationally famous company I thought I was signing up for. On the third day of class, a student who had discovered the confusion during the previous week came to class with information explaining that there were two LSAT preparation companies named Testmasters and that ours was not the nationally renowned company. Before the instructor entered the room, a student asked a security guard from Hunter College if she knew anything about the situation. The security guard immediately claimed no responsibility, explained with passion that she was not affiliated with Testmasters but worked exclusively for Hunter College, and told us to ask any questions to our instructor. It seemed evident that she was either aware of the confusion or had first-hand experience with student unrest in Testmasters Educational Services Inc. classes before.
5. The instructor for our class was a man named Sean. At the beginning of class, a student asked him to clarify the confusion surrounding the Testmasters name. After fielding a small number of questions, he pulled a legal document from the front pocket of his bag and read it aloud. He was clearly prepared for the question and he even explained that he was involved in disputes with students in the past. He revealed to the class that he was a law student at the University of Houston. Because the courses meet every weekend and because the company is based in Houston, it seemed to me as though they were flying instructors to New York to teach the class, explaining why they did not offer any services during the week. Some students were furious while others were crying. One student explained that he was commuting from Philadelphia for each class because he heard that "Testmasters" was such a wonderful company. Sean tried to calm the class down during this period of questioning but he failed to do so. At one point, he became short-tempered and hostile. After a student asked him about his "morals," Sean responded by aggressively accusing her of working for the "real" Testmasters or,

at least, for being paid to provoke the class. His tone was harsh and antagonistic. I, along with numerous others in the class, was both surprised and outraged by his hostility toward this student. After 30 minutes of unproductive debate and argument, the majority of the class walked out.

6. I remained in the class for another hour. During that hour, Sean continually checked his cell phone each time it rang. His instruction was far less helpful than I both expected and believed that I needed in order to improve my score. At one point, a student asked Sean why Testmasters did not provide explanations for right and wrong answers for in-home study. Such a practice is standard in the business of test preparation and I too was curious as to where the explanations were. I could not imagine an LSAT preparation course that did not provide students with explanations for why right answers were right and wrong answers were wrong. Sean was unable to answer this question with a yes or no. He explained that he was not sure if such documents existed and that he did not want to say yes or no because, "you can get sued for anything these days." Because Sean had previously explained that he was one of the original instructors for Testmasters Educational Services, Inc., I could not understand how he did not know if such a service existed. This simply made no sense.
7. Compared to other companies such as Kaplan, Princeton Review, and the "real" Testmasters, Testmasters Educational Services Inc. provided us with minimal resources. We received no text book. Instead, Xerox handouts were distributed each week. We received copies of numerous previous LSAT's with answer keys and, as explained above, no explanations. Our homework assignments were minimal. We were told to take as many practice LSAT's as we could but were given little guidance beyond that. Additionally, there was no mention to the class of the "experimental section" on the LSAT. When we took our first diagnostic exam, there was not experimental section included. I found it strange that such an important component of the LSAT was not mentioned in the class discussion on LSAT structure.
8. I withdrew from the class at lunch on September 3, 2005. Because it was Labor Day weekend, Sean told the class that no one would be in the office until Tuesday. On Tuesday September 6, I called the office and spoke with a secretary. She was very polite. She told me that she was aware of the situation and that she would have someone call me back later that day. No one called.
9. On September 7, I tried again. I spoke with a man who described himself as the "highest" on the Testmasters chain of leadership (I cannot recall his name). He explained that he was consulting his legal counsel but that I should not expect a refund. His tone was abrasive.
10. Because I need to take the LSAT in October, I found a "crash course" with another company that is currently preparing me for the exam. Not only did I have to pay for a new course, but my previous plan for study was compromised.

11. It is clear to me that Test Masters Educational Services, Inc. is taking advantage of their name to deceive students and boost sales. When Sean asked my class how many students intended to take the "other" Testmasters course, nearly every student in the room raised their hand. When Sean read the legal statement from his bag, it was clear that he was prepared to answer student complaints about his company's deliberate deception as to the company's true identity. Because his name is mentioned in previous statements and complaints, he obviously was fully aware of the extent of the deception. Nevertheless, in our personal interactions, neither he nor any other employee of the company even alluded to the confusion, the lawsuits, or the vast and well-documented history of consumer confusion. In my view, there is no question that without the Testmasters name, Testmasters Educational Services, Inc., would not be filling classes to capacity outside of the Houston area. Their course was so bad that their ability to earn such a reputation based on their own merits would be virtually nil. Yet, if they can continue to fill classes by misrepresenting their true identity to students, there is little reason to hope for a change.

I declare, under penalty of perjury under the laws of the State of New York that the foregoing is true and correct, and that this declaration was executed on September 21, 2005 at 308 Grand Street, Brooklyn, New York, 11211.

Alex Elson



9/21/05