State of New York
Court of Appeals

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May 5, 2015

NOTICE TO THE BAR

Uniform Bar Examination

Upon recommendation of the Advisory Committee on the Uniform Bar Examination (UBE), the Court of Appeals has amended sections 520.2, 520.7, 520.8, 520.9 and 520.12 of the Rules for the Admission of Attorneys and Counselors at Law (22 NYCRR Part 520) to adopt the UBE, effective for the July 2016 administration of the New York State bar examination. Consistent with the Advisory Committee's recommendation, applicants who achieve a passing score on the UBE and seek admission in New York also will be required to complete two state-specific components: an online "New York Law Course" and a separate, online 50-question multiple choice exam, the "New York Law Exam." The Advisory Committee's report to the Court is available on the Committee's website (http://www.nycourts.gov/ip/bar-exam/).

The Court also made a minor change to the Rules not related to the UBE. New language was added to section 520.16, pertaining to the 50-hour pro bono requirement for admission, to clarify the date after which eligible pro bono work must be performed.

A copy of the order amending the Court's Rules is attached hereto.

Questions related to the rule change may be directed to the Court's Office for Professional Matters at (518) 455-7760.

Andrew W. Klein
Chief Clerk and Legal Counsel to the Court

State of New York
Court of Appeals

At a session of the Court, held in the City of White Plains, on the 30th day of April, 2015

Present, HON. JONATHAN LIPPMAN, Chief Judge presiding.

In the Matter

of

The Amendment of the Rules of the Court of Appeals for the Admission of Attorneys and Counselors at Law.

Pursuant to section 53 of the Judiciary Law, it is hereby

ORDERED that sections 520.2, 520.7, 520.8, 520.9, 520.12 and 520.16 of the Rules of the Court of Appeals for the Admission of Attorneys and Counselors at Law (22 NYCRR §§ 520.2, 520.7, 520.8, 520.9, 520.12, 520.16) are amended, effective May 20, 2015, or as soon thereafter as section 52 of the Judiciary Law is complied with, by deleting the bracketed material and adding the underlined material.

§ 520.2 Admission Upon Examination

(a) [Proof Required by the New York State Board of Law Examiners.] Application to sit for the New York State bar examination. An applicant who seeks to sit for [admission to] the New York State bar examination prescribed in section 520.8 of this Part shall furnish to the New York State Board of Law Examiners, in accordance with its rules, proof satisfactory to said [b]Board:

(1) that the applicant is [over] at least 21 years of age;

(2) as to the applicant's date [and place] of birth; and

(3) that the applicant has complied with section 520.3, 520.4, 520.5, 520.6 or 520.17 of this Part.

(b) Transfer of Uniform Bar Examination Score Earned in Another Jurisdiction. Effective October 1, 2016, an applicant who sat for the Uniform Bar Examination in another jurisdiction may transfer the score earned on that examination to New York in lieu of taking the Uniform Bar Examination in this State. The applicant shall pay to the New York State Board of Law Examiners the fee prescribed by section 465 of the Judiciary Law and shall file with the Board, in accordance with its rules, proof satisfactory to said Board that the applicant:

(1) has achieved a score on the Uniform Bar Examination, as reported by the National Conference of Bar Examiners, that is equal to or greater than the passing score established by the New York State Board of Law Examiners;

(2) has attained educational qualifications that are at least equal to those required by section 520.3, 520.4, 520.5, 520.6 or 520.17 of this Part;

(3) has completed the additional requirements for admission prescribed in section 520.9 of this Part; and

(4) is at least 21 years of age, as established by proof of the applicant's date of birth.

§ 520.7 Certification by Board of Law Examiners

(a) Except as provided in section 520.10 of this Part, no applicant for admission to practice in this State shall be admitted unless the New York State Board of Law

Examiners shall have certified to the Appellate Division of the department in which, as shown by the papers filed by the applicant with the [b]Board, the applicant resides, or if not a resident of the State, in which such papers show that the applicant is employed full-time, or, if the applicant does not reside and is not employed full-time in the State, to the Appellate Division of the Third Department, that the applicant (1) has passed the [written] New York State bar examination prescribed in section 520.8 of this Part[,] or has satisfied the requirements for transfer of a Uniform Bar Examination score as set forth in subdivision (b) of section 520.2 of this Part, and (2) has [also passed the Multistate Professional Responsibility Examination described in] demonstrated compliance with the requirements of section 520.9 of this Part.

(b) [The requirement of this Part shall first be applicable to those candidates for admission to practice law in New York who qualify for and take the July 1982 regular New York State bar examination and to all those who thereafter qualify for and take such examinations.] Applicants who seek admission in New York based on passage of the New York State bar examination administered prior to July 2016 need not demonstrate compliance with paragraphs (2) and (3) of subdivision (a) of section 520.9 of this Part.

§ 520.8 New York State Bar Examination

(a) General. The New York State Board of Law Examiners shall twice each year [conduct a written bar examination consisting of legal problems in both adjective and substantive law, and it shall by rule prescribe a list of subjects which will indicate the general scope of the bar examination. The board may use the Multistate Bar Examination as part of the bar examination.] administer the New York State bar examination, which,

effective for the July 2016 administration of the bar examination, shall consist of the Uniform Bar Examination, developed by the National Conference of Bar Examiners.

(b) [Uniformity of Bar Examinations. The bar examinations shall be as nearly uniform from year to year as is reasonably practicable.

(c)] Preservation of Papers. Bar examination papers shall be preserved for a period of four months from the date of the announcement of the results of the bar examination, and may thereafter be destroyed.

(c) Passing score. The New York State Board of Law Examiners shall determine the passing score for the Uniform Bar Examination.

(d) Examination Fee. Every applicant for [a bar examination] the New York State bar examination shall pay to the New York State Board of Law Examiners the fee prescribed by section 465 of the Judiciary Law.

§ 520.9 Additional Requirements for Applicants for Admission Upon Examination

(a) All applicants for admission upon examination, including applicants who sat for the Uniform Bar Examination in another jurisdiction and seek to transfer the score earned on that examination to New York, must satisfy the following requirements.

(1) Multistate Professional Responsibility Exam.

(i) General. Applicants must achieve a passing score on the Multistate Professional Responsibility Exam developed and administered by the National Conference of Bar Examiners.

(ii) Timing. An applicant may take the Multistate Professional Responsibility Exam prior or subsequent to the Uniform Bar Examination, whether taken in New York or another

jurisdiction, subject to the rules of the New York State Board of Law Examiners. The fee to take the Multistate Professional Responsibility Exam shall be fixed by the National Conference of Bar Examiners.

(iii) Passing score. The New York State Board of Law Examiners shall determine the passing score for the Multistate Professional Responsibility Exam for applicants seeking admission to practice in this State.

(iv) Reexamination. There shall be no restriction on the right of a failing applicant to retake the Multistate Professional Responsibility Exam.

(2) New York Law Course.

(i) General. Applicants must successfully complete the New York Law Course, which shall consist of lectures on New York law. The content and method of delivery of the New York Law Course shall be determined by the New York State Board of Law Examiners.

(ii) Timing. An applicant may complete the New York Law Course up to one year before or anytime after the date on which the applicant first sits for the Uniform Bar Examination, subject to the application filing deadline of subdivision (d) of section 520.12 of this Part.

(3) New York Law Examination.

(i) General. Applicants must pass the New York Law Examination, which shall test on New York law. The content and method of examination, and the fee to take the examination, shall be determined by the New York State Board of Law Examiners.

(ii) Timing. Provided the New York Law Course has been successfully completed, an

applicant may take the New York Law Examination up to one year before or anytime after the date on which the applicant first sits for the Uniform Bar Examination, subject to the application filing deadline of subdivision (d) of section 520.12 of this Part.

(iii) Passing score. The New York State Board of Law Examiners shall determine the passing score for the New York Law Examination.

(iv) Reexamination. There shall be no restriction on the right of a failing applicant to retake the New York Law Examination.

(v) Expiration of New York Law Examination passing score. A passing score on the New York Law Examination is valid for three years from the date the applicant received the passing score. The New York State Board of Law Examiners shall not certify an applicant for admission pursuant to section 520.7 of this Part if the New York Law Examination score is more than three years old.

(b) The requirements of paragraphs (2) and (3) of subdivision (a) of this section shall not apply to applicants who seek admission in New York based on passage of the New York State bar examination administered prior to July 2016.

[Multistate Professional Responsibility Examination

(a) General. The Multistate Professional Responsibility Examination referred to in section 520.7 of this Part shall be the examination bearing that name which is administered by the National Conference of Bar Examiners.

(b) Requirements and Times and Places for Taking Examination. An applicant may take the Multistate Professional Responsibility Examination prior or subsequent to completion of the requirements for taking the New York State bar examination. An application to

take the Multistate Professional Responsibility Examination shall be filed with the National Conference of Bar Examiners and the fee therefor shall be fixed by and paid to that conference, which shall also fix the times and places, within or without the State of New York, for taking the examination.

(c) Passing Score. The New York State Board of Law Examiners may accept the scores attained by individual applicants on the examination as determined and reported to it by the National Conference of Bar Examiners, but such board shall determine the passing score for applicants seeking admission to practice in this State.

(d) Reexamination. There shall be no restriction on the right of a failing applicant to retake the Multistate Professional Responsibility Examination.]

§ 520.12 Proof of Moral Character

(a) General. Every applicant for admission to practice must file with a committee on character and fitness appointed by the Appellate Division of the Supreme Court affidavits of reputable persons that the applicant possesses the good moral character and general fitness requisite for an attorney and counselor-at-law as required by section 90 of the Judiciary Law. The number of such affidavits and the qualifications of persons acceptable as affiants shall be determined by the Appellate Division to which the applicant has been certified.

(b) Affidavits. The affidavits filed shall state that the applicant is, to the knowledge of the affiant, a person of good moral character and possesses the general fitness requisite for an attorney and counselor-at-law and shall set forth in detail the facts upon which such knowledge is based. Such affidavits shall not be conclusive proof as to character and

fitness, and the Appellate Division to which the applicant has been certified may inquire further through its committee on character and fitness or otherwise.

(c) Discretion of Appellate Division. The Appellate Division in each department may adopt for its department such additional procedures for ascertaining the moral character and general fitness of applicants as it may deem proper, which may include submission of a report of the National Conference of Bar Examiners.

(d) Time to File [Affidavits] Admission Application.

(1) [Except as provided in paragraph (2) of this subdivision, e] Every applicant for admission to practice, other than applicants for admission without examination pursuant to section 520.10 of this Part, shall file a complete application for admission, including the affidavits required under subdivision (a) and any additional material required under subdivision (c) of this section, within three years from the date when the applicant sits for the second day of the Uniform Bar Examination, whether taken in New York or in another jurisdiction. The requirements of this subdivision shall not apply to any applicant for admission who has passed the New York State bar examination administered prior to July 2016. [of the letter sent by the New York State Board of Law Examiners notifying the applicant that the applicant has passed the bar examination prescribed in section 520.8 of this Part. The requirements of this subdivision shall first be applicable to those applicants for admission who pass the July 1994 bar examination.]

(2) Any applicant for admission to practice who has passed the New York State bar examination [prescribed in section 520.8 of this Part,] administered prior to [July 1994, and who has not filed] July 2016 shall file a complete application for admission,

including the affidavits required under subdivision (a) and any additional material required under subdivision (c) of this section, [must file such affidavits] within three years from the date of the letter sent by the New York State Board of Law Examiners notifying the applicant that the applicant has passed the bar examination[, or by November 9, 1995, whichever date is later].

§ 520.16 Pro Bono Requirement for Bar Admission

(a) Fifty-hour pro bono requirement. Every applicant admitted to the New York State bar on or after January 1, 2015, other than applicants for admission without examination pursuant to section 520.10 of this Part, shall complete at least 50 hours of qualifying pro bono service prior to filing an application for admission with the appropriate Appellate Division department of the Supreme Court.

(b) Pro bono service defined. For purposes of this section, pro bono service is supervised pre-admission law-related work that:

(1) assists in the provision of legal services without charge for

(i) persons of limited means;

(ii) not-for-profit organizations; or

(iii) individuals, groups or organizations seeking to secure or promote access to justice, including, but not limited to, the protection of civil rights, civil liberties or public rights;

(2) assists in the provision of legal assistance in public service for a judicial, legislative, executive or other governmental entity; or

(3) provides legal services pursuant to subdivisions two and three of section 484 of the Judiciary Law, or pursuant to equivalent legal authority in the jurisdiction where the

services are performed.

(c) Supervision required. All qualifying pre-admission pro bono work must be performed under the supervision of:

(1) a member of a law school faculty, including adjunct faculty, or an instructor employed by a law school;

(2) an attorney admitted to practice and in good standing in the jurisdiction where the work is performed; or

(3) in the case of a clerkship or externship in a court system, by a judge or attorney employed by the court system.

(d) Location of pro bono service. The 50 hours of pro bono service, or any portion thereof, may be completed in any state or territory of the United States, the District of Columbia, or any foreign country.

(e) Timing of pro bono service. The 50 hours of pro bono service m[ay]ust be performed [at any time] on or after May 1, 2012 and after the commencement of the applicant's legal studies, and prior to filing an application for admission to the New York State bar. However, if the applicant attended an approved law school as defined in section 520.3(b) of this Part and will be admitted on or before December 31, 2015, eligible pro bono work may have been performed before May 1, 2012, provided it was performed after the commencement of the applicant's legal studies.

(f) Proof required. Every applicant for admission shall file with the appropriate Appellate Division department an Affidavit of Compliance with the Pro Bono Requirement, describing the nature and dates of pro bono service and the number of hours completed.

The Affidavit of Compliance shall include a certification by the supervising attorney or judge confirming the applicant's pro bono activities. For each position used to satisfy the 50-hour requirement, the applicant shall file a separate Affidavit of Compliance.

(g) Prohibition on political activities. An applicant may not satisfy any part of the 50-hour requirement by participating in partisan political activities.