



ST. JOHN'S
UNIVERSITY

SCHOOL OF LAW

NY Bar Eligibility Information Session

January 31, 2024

Overview

- Reasons to take or skip the NY Bar Exam
- Eligibility for the NY Bar Exam
- Procedures
 - Request for Evaluation of Foreign Law Credentials
 - Application to sit for the Bar
 - The Exams (UBE, NYLC, NYLE, MPRE)
 - Post-Exam Steps for NY Bar Admission and License to Practice.

Reasons to take the NY Bar

- If you are seeking or if you have employment in the U.S. or at a foreign office of a major U.S./U.K.-based firm.
- You believe the credential will be useful in the future.
- Passing the Bar completes your training as a U.S. lawyer.

Reasons not to take the NY Bar

- It may limit flexibility in choosing classes
- The expense (application fee, bar preparation course, study time).
- Stress
- You plan to work in your home country
- May not help in certain career paths

Employer Preferences

- Global Law Firm Preferences
 - U.S. Offices
 - Short-term vs. Long-term positions
 - Asia
 - Global firms vs. Local firms
 - Europe
 - Latin America
 - Middle East/Africa/Other

Ask Questions & Seek Advice

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Eligibility Requirements

- NY BOLE interprets and applies the rules of the NY Court of Appeals on eligibility to sit for the NY Bar.
- SJU cannot speak on behalf of the Court of Appeals or BOLE, so this presentation is for guidance only based on our experience.
- Any questions should be presented directly to BOLE.

<https://www.nybarexam.org/>

Information for foreign trained lawyers:

<https://www.nybarexam.org/Foreign/ForeignLegalEducation.htm>

Four Eligibility Requirements:

- 1) **Complete educational requirements for admission to the practice of law (in the country of your first law degree or legal education)**
- 2) **Foreign law school accredited**
- 3) **Durational Requirement for foreign law degree:** period of study “substantially equivalent in duration” to U.S. (ABA-approved) law schools
- 4) **Substantive Requirement:** jurisprudence of foreign country based on English Common Law and “program and course of study” substantially equivalent to that offered in U.S

“Cure” Provision

- A foreign-trained attorney whose foreign law degree does not meet the durational OR substantive requirement may “cure” the deficiency with the SJU LL.M.
- SJU LL.M. may cure a durational OR substantive deficiency but not both.

Eligibility Based on Foreign Law Degree Only

- Graduates of 3-year (or more) common law programs from U.K., Southern Ireland, Australia, Canada, New Zealand, and Israel usually have been eligible based on foreign law degree.
- Foreign legal education generally deemed not to meet substantive requirements:
 - Civil law
 - Mixed Legal Systems (e.g., India, Pakistan)
- Equivalent course of study – to determine if you meet the substantive requirements, BOLE may look at the school you attend as well as the legal system in which you are educated.

Durational Requirement

- 520.6(b)(1)(i)(a)
 - Foreign law degree equivalent in duration to that of ABA-approved law school in the U.S.
 - ABA approved school: degree completed no earlier than 24 months after commenced study and no later than 84 months after began.

Durational Requirement Cont'd

Foreign law degree must be in compliance with instructional and academic calendar requirements of §§ 520.3 (c)(1)(i) and (ii)

- 83 credit hours
- 64 of the 83 credit hours in the classroom

Foreign law degree must be substantially equivalent in duration to a U.S. JD (§ 520.3(d)(1)):

- One Credit = a minimum of 700 minutes of instruction time (exclusive of exam time).

Special Rules for Certain U.K. Attorneys

- Admitted to the Bar in a country with English common law jurisprudence based on law school and law office study.
- Check § 520.6(b)(2) for details.

Using the SJU LL.M. for Eligibility

- Must be completed in 24 months
- 24 credits of classroom credits
- Required classes:
 - Professional Responsibility (2 credits)
 - Legal Research and Writing (2 credits)
 - American Legal System (2 credits)
 - Subjects tested on the NY Bar (6 credits)

Using the SJU LL.M. for Eligibility Cont'd

- Credits that do not count:
 - Non-classroom credit such as Directed Research
 - Credit for serving as a Research Assistant
- Credits that count:
 - Classroom courses
 - Clinical courses
 - Up to 6 credits of law-related classes at other Divisions of the University

PROCEDURES

Request for Evaluation

- New York requires you to complete a **Request for Evaluation of Foreign Academic Credentials.**
- You must submit the request, whether or not you are relying on the SJU LL.M.

STUDENT EXPERIENCE (actual language from the student):

- The general rule comprised in Section 520.6 of the Rules of the Court of Appeals is that, for your foreign education to meet the « durational requirements » of Sections 520.6 and 520.3, it needs to be equivalent to the minimum duration of a J.D. (~83 U.S. Credits).
- Depending on the country, the conversation varies, for the European Union for instance, all universities use an « ECTS Credits » system and 2 of those credits are Worth one U.S. credit. Therefore, it takes 166 ECTS credits (normally 6 semesters – each semester is worth 30 ECTS credits) for a European-educated student to meet that requirement.
- However, Rule 520.6 does not permit distance/hybrid learning regardless of the reason. If all or part of a semester was attended under those conditions, the credits earned during those semesters will be subtracted from the total of credits.
- That is pretty much how it functions, since the BOLE asks for documents of attendance related to COVID circumstances, I suggest (contrary to what I did) not to mention if a student's university was closed temporarily for other reasons than legal lockdowns (in my case a small cluster resulted in the closing of my university for 2 weeks, and since I mentioned it, the BOLE subtracted the credits of the whole semester).

How to submit the Request for Evaluation

- The Request for Evaluation of Credentials form is at <https://www.nybarexam.org/forms/forms.htm>
- Create an online account and complete the Online Request for Evaluation form.
- You are assigned a unique “BOLE ID” to include on any correspondence submitted to BOLE.

When to submit the Request for Evaluation

- The Request for Evaluation of Foreign Law Credentials **and all supporting documents must be submitted by October 1** if you plan to sit for the July bar **and May 1** for the February exam.

When is NOW!

- Fill out the online form and take steps to have documents sent as soon as possible:
 - Documents should be submitted by your law school and bar licensing organization directly to NY BOLE. It is easier to request documents while you are in your home country.
 - BOLE may request further information; you will want to address issues before Oct. 1
 - BOLE's review process is lengthy. Application and non-refundable application fee of approximately \$750 due in March for the July bar so you will want confirmation of your eligibility before then.
 - Typically, you will get emails from BOLE confirming that it has received documents. If you do not receive an email, follow up with BOLE.

Educational Requirements for Admission to Law Practice

- Admission Certificate, or
- If you are not admitted to practice law:
 - Proof of the educational requirements for admission to practice law in your country; and
 - Proof that you have fulfilled these requirements.
- Some submit statement from law school or bar licensing organization that they “successfully completed the educational requirements for admission to the practice of law in [country where received foreign law degree].”
- Submit this statement even if you can also submit a certificate of bar admission.
- We cannot say precisely what will fulfill this requirement so send everything early and send more rather than less.
- Remember documents should come directly from school or other institution to NY BOLE.

Accreditation

- Statement from the accrediting agency of your foreign government that the law school you attended was approved throughout your study.
- Online list of accrediting bureaus worldwide:
<http://www.worldstudent.com/uk/mag/features/accreditation.shtml>
- Ministry of Education website for your country may provide information on how to request documentation of accreditation.

Duration/Substance

- Official transcript from every law school attended.
 - NEW: BOLE is no longer accepting paper transcripts from LL.M. students. All transcripts must be uploaded as part of the LL.M. Certificate of Attendance Process.
- Certified copy of degree certificate if transcript does not state the name of the degree awarded and the date awarded.
- If transcript is not broken down by semester, the foreign law school should also submit a letter with a breakdown of the period of time in which courses were taught.

Translation

- Provide English translations.
- Translations must be prepared by an official translator (you cannot translate).
- You may mail translations to the Board these do not need to come directly from the issuing school or university.

Eligibility Determination

- Typically, you will receive a determination of your eligibility to sit for the bar several months after sending in your documents.
- If you do not hear from NY BOLE, follow up by telephone (note the date you call and whom you speak to) to find out if you need to submit further information.

Application and the Exam

Dates of the Exam

The Uniform Bar Exam (one part of the New York Bar Exam) is given twice a year on the last Tuesday and Wednesday of every February and July.

Bar Exam Application

- For the July exam, the application filing period is March 1 through March 31 – all deadlines are posted on the NY BOLE website.
- Application may be completed online at www.nybarexam.org.

Additional Submissions to NY BOLE due in June include:

- Handwriting sample.

If you need the LL.M. for eligibility:

- Certificate of Attendance Form;
- LL.M. Transcript.

At your request, the Law School's Records Office will send these documents to NY BOLE on your behalf when you have earned the LL.M. degree.

Uniform Bar Exam

<p>FIRST MPT 1.5 HOURS</p> <p>SECOND MPT 1.5 HOURS</p> <p><u>20%</u></p>	<p>0 – 100 Questions <u>25%</u></p> <p>1- EVIDENCE 2- REAL PROPERTY 3- CRIMINAL LAW AND PROCEDURE 4- CONSTITUTIONAL LAW 5- CIVIL PROCEDURE 6- TORTS 7- CONTRACTS</p>
<p>MEE – 6 ESSAYS <u>30%</u></p> <p>The seven subjects of the MBE plus:</p> <p>AGENCY AND PARTNERSHIPS TRUST WILLS AND ESTATES CORPORATIONS FAMILY LAW CONFLICT OF LAWS SECURED TRANSACTION</p>	<p>100 – 200 Questions <u>25%</u></p> <p>1- EVIDENCE 2- REAL PROPERTY 3- CRIMINAL LAW AND PROCEDURE 4- CONSTITUTIONAL LAW 5- CIVIL PROCEDURE 6- TORTS 7- CONTRACTS</p>

New York Law Course (NYLC)

- online, on-demand course on important and unique aspects of NY law;
- 17 hours of lectures with embedded questions.

New York Law Exam (NYLE)

- Online, but only specific dates(4/year);
- 50-item multiple choice test;
- Two hours long and taken remotely;
- Offered 4 times per year; and
- NYLC must be completed before NYLE.

See information at:

www.nybarexam.org

Multistate Professional Responsibility Exam (MPRE)

- To become a member of the NY State Bar, you also need to take and pass an ethic test.
 - Minimum passing score in NY is 85 (each state differs).
- MPRE – 60 multiple choice questions.
- Offered in March, August, and November.
- Information is at www.ncbex.org
Website of National Conference of Bar Examiners.

Bar Review Courses

- Most take a commercial bar review course prior to the exam.
- Information about bar review courses online.
- Be good consumers: check out schedules and materials.
- Ask others who have taken the class, especially after they have taken the bar, to see what they think.

Post-Exam Steps To Admission

After the Bar Exam

- Admission application forms for the New York Bar.
- Inquiry by the Committee on Character and Fitness.
- Personal Interview.
- Swearing in.

§ 520.16 Pro Bono Requirement for Bar Admission

. . . Supervised pre-admission law-related work that:

(1) Assists in the provision of legal service without charge for

(i) persons of limited means;

(ii) not-for-profit organizations;

(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 . . .

For more information: Jeanne Arden: jeanne.ardan@stjohns.edu Associate Dean of Career Development and Externships.

§ 520.18 Competency Requirement for NY Bar Admission - NEW

- Candidates for bar admission must show competency to provide legal services in New York State.
- SJU LL.M. students must use pathways (a)(4) and (a)(5) of the Rule:
Legal apprenticeship or legal practice in the US or another jurisdiction before or after the LL.M.
- Must file a complete application for admission within three years of the date set for the second day of the UBE.
- The NY State Court system has posted details at:
<https://nycourts.gov/ctapps/news/nottobar/nottobar121615.pdf>

We are here to answer your questions!

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