



*State of New York
Court of Appeals*

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November 24, 2014

NOTICE TO THE BAR

Study of Law in an Approved Law School

The Court of Appeals has amended section 520.3 of the Rules of the Court of Appeals for the Admission of Attorneys and Counselors at Law, which pertains to the study of law in an approved law school. The amendments, to be effective December 10, 2014, are largely driven by recent changes to the ABA Standards for the Approval of Law Schools. Of the various revisions to section 520.3, the most significant changes are to the Court's provisions regarding distance education. The number of credits students may earn in distance education courses will be increased from 12 to 15 and the limitation on the number of distance education credits that may be earned in a single semester will be deleted. Further, section 520.3 will allow students to earn credits in asynchronous distance education courses, provided the courses meet certain criteria specified in the Rule.

In addition to the changes made to the distance education provisions, certain requirements of section 520.3 that unnecessarily duplicate ABA Standards are removed. The Court also clarifies the requirements regarding students who earn credit toward their J.D. degree for the study of law in a foreign country.

A few additional minor amendments are made to other Rule provisions. The language of section 520.6(b)(3)(vi), which pertains to the courses that a foreign-educated bar applicant must complete in an LL.M. program, is modified to broaden course selection. Additionally, a cross-reference to Rule 520.17 is inserted in section 520.2.

A copy of the order amending the Rules is attached. Questions may be directed to the Clerk's Office 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 at Court of
Appeals Hall in the City of Albany
on the 18th day of November, 2014*

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, 520.3 and 520.6 of the Rules of the Court of Appeals for the Admission of Attorneys and Counselors at Law (22 NYCRR §§ 520.2, 520.3, 520.6) are amended, effective December 10, 2014, 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. An applicant for admission to the New York State bar examination shall furnish to the New York State Board of Law Examiners, in accordance with its rules, proof satisfactory to said board:

- (1) that applicant is over 21 years of age;
- (2) as to the date and place of birth; and
- (3) that applicant has complied with section 520.3, 520.4, 520.5, [or]520.6 or 520.17 of

this Part.

§ 520.3 Study of Law in Law School

(a) General. An applicant may qualify to take the New York State bar examination by submitting to the New York State Board of Law Examiners satisfactory proof that:

(1) the applicant attended and was graduated with a first degree in law from an approved law school;

(2) the applicant attended and successfully completed the prescribed course of instruction required for a first degree in law at an approved law school, but has not been awarded the degree as of the date proof of eligibility to sit for the bar examination is required to be filed with the State Board of Law Examiners. The State Board of Law Examiners shall not certify the applicant for admission to the bar pursuant to section 520.7(a) of this Part until the applicant has presented satisfactory proof that the applicant has been awarded a first degree in law; or

(3) the applicant satisfies the requirements of section 520.17 of this Part.

(b) Approved law school defined. For purposes of these rules, an approved law school is one:

(1) that is approved by the American Bar Association at all times during the period of the applicant's attendance; and

(2) that is located in the United States or its territories; and

(3) whose program and course of study meet the requirements of this section, as shown by the law school's bulletin or catalogue, which shall be filed annually with the Clerk of the Court of Appeals and the State Board of Law Examiners, or the publicly available pages

of the law school's website, which shall adequately describe each course offered and completely set forth the law school's academic calendar and graduation requirements.]

(c) Instructional requirements.

(1) The law school shall require for its first degree in law the successful completion of a program that[prepares its students for admission to the bar and effective, ethical and responsible participation in the legal profession, and] meets each of the following requirements:

(i) a minimum of 83 credit hours must be required for graduation, including substantial instruction in substantive and procedural law and professional skills;

(ii) a minimum of 64 of the required 83 credit hours must be earned by attendance in regularly scheduled classroom courses at the law school; and

(iii) a minimum of two credit hours must be earned in a course or courses in professional responsibility.

(2) Clinical courses. Credit may be granted toward the 83 credit hours required for graduation for law school clinical courses. Such credit may be counted toward the 64 classroom credit hours required by paragraph (1)(ii) of this subdivision, provided:

(i) the course includes adequate classroom meetings or seminars during the same semester in which the clinical work is completed in order to ensure contemporaneous discussion, review and evaluation of the clinical experience;

(ii) the clinical work is conducted under the direct supervision of a member of the law school faculty; and

(iii) the time and effort required and anticipated educational benefit are commensurate

with the credit awarded.

(3) Field placement programs or externships. Credit may be granted toward the 83 credit hours required for graduation for field placement programs or externships but such credit may not be counted toward the 64 classroom hours required by paragraph (1)(ii) of this subdivision, except that credit separately awarded for the classroom instructional component of a field placement program or externship taught by a member of the law school faculty may be counted toward the 64 classroom credit hour requirement.

(4) The total number of credit hours granted for law school clinical courses, field placement programs and externships, including classroom components, may not exceed 30 of the 83 credit hours required for graduation.

(5) Joint degree or other courses taught outside the law school. The law school may grant credit for up to 12 of the 83 credit hours required for graduation for courses taught by members of the faculty of any university or college with which the law school is affiliated or offers a joint degree program, or with which the law school has an agreement which allows courses to be taken at such university or college for credit at the law school. Credit granted for such courses may not be counted toward the 64 classroom credit hours required by paragraph (1)(ii) of this subdivision.

(6) Distance education. Distance education is an educational process in which more than one-third of the course instruction is characterized by the separation, in time or place, or both, between instructor and student, and the instruction involves the use of technology [is used to deliver instruction]to support regular and substantive interaction among students and between students and the faculty member, either synchronously or

asynchronously.

(i) Up to 15[12] credit hours for distance education courses may be counted toward both the 83 credit hours required for graduation and the 64 classroom credit hours required by paragraph (1)(ii) of this subdivision, provided that:

(a) there is opportunity for regular and substantive interaction between the faculty member and student and among students[the study is offered in a primarily synchronous manner, such that students and the instructor simultaneously interact in a regularly scheduled class, albeit from separate locations, by means of on-line web-conferencing, video-conferencing, or other means, so as to provide students opportunities to interact with instructors and other students that are comparable to opportunities for such interaction in non-distance learning settings]; and

(b) there is regular monitoring of student effort and accomplishment by the faculty member as the course progresses, and the opportunity for communication regarding the student's work.

(ii) No credit shall be allowed for correspondence courses.

(iii) [No credit shall be allowed for distance education courses offered principally by asynchronous means, where students and the instructor are separated in time as well as in place, including pre-recorded, non-interactive technologies, such as on-line courses, internet videos, videocassettes or discs.

(iv)] No credit shall be allowed for distance education courses until the student has completed the equivalent of 28 credit hours toward the first degree in law[, and no more than four credit hours shall be allowed for such courses in any semester of study].

(7) The law school certificate of attendance filed with the State Board of Law Examiners must list separately the credit awarded for:

(i) professional responsibility courses under subparagraph (c)(1)(iii) of this section;

(ii) clinical courses under paragraph (2) of this subdivision;

(iii) field placement programs and externships under paragraph (3) of this subdivision and, if credit is separately awarded for a classroom instructional component of such a program taught by a member of the law school faculty, such credit shall be separately listed;

~~(ii)~~iv) joint degree or other courses taught outside the law school under paragraph (5) of this subdivision; and

~~(i)~~v) distance education courses under paragraph (6) of this subdivision.

(d) Course of study~~[and academic calendar]~~. Except for credit awarded for law study in a foreign country as provided in subdivision (e) of this section, ~~[A]~~an approved law school shall meet the following ~~[academic schedule and credit hour]~~ requirements:

~~[(1) the law school's academic year must consist of no fewer than 130 days on which classes are regularly scheduled, during no fewer than eight calendar months;]~~

~~[(2)~~1) a minimum of 700 minutes of instruction time, exclusive of examination time, must be required for the granting of one credit hour; and

~~[(3) an approved law school on an academic calendar other than a conventional two-semester schedule must require a course of study consistent with the credit hour, class days and minutes of instruction required in this Rule;]~~

~~[(4)~~2) an approved law school shall require that the program and course of study leading

to a first degree in law be completed no earlier than 24 months and no later than 60 months after a student has commenced law study at the law school or a law school from which the school has accepted transfer credit[; and]. Where credit is granted to a student who has completed law study in a foreign country, only the time commensurate with the amount of credit granted shall be counted toward the length of study requirement of this paragraph.

[(5) an approved law school shall not permit a student to be enrolled at any time in coursework that, if successfully completed, would exceed 20 percent of the total coursework required by that law school for graduation (or a proportionate number for law schools on other academic schedules).]

(e) Credit for law study in foreign country. An approved law school may, in its discretion, grant such credit as it may deem appropriate toward the total credits required for a first degree in law, but not exceeding one-third of the total credits required for the degree, to an applicant who has studied law in a law school in a foreign country. No credit shall be allowed for law study in a foreign country that was undertaken through distance education as defined in paragraph (c)(6) of this section, nor shall any credit be allowed for correspondence courses.

§ 520.6 Study of Law in Foreign Country; Required Legal Education

(a) General. An applicant who has studied in a foreign country may qualify to take the New York State bar examination by submitting to the New York State Board of Law Examiners satisfactory proof of the legal education required by this section.

(b) Legal education. The applicant must satisfy the educational requirements of either

paragraph (1) or (2) of this subdivision.

(1) The applicant shall show fulfillment of the educational requirements for admission to the practice of law in a country other than the United States by successful completion of a period of law study in a law school or schools each of which, throughout the period of the applicant's study therein, was approved by the government or an authorized accrediting body in such country, or of a political subdivision thereof, to award a first degree in law, and satisfaction of the following requirements:

(i)(a) Durational requirements. The program and course of law study successfully completed by the applicant was substantially equivalent in duration to the legal education provided by an American Bar Association approved law school in the United States, and in substantial compliance with the instructional and academic calendar requirements of section 520.3(c)(1)(i) and (ii) and (d)(~~2~~1) of this Part; and

(b) Substantive requirements. Such other country is one whose jurisprudence is based upon the principles of English Common Law, and that the program and course of law study successfully completed by the applicant were the substantial equivalent of the legal education provided by an American Bar Association approved law school in the United States.

(ii) Cure provision. An applicant who does not meet the requirements of subparagraph (i)(a) or (i)(b) may cure either the durational or substantive deficiency, but not both, under the following circumstances:

(a) Durational deficiency. If the applicant does not meet the durational requirements of subparagraph (i)(a), the applicant may cure the deficiency by providing satisfactory proof

that the applicant has at least two years of foreign legal education that meets the substantive requirements of subparagraph (i)(b) and that the applicant has graduated from an LL.M. degree program at an American Bar Association approved law school in the United States meeting the requirements of subdivision (b)(3) of this section.

(b) Substantive deficiency. If the applicant does not meet the substantive requirements of subparagraph (i)(b), the applicant may cure the deficiency by providing satisfactory proof that the applicant meets the durational requirements of subparagraph (i)(a) and that the applicant has graduated from an LL.M. degree program at an American Bar Association approved law school in the United States meeting the requirements of subdivision (b)(3) of this section.

(2) The applicant shall show admission to practice law in a country other than the United States whose jurisprudence is based upon principles of English Common Law, where admission was based upon a program of study in a law school and/or law office approved by the government or an authorized accrediting body in such country, or of a political subdivision thereof, and which satisfies the durational requirements of subparagraph (1)(i)(a) but does not satisfy the substantive requirements of subparagraph (1)(i)(b) of this subdivision, and that such applicant has successfully completed an LL.M. degree program at an American Bar Association approved law school in the United States meeting the requirements of subdivision (b)(3) of this section.

(3) An LL.M. degree shall be satisfactory to qualify an applicant otherwise meeting the requirements of subsections (b)(1)(ii) or (b)(2) to take the New York State bar examination provided the following requirements are met:

- (i) the program shall consist of a minimum of 24 credit hours (or the equivalent thereof, if the law school is on an academic schedule other than a conventional semester system) which, except as otherwise permitted herein, shall be in classroom courses at the law school in substantive and procedural law and professional skills;
- (ii) a minimum of 700 minutes of instruction time, exclusive of examination time, must be required for the granting of one credit hour;
- (iii) the program shall include a period of instruction consisting of no fewer than two semesters of at least 13 calendar weeks each, or the equivalent thereof, exclusive of reading periods, examinations and breaks, and shall not be completed exclusively during summer semesters, but a maximum of four credit hours may be earned in courses completed during summer semesters;
- (iv) the program shall be completed within 24 months of matriculation;
- (v) all coursework for the program shall be completed at the campus of an American Bar Association approved law school in the United States, except as otherwise expressly permitted by subdivision (b)(3)(vii);
- (vi) the program completed by the applicant shall include:
 - (a) a minimum of two credit hours in a course or courses in professional responsibility;
 - (b) a minimum of two credit hours in legal research, writing and analysis, which may not be satisfied by a research and writing requirement in a substantive law course;
 - (c) a minimum of two credit hours in American legal studies, the American legal system or a similar course designed to introduce students to distinctive aspects and/or fundamental principles of United States law, which may be satisfied by a course in United

States constitutional law or United States or state civil procedure; credit earned in such course in excess of the required two credit hours may be applied in satisfaction of the requirement of subdivision (b)(3)(vi)(d); and

(d) a minimum of six credit hours in other courses [in subjects]that principally focus on subject matter tested on the New York State bar examination[, where a principal focus of the courses includes material contained in the Content Outline for the New York State bar examination published by the State Board of Law Examiners.]

(vii) The program completed by the applicant may include:

(a) a maximum of four credit hours in clinical courses, provided (1) the clinical course includes a classroom instructional component in order to ensure contemporaneous discussion, review and evaluation of the clinical experience; (2) the clinical work is done under the direct supervision of a member of the law school faculty; and (3) the time and effort required and anticipated educational benefit are commensurate with the credit awarded; and

(b) a maximum of six credit hours in other courses related to legal training taught by members of the faculty of the law school or of the university with which the law school is affiliated, or taught by members of the faculty of any university or college with which the law school offers a joint degree program, provided such courses must be completed at the campus of such university or college in the United States.

(viii) No credit shall be allowed for correspondence courses, on-line courses, courses offered on DVD or other media, or other distance learning courses.

(c) Proof required. The applicant shall submit to the State Board of Law Examiners such

proof of compliance with the provisions of this section as the Board may require.

(d) Effective date for implementation. Except for the requirements of subdivisions (b)(3)(iii), (v) and (viii), which are effective May 18, 2011, the provisions of Rule 520.6(b)(3) shall first apply to LL.M. programs commencing during the 2012-13 academic year and to applicants applying to take the July 2013 bar examination, subject to the saving clause of Rule 520.1(b).