

## New York Bar Exam - Frequently Asked Questions (FAQ's)

### INTRODUCTION

The vast majority of Duke LLM students who choose to take a U.S. Bar exam sit for the New York Bar. Duke Law offers a range of services supporting LLM students wishing to take the New York Bar, including hosting a Bar-related workshop and individually counseling students on the logistics of applying to take the exam. In general, holders of a foreign law degree must establish that their degree is equivalent to a U.S. J.D. degree duly accredited by the American Bar Association (ABA). This equivalency has two prongs: durational and substantive. Durational equivalency requires that the total length of the applicant's legal studies be equal to or greater than three years. Substantive equivalency requires that the applicant's course of study be based on the principles of English Common Law. Holders of a foreign law degree who lack either durational or substantive equivalency cannot take the bar exam unless they can "cure" it by completing a qualifying LL.M. degree in the United States. Successful completion of the LL.M. degree can cure only substantive or durational equivalency, **but not both**.

Two separate governmental entities regulate the process of seeking admission to the New York Bar: The New York State Court of Appeals ("Court of Appeals") establishes the rules governing admission to the bar; and the New York Board of Law Examiners ("NYBOLE") makes determinations as to LL.M. applicants' eligibility to sit for the bar exam and administers the bar exam itself.

***Section A of this document covers frequently asked questions about the NYBOLE bar exam registration process.***

Section 520.6 of the Rules of the Court of Appeals for the Admission of Attorneys and Counselors at Law (22 NYCRR 520.6) describes the eligibility requirements for applicants seeking to qualify for the New York State bar examination based on the study of law in a foreign country.

***Section B of this document covers frequently asked questions relating to substantive and durational equivalency requirements.***

With respect to the contents of the bar examination, New York has adopted the Uniform Bar Examination (UBE), effective July 2016. The UBE is a high-quality, uniform battery of tests administered contemporaneously in every jurisdiction that adopted the UBE. The UBE consists of the Multistate Bar Examination (MBE), the Multistate Performance Test (MPT), and the Multistate Essay Examination (MEE). In addition to the UBE, all applicants to the New York Bar must complete the "New York Law Course" (NYLC), an online course of study covering New York specific law, and take an open book, online test known as the New York Law Exam (NYLE).

***Section C of this document covers frequently asked questions relating to the contents of the New York Bar Exam.***

In addition to meeting the requirements for taking the bar exam itself, all candidates for admission must satisfy both of the following additional requirements: (1) complete 50 hours of attorney-supervised pro bono service (the pro bono requirement may be completed before, during, or after an LL.M. degree); and (2) meet the skills competency requirement.

***Section D of this document covers frequently asked questions relating to additional admissions requirements of the New York Bar, including pro bono and skills competency requirements.***

Duke maintains a comprehensive list of all Duke courses approved by the New York Bar as meeting the requirements of Rule 520.6. Please note, however, that many of these courses are only taught in one of the two semesters.

***Section E of this document references the NY Bar Approved Course List.***

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## SECTION A: APPLICATION TO SIT FOR THE NEW YORK BAR EXAM

### 1. What is the first step in the application to sit for the New York bar examination?

First, the applicant must create an account with the National Conference of Bar Examiners (NCBE). Students must visit <https://auth.ncbex.org/account/create> and complete the online application to create an account. Please note the following when creating the account: (1) because your first degree in law was earned at a law school located outside the U.S., enter the name of your school in the "Non-ABA-Approved Law School or Law Office Study" textbox. **Do not enter the Duke LL.M. degree information;** (2) if you do not have a social security number, you may enter your passport number or alphanumeric designator (i.e., serial number) in the "National Identification Number" field and select the country that issued the passport from the "Issuing Country" drop-down menu.

### 2. What is the second step in the application to sit for the New York bar examination?

After you have created a NCBE account, you will need to create a Board of Law Examiners (BOLE) ID. The BOLE ID is an electronic identification number assigned by the NYBOLE to all New York Bar Exam applicants. To create a BOLE account, please visit: <https://portal.nybarexam.org/CreateAccount.aspx>.

You will need to furnish the following information:

- 1) **Name** – enter your full legal name exactly as it appears on the official government-issued photo identification that you will use as proof of identity on the date of the bar exam;
- 2) **Date of Birth;**
- 3) **Email Address** – use an email address that you frequently check as all communications from the Board will be sent only by email; and
- 4) **NCBE Number** (to create one, please follow the instructions in the *What is the first step in the application to sit for the New York bar examination* section above). Once you have created a BOLE ID, the next step is to complete the Foreign Evaluation form.

At some point in the account creation process, you may be requested to enter where you will complete your LLM degree. Please be sure to designate Duke University School of Law.

### 3. Who should complete the Online Foreign Evaluation form?

The Online Foreign Evaluation Form must be completed by all foreign-educated applicants seeking to qualify to sit for the New York bar examination: <https://www.nybarevaluation.org/>. This form is free. To complete the Foreign Evaluation Form, you will need the name and address of each university where you studied law, the dates of attendance for each semester or term, and the type and date of degree awarded. You should have this information available when you complete the Foreign Evaluation Form. **There is no fee for the request for a Foreign Evaluation.**

When completing the Online Foreign Evaluation Form, please properly document your planned Duke Law LLM if you are required to complete an LLM to be eligible to sit for the New York Bar. Samples responses are provided below for reference purposes only. Please review and complete accurately based upon your individual status.

#### **US LAW SCHOOL STUDY**

If you are required by the Court of Appeals Rule 520.6 to successfully complete a "program of study" at an approved law school in the United States, have you completed or are you currently enrolled in such a program?:

**Yes**

ABA School Attended: **Duke University**

Program of study at U.S. Law School: **Master of Laws LLM**

Date of graduation/anticipated graduation: **May 14, 2023**

Did you attend all courses at the law school campus located within the borders of the United States: **Yes**

Was any course taken online or by correspondence or distance study: **No**

#### **4. When should the Online Foreign Evaluation form be submitted?**

The Foreign Evaluation form must be submitted **before** submitting your supporting documentation to the Board **and** before applying for the bar examination. Submission of the Foreign Evaluation Form does not constitute an application to sit for the bar examination. **It is preferred for you to submit your Foreign Evaluation Form and Required Foreign Documents before you depart to the U.S. for your LLM.** Upon submission of your completed Online Foreign Evaluation Form, you will receive an auto-generated email confirming the Board's receipt of your Foreign Evaluation Form. You should first check your spam folder before contacting the NYBOLE if you do not receive the confirmation email.

#### **5. What should I do after completing the Online Foreign Evaluation form?**

After completing the Online Foreign Evaluation form, you should gather all the necessary supporting documents, also known as "Required Foreign Documentation," from the country where you received your law degree and send them directly to the NYBOLE. Strict requirements govern both the types of documents you must submit and how they must be submitted. Make sure to include your BOLE ID number on all correspondence.

#### **6. What is the Required Foreign Documentation?**

Required Foreign Documentation includes:

- 1) **Official Transcript(s).** Submit a final, official transcript directly from every law school attended that includes the dates of attendance for each period of study, the courses taken and passed for each period of study, the grades, the number of credits, the degree awarded, and the date the degree was awarded.
- 2) **Degree Certificate.** If the official transcript does not clearly state the degree awarded and/or the date such degree was awarded, you must also furnish the degree certificate.
- 3) **Proof of Fulfillment of the Educational Requirements for Admission to the Practice of Law in the Foreign Country.** If you are admitted to practice law in a foreign country, attach a copy of your admission certificate; OR If you are not admitted to practice law in a foreign country, submit proof of the educational requirements for admission to practice law in your country and proof from the bar admission authorities that you have fulfilled these requirements.
- 4) **Accreditation.** Submit a written statement from the competent accrediting agency of your foreign government that the law school or schools you attended were recognized by them as qualified and approved throughout your period of study.
- 5) **LL.M. Certificate of Attendance Form.** Applicants relying on the cure provision must Duke Law School submit the LL.M. Certificate of Attendance Form directly to the State Board of Law Examiners together with an official transcript. These documents will not be submitted until the conclusion of your LLM degree.

Requirements for each of these five documents can be reviewed in sections VI and VII of the Foreign Legal Education section of the NYBOLE's website: <http://www.nybarexam.org/Foreign/ForeignLegalEducation.htm>.

**The documentation must consist of originals submitted directly to the Board by the issuing institution.**

Fax copies, photocopies certified by a notary public or like official, and photocopies certified by anyone other than an authorized official at the issuing institution will NOT be accepted. All documents submitted become the

property of the Board and will not be returned. All documents and correspondence must contain the applicant's BOLE ID Number otherwise it will not be matched to your file or reviewed by the Board. Do not send in any documents before you complete the online foreign evaluation form. Review of your foreign legal education will not start until all items in 1-4 of Required Documentation have been received.

**7. What should I do if my law school is unable or unwilling to send my official transcript directly to the NYBOLE?**

If you have made a good-faith effort to get your law school to send your transcript directly, the next best step would be to have them issue you an original transcript in a sealed envelope bearing the seal and stamp of the issuing university. You should put this envelope into a larger envelope (along with a certified English translation, if applicable) and mail it directly to the NYBOLE. Your mailed package should also include a separate cover letter from your law school explaining that it cannot send the transcripts directly but issued one to you in a sealed envelope.

**8. What is a degree certificate? Do I need it?**

The degree certificate is a separate document that clearly states the name of the degree awarded to you (e.g., LL.B.) and the date when the degree was conferred. It is only necessary if your school's official transcript does not already contain this information.

**9. What is the proof of fulfillment of educational requirements for admission to the practice of law, and how do I get it?**

This is often the most puzzling part for applicants of the Required Foreign Documentation. If you are a practicing attorney in your home country, this requirement can be satisfied by attaching a copy of your admission certificate or another equivalent official document. If you are not admitted to practice in your country, you must submit an official letter from an entity in your country responsible for regulating and licensing attorneys. This entity can be a government ministry, the Supreme Court, or a quasi-governmental organization such as the Solicitors Regulation Authority (SRA) in the U.K. The letter must clearly indicate you have fulfilled the "educational requirements" for admission to the practice of law. The NYBOLE generally does not consider mandatory internships, "post-graduate bar school," or another mode of professional training that is practical in nature to be an "educational requirement." Therefore, applicants who have yet to complete these post-graduate practical training requirements are generally eligible to sit for the New York Bar Exam. Lastly, in some countries such as Russia, Kazakhstan, or Ukraine, graduation with a law degree automatically qualifies graduates to practice law. If this is your situation, you should procure a letter from a relevant government ministry that states this, ideally also referencing the specific governing law or statute, a copy of which should also be attached.

**10. What are the proof of fulfillment of educational requirements for applicants from English Common Law jurisdictions who followed the "conversion route"?**

Applicants from English Common Law jurisdictions who followed the "conversion route" by completing the Graduate Diploma in Law (GDL) and the Legal Practice Course (LPC) for Solicitors or the Bar Vocational Course for Barristers must qualify under Court Rule 520.6 (b) (2). Pursuant to Court Rule 520.6(b)(2), the applicant must provide proof that their combined law study and training contract (i.e., articles) satisfies the durational equivalency requirements. These documents may include: admission certificate from the competent accrediting agency of the government of the foreign jurisdiction; official transcripts of the law school programs confirming the dates of attendance and successful completion of the program(s); and a certificate or written statement verifying the successful completion of the law office study (i.e., clerkship or articles) and the dates of the employment. The applicant must also furnish proof of having successfully completed the Duke Law LLM upon conclusion of the LLM program.

### **11. What is Accreditation? Do I need it?**

As with the degree certificate, you may be required to submit a separate document from an entity in your country of law degree charged with regulating lawyers. This document should state that the university that conferred your law degree is recognized as a legitimate and approved educational institution in that country. Typically, only applicants who are the first graduates of their law school to apply to sit for the New York Bar Exam must submit this documentation because the NYBOLE maintains a list of law schools it has already “accredited” in each country, exempting most applicants from this requirement.

### **12. What is the LL.M. Certificate of Attendance? Do I need to submit it now?**

If you require an LL.M. degree to establish eligibility to take the New York Bar Exam per rule 520.6, you must submit an LL.M. Certificate of Attendance before taking the bar exam. **This certificate will be submitted electronically at the conclusion of your LL.M. studies at Duke Law School; you will receive detailed guidance from the NYBOLE and Duke Law School on how to complete the form during the spring semester. You do not need to worry about filling out this certificate or submitting it before you commence your LL.M. studies.**

### **13. When should I submit Required Foreign Documentation?**

As soon as possible! The NYBOLE requires that all Required Foreign Documentation must be received no later than **October 1** for the July administration of the bar exam and **May 1** for the February administration. Students, however, are strongly encouraged to submit their documents much earlier, ideally before starting their LL.M., because it takes the NYBOLE between 3-6 weeks to notify applicants of missing documents. You should contact NYBOLE if you have any questions regarding outstanding documentation. The Foreign Evaluation review process may take up six months so timely submission is required for eligibility determination before the bar examination registration period.

### **14. When should I register for the Bar Exam itself?**

We encourage applicants requiring a Duke LL.M. degree to take the bar exam to wait until they receive a final determination on their Advance Evaluation of Eligibility before registering for the examination and **paying the \$750** application fee. The application fee will not be refunded or credited if it is later determined that an applicant cannot sit for the bar examination. Students who submit all of their required documentation to the NYBOLE by October 1 should expect to receive a determination in February- March. The registration period is **April 1- 30 for the July exam administration and November 1 – 30 for the February exam administration.**

## **SECTION B: ESTABLISHING QUALIFICATIONS TO SIT FOR THE NY BAR EXAM UNDER RULE 520.6**

### **15. Is my foreign law degree sufficient for me to take the bar exam?**

It depends. Under rule 520.6, applicants with a foreign law degree must satisfy one of the following two requirements:

- a. Have a law degree from a common law jurisdiction (i.e., Israel, U.K., Australia, New Zealand, or Canada) of at least three years in length.

OR

- b. Have a minimum of three years of legal studies in a civil law jurisdiction AND receive an LL.M. degree from an ABA-approved law school, graduating with 24 semester hours of credit, including 12 credits in subjects tested on the New York Bar Exam.

### **16. I have a common law degree of 3 years in length; does that mean I am ready to take the bar exam?**

In most cases, you do not require an LL.M. degree to take the bar exam. Please note, however, that you must still complete the Online Foreign Evaluation form and submit all applicable documents as described in Section A of this FAQ.

In some cases (such as dual degrees in law and another subject), you may be required to complete an LL.M. degree to take the bar exam. Applicants from English Common Law jurisdictions who followed the "conversion route" by completing the Graduate Diploma in Law (GDL) and the Legal Practice Course (LPC) for Solicitors or the Bar Vocational Course for Barristers must qualify under Court Rule 520.6 (b) (2). The applicant must provide proof that their combined law study and training contract (i.e., articles) satisfies the durational equivalency requirements. Please review the requirements pertaining to your specific degree carefully to better understand your eligibility.

### **17. I have a civil law degree of 3 years of length or greater; what should I do?**

You have successfully established the durational equivalency of your foreign law degree. You still need to establish substantive equivalency, which can be accomplished by completing no fewer than 24 credits of ABA-approved subjects at Duke Law School. These 24 credits must include 12 credits in subjects tested on the bar exam and approved by the New York Court of Appeals as meeting the requirements of Rule 520.6.

### **18. I have a foreign common law degree, but it is 2 years in length; what should I do?**

If your common-law degree is less than three years in length, you must complete an LL.M. degree to establish your eligibility to take the bar exam. Please note that you must also fulfill all requirements applicable to those whose foreign law degree is not based on common law; meaning you need to take 24 credit hours, including 12 hours in courses tested on the bar exam.

### **19. I have a foreign law degree based on civil law, but it is less than 3 years in length; what should I do?**

In addition to completing your Duke LL.M. degree, you will have to seek a waiver of strict compliance with the requirements of Rule 520.6 if you wish to establish your eligibility to sit for the bar exam. Please make sure to speak with Jabrina Robinson about your situation.

**20. I finished my foreign law degree, but it took me longer than three years; what should I do?**

Under the ABA and New York rules, all J.D. students must finish their law degree within five years of starting their legal studies. Because the standard J.D. degree is three years in length, it allows J.D. students up to two additional years to finish their law degree. In many countries, however, a first law degree requires four or more years of study. In the past, LL.M. students taking longer than the five-year requirement to finish their degree were initially deemed ineligible for taking “too long to complete their degree based on the ABA rule applicable to J.D. students. However, with assistance from our office, these students successfully challenged that determination before the New York Court of Appeals. If you suspect this is your situation, please make sure to speak with Jabrina Robinson.

**21. My foreign law degree program was completed remotely (i.e., online); what should I do?**

The NYBOLE requires that a foreign law degree contain at least three years’ worth of in-person class instruction. If you cannot prove this, in addition to completing your Duke LL.M. degree, you will have to seek a waiver of the strict compliance with the requirements of Rule 520.6 if you wish to establish your eligibility to sit for the bar exam. Please make sure to speak with Jabrina Robinson about your situation.

**22. My foreign law degree program is a joint degree (i.e., Law & Business); what should I do?**

The NYBOLE will likely require verification that you completed a sufficient number of law-related subjects in the joint degree program. Under ABA and New York rules, a J.D. degree requires a minimum of 83 credit hours of law-related subjects (see rule 520.3(c)(1)(i)), with each credit hour being equivalent to 700 minutes of in-class instruction. Applicants would have to demonstrate to the NYBOLE that their foreign joint degree is equivalent to the 83 credit hours required to complete the J.D. degree. If you suspect that your joint law degree falls short, please make sure to speak with Jabrina Robinson about your situation.

**23. I took ABA-approved courses outside the United States (i.e., at the Duke-Leiden Institute in Global and Transnational Law). Will these credits count toward the 24 credits required to take for the New York Bar Exam?**

No. All ABA-approved coursework must be completed at an ABA-approved law school campus physically located in the United States. Any class taken in a foreign country will not qualify for the 24-credit requirement.

**24. What Duke courses meet the requirements of Rule 520.6?**

Duke maintains a comprehensive list of all Duke courses approved by the New York Bar as meeting the requirements of Rule 520.6. Please note, however, that many of these courses are only taught in one of the two semesters. **Therefore, students must refer to the NY Bar Approved Course List when planning course selection.**



## **SECTION C: PREPARING FOR AND STUDYING FOR THE BAR EXAM**

### **25. What are the components of the N.Y. Bar Exam Examination?**

The NY Bar Exam is composed of the Uniform Bar Exam (UBE) and the New York Law Exam (NYLE). Candidates need to achieve a passing score on each of these exams to be certified for admission.

### **26. Should LL.M. students take commercial preparation courses to prepare for the bar exam?**

Almost all law students (J.D. and LL.M.) who plan to take a U.S. bar exam, including the New York Bar, enroll in two-month preparatory courses following their law studies. Companies that offer these courses are not affiliated with Duke University. Students are strongly encouraged to conduct their due diligence to ensure that both the price point and the quality of these programs meet their expectations. Your choice to pay for a commercial preparation course and the selection of provider depends on each student's goals, motivation, and resources.

## **SECTION C1: UNIFORM BAR EXAMINATION**

### **27. What is the Uniform Bar Examination?**

The Uniform Bar Examination (UBE) is a two-day, in-person multi-part exam. The UBE has been adopted in the majority of states in the U. S. The UBE tests knowledge of general principles of law, legal analysis and reasoning, and communication skills—essentially, it tests the fundamental knowledge and lawyering skills needed to begin the practice of law. The UBE is uniformly administered, graded and scored, and results in a score that can then be transferred to other UBE jurisdictions. Please note, however, that each jurisdiction establishes its own rules governing admission of foreign-educated applicants. Taking the UBE in New York does not result in automatic qualification for admission in another UBE jurisdiction. Applicants to jurisdictions other than New York must carefully review the rules governing admission in those jurisdictions to determine their eligibility to be admitted. The National Conference of Bar Examiners maintains overview information on the UBE and a list of each jurisdiction that has adopted the UBE: <https://www.ncbex.org/exams/ube/>.

### **28. When is the UBE administered?**

The UBE is administered the last Tuesday and Wednesday of February and July.

### **29. When is the deadline to register for the UBE bar exam?**

Registration is **November 1-30 for the following February UBE** and **April 1-30 for the following July UBE**.

### **30. What are the components of the UBE?**

The UBE is composed of the Multistate Essay Exam (MEE), two Multistate Performance Test (MPT) tasks, and the Multistate Bar Exam (MBE). The MBE will be weighted 50%, the MEE 30%, and the MPT 20% of the total score.

### **31. What is the MBE?**

The MBE consists of 200 multiple-choice questions. According to the NCBE, “The purpose of the MBE is to assess the extent to which an examinee can apply fundamental legal principles and legal reasoning to analyze given fact patterns.”

### **32. What is the MEE?**

The MEE includes six 30-minute essay questions testing a candidate's ability to apply rules of law to fact scenarios and reach a conclusion. Questions are to be answered using general principles of law.

### **33. What are the two MPTs?**

Each of the two MPTs is a 90-minute simulated client exercise in which students are given a case file and a library of cases and statutes. Students are instructed to complete a task, usually to draft a memo, brief, or letter to a supervisor or client. According to the NCBE, "The MPT is designed to test an examinee's ability to use fundamental lawyering skills in a realistic situation. Each test evaluates an examinee's ability to complete a task that a beginning lawyer should be able to accomplish."

### **34. How are the days of the bar exam divided up?**

The bar exam is administered over two days, with a morning and afternoon session each day.

**Day 1:** 6 hours

Morning: 3 hours with two MPTs, each 90 minutes Afternoon: 3 hours with the MEE – six 30-minute essays

**Day 2:** 6 hours

Morning: 3 hours with 100 MBE questions Afternoon: 3 hours with 100 MBE questions

### **35. What does the bar exam test?**

The UBE will test the following subject matters:

- MBE subjects of Constitutional Law
- Contracts/Sales of Criminal Law/Criminal Procedure
- Evidence of Federal Civil Procedure of Real Property
- Torts

The MEE portion of the UBE will test the above plus additional subjects:

- Business Associations
- Conflict of Laws
- Constitutional Law
- Contracts
- Criminal Law & Procedure
- Evidence
- Family Law
- Federal Civil Procedure
- Real Property
- Torts
- Trusts & Estates
- UCC Articles 2 & 9

**36. What is a passing score on the UBE for New York?**

New York requires a score of 266 out of 400 to pass the UBE.

**37. Can I take the UBE in another jurisdiction and transfer it to New York?**

Yes, but you must still establish durational and substantive qualifications as proscribed by Rule 520.6. See Rule 520.2(b)(2) and the process for admission by transferred UBE score: <https://www.nybarexam.org/TUBE.html>.

**38. For how long will New York accept a score on the UBE taken in another UBE jurisdiction?**

A UBE score achieved in another UBE jurisdiction will be accepted in New York for three years from the date the applicant sat for the UBE. For example, if an applicant took and passed the July 2017 UBE in another jurisdiction, that score is now stale under Court of Appeals Rule 520.12(d).

**SECTION C2: NEW YORK LAW COURSE & NEW YORK LAW EXAM**

**39. What is the New York Law Course (NYLC)?**

The NYLC is an online, on-demand course covering 12 subjects on New York specific law:

- Administrative Law
- Business Relationships
- Civil Practice and Procedure
- Conflict of Laws
- Contracts
- Criminal Law and Procedure
- Evidence
- Matrimonial and Family Law
- Professional Responsibility
- Real Property
- Torts and Tort Damages
- Trusts, Wills, and Estates

The NYLC consists of approximately 17 hours of recorded lectures with embedded questions, which must be answered correctly before an applicant may continue viewing the lecture. An applicant must complete all of the videos before registering for the New York Law Exam (NYLE).

**40. How do I register for the NYLC?**

You may register to take the NYLC by clicking on “New York Law Course” in your BOLE account in the Applicant Services Portal.

**41. How do I complete the NYLC registration?**

If you have not already created a BOLE ID account, you must follow these steps before registration. After creating an account with the Board of Law Examiners, you will receive an email with a Board of Law Examiners identification number (BOLE ID) and a temporary password, which you will be prompted to change. You will then need to complete an Account Profile Page, which will require additional information, including information regarding your legal education. After completing and certifying the Account Profile Page, you will be able to proceed to take the NYLC by clicking on “New York Law Course” in your BOLE account in the

Applicant Services Portal.

**42. When should I complete the NYLC?**

You may complete the NYLC up to one year before or any time after the date on which you first sit for the UBE, subject to the application filing deadline of Section 520.12(d) of the Rules of the Court of Appeals. That section requires that a complete application for admission be filed within three years from the date you sit for the second day of the UBE, whether taken in New York or another jurisdiction.

**43. Will I be able to access and watch the videos again after I complete the NYLC?**

Yes. After watching all of the videos and completing the NYLC, you will have unlimited access to re- watch the NYLC videos, without the embedded questions, through your BOLE account.

**44. What is the New York Law Exam (NYLE)?**

The NYLE is a 50-item, two-hour, open-book, multiple-choice test administered online. It tests New York rules on the topics of Administrative Law, Business Relationships, Civil Practice and Procedure, Conflict of Laws, Contracts, Criminal Law and Procedure, Evidence, Matrimonial and Family Law, Professional Responsibility, Real Property, Torts and Tort Damages, and Trusts, Wills and Estates.

**45. When is the NYLE administered?**

The NYLE is offered four times per year (March, June, September and December).

**NEW YORK LAW EXAM DATES & REGISTRATION DEADLINES**

<b>Dates of NYLE</b>	<b>Registration Deadline</b>
September 22, 2022 12:00PM ET	August 23, 2022 11:59PM ET
December 15, 2022 12:00PM ET	November 15, 2022 11:59PM ET

**46. How and when do I register for the NYLE?**

You may not register for the NYLE until you have completed the NYLC. After completing the NYLC, you may register for the next available administration of the NYLE through the online account at the Board's website. The deadline to register for the NYLE is 30 days before the date of the NYLE. For example, the deadline to register for the June 10, 2021 administration of the NYLE is May 11, 2021. The registration period for the next administration of the NYLE will open immediately following the close of the registration period for the preceding administration.

**47. What is the passing score on the NYLE?**

The passing score on the NYLE is 60% (30 out of the 50 items). Applicants who fail the NYLE will be required to retake both the NYLC and the NYLE. Results are generally available within two weeks from the date of the NYLE, and applicants are notified by email when results have been posted to their BOLE Account in the Applicant Services Portal.

**48. What content will be covered by the NYLC and the NYLE?**

The NYLC and NYLE focus on principles of New York law that are either different from the general principles and prevailing views of the law tested on the MBE and the MEE or are unique to New York and essential for the new practitioner to know. The subjects covered are Administrative Law, Business Relationships, Civil Practice and Procedure, Conflict of Laws, Contracts, Criminal Law and Procedure, Evidence, Matrimonial and Family Law, Professional Responsibility, Real Property, Torts and Tort Damages Trusts, Wills and Estates.

**49. Are there materials available to prepare for the NYLC and NYLE?**

Yes. Course Materials are currently available on the Board's website. The Course Materials cover the 12 topics on New York law covered in the NYLC and tested on the NYLE. All of the material tested on the NYLE is found in the Course Materials for the NYLC and NYLE or in the videos.

**50. Is there a charge to take the NYLC and NYLE?**

There is no fee to complete the NYLC. The cost to take the NYLE is \$27, paid directly to Examsoft. For more information, please visit the NYBOLE's website: <https://www.nybarexam.org/UBE/UBE.html>

**SECTION C3: MULTISTATE PROFESSIONAL RESPONSIBILITY EXAMINATION (MPRE)**

**51. What is the MPRE and when do I need to take it?**

All applicants who pass the bar examination must also take and pass the Multistate Professional Responsibility Examination (MPRE), administered by the National Conference of Bar Examiners (NCBE), before they may be admitted to practice law in New York.

The MPRE can be taken before or after the bar examination. However, the applicant must pass the MPRE within three years, either before or after passing the New York bar examination, as measured from the date the applicant sat for each examination. If more than three years have passed since an applicant took and passed the MPRE, the applicant must re-sit and pass the MPRE before the applicant may be certified to the Appellate Division as having passed the bar examination. The Appellate Division is the court that has the jurisdiction to conduct the character and fitness review and admit the applicant to the practice of law in New York. Most students choose to take the MPRE in the spring semester of their LL.M. program.

**52. When is the MPRE administered, and what is the passing score?**

The MPRE is administered three times each year; in March, August, and November. The passing score in New York for the MPRE is 85. For more information, please visit <https://www.nybarexam.org/MPRE/MPRE.html>.

## **SECTION D: ADDITIONAL REQUIREMENTS FOR ADMISSION TO THE NEW YORK BAR**

### **SECTION D1: PRO BONO REQUIREMENT**

#### **53. What is the 50-hour pro bono rule?**

All applicants must complete 50 hours of qualifying pro bono legal service to become licensed in the state of New York. This requirement is separate and distinct from the requirement of taking and passing the New York Bar Exam.

#### **54. Where and when should I complete the pro bono requirement?**

If you are contemplating taking the New York Bar Exam either immediately after graduation or in the future, we strongly encourage you to complete 50 hours of pro bono legal service, then fill out and sign the appropriate certification form before starting classes in August. The required pro bono service hours may be completed anywhere, including outside the United States, and anytime during the period beginning one year before you start the LL.M. program until the date you apply to be admitted to the New York Bar.

#### **55. What qualifies as pro bono for the purposes of the New York Bar?**

To qualify for the New York Bar, your pro bono work must be: (1) done without pay and on behalf of individuals who otherwise would not be able to access or afford legal assistance; (2) law-related, meaning that your work must be similar to work done by licensed attorneys, on behalf of clients (law-related work involves advising, counseling or representing individuals or organizations regarding questions of law), and (3) supervised by an attorney who is licensed to practice in the jurisdiction in which you are doing your pro bono service hours.

#### **56. What organizations will allow me to perform qualifying pro bono work?**

You can volunteer for an NGO that advocates for justice or human rights or with organizations engaged in the legal representation of low-income individuals. You are also permitted to volunteer your time working on law-related matters with a governmental office or agency, a judge or court, or a prosecutor's office. You may be able to complete your pro bono work at a law firm, provided the law firm does not charge for its services, and the work is on behalf of an individual or an organization that would otherwise not be able to access or afford legal assistance.

#### **57. I believe I completed some or all of my pro bono work outside the United States. What should I do?**

You must complete a "Form Affidavit of Compliance" that explains your pro bono work and is signed by your supervising attorney. You may find the Form Affidavit of Compliance at [https://www.nycourts.gov/attorneys/probono/AppForAdmission\\_Pro-BonoReq\\_Fillable.pdf](https://www.nycourts.gov/attorneys/probono/AppForAdmission_Pro-BonoReq_Fillable.pdf)

This form must be completed in English. If the form is completed in a foreign language, it must be accompanied by a certified English translation. Use your permanent address, not your Durham, NC (Duke) address, on this form. Please note that photocopies/PDFs will not be accepted, so be sure to secure all necessary signatures in original hardcopy format.

You should fill out and obtain the appropriate signatures on this form as soon as possible after you complete pro bono service hours. Be sure to provide as much detail as possible in describing your pro bono work when completing the form. You may use an additional sheet of paper, if necessary. Provide a thorough description of the pro bono work that you completed, including specific information about the types of services you provided and the legal issues you covered. Identify the communities, organizations, or class/type of individuals that you served through your pro bono work, as well as the name and type of organization or office for which you

worked in completing your pro bono service hours.

The attorney who supervised your pro bono service hours must sign this form. You also must sign this form, and your signature must be notarized in accordance with U.S. notary public practices. If you complete this form outside of the United States, you may seek the services of a notary at the U.S. embassy or consulate. If you cannot locate a U.S. qualified notary, you may have your form acknowledged and signed by another country's equivalent of a notary. If you do not use a U.S. notary, you must attach a certification (in English) of the attesting officer's authority to affirm and acknowledge your signature on the form.

**58. I would like to complete all of my pro bono requirements during my time at Duke. Is that possible?**

You will likely complete *some* of the pro bono requirements while at Duke, but we cannot guarantee that you will complete all 50 hours. This is due to the New York Bar's narrow definition of what constitutes pro bono service. In addition, once you begin classes at Duke, you will be very busy and may find it challenging to make time to add 50 pro bono service hours.

Clinic and Externship opportunities are often the easiest and most straightforward way to complete your 50 pro bono hours. All eleven clinical courses count as eligible pro bono work for the NY Bar. An externship experience, including the nature of the work, type of employer, and supervisor, must meet applicable definitions to meet the NY Bar Pro Bono Requirement.

Staff in the Office of Public Interest and Pro Bono will help you fulfill pro bono service requirements, but many if not all of such opportunities will require you to work during Fall Break in October, the semester break in December, and/or Spring Break in March. These are times during the school year that you may want to use instead to finish classwork, take a much-needed rest, or explore the U.S. through travel, rather than work on pro bono service hours. It is challenging to complete 50 hours of pro bono work during any one project through the Student Pro Bono Groups, Break Pro Bono Trips, and Individual Pro Bono Projects. You should prepare to participate in multiple opportunities if you do not complete your hours through clinical or externship opportunities.

For all these reasons, you are *strongly* encouraged to complete the 50-hour pro bono service requirement *before* starting at Duke.

**59. What if I have other questions about the New York Pro Bono requirements?**

If you have any additional questions about the New York State Bar pro bono requirement, we encourage you to start by carefully reading the New York Pro Bono Admissions Requirement, along with the Frequently Asked Questions (FAQs) at: <http://www.nycourts.gov/attorneys/probono/baradmissionreqs.shtml>

If you are still unable to find answers to your specific question, we encourage you to write to the New York Pro Bono Office directly at [ProBonoRule@nycourts.gov](mailto:ProBonoRule@nycourts.gov).

**SECTION D2: NEW YORK SKILLS COMPETENCY REQUIREMENT**

**60. What is the Skills Competency Requirement?**

Beginning in August 2018, candidates for admission must show competency to provide legal services in the state of New York. Applicants may satisfy this requirement by completing one of five separate pathways contained in Rule 520.18. Pathways 1-3 focus on courses and work experience completed during an applicant's legal education, while Pathways 4 & 5 allow an applicant to rely on practical experience outside of law school. New York Court of Appeals has compiled a document outlining the requirements to fulfill the Skills Competency Requirements via Pathways 1-5 at <http://www.nycourts.gov/ctapps/news/skills.pdf>.

#### ***Pathway 4 (Apprenticeship)***

To satisfy the requirement under Pathway 4, an applicant must complete a six-month, full-time paid or unpaid apprenticeship in a law office in the United States or a law office in another country (full-time positions are generally understood to mean 37-40 hours of work per week; part-time positions are typically understood to represent 20-25 hours of work per week.). The apprenticeship must be for a continuous six-month period and must start after the conclusion of the applicant's first degree in law program. The apprenticeship must be under the supervision of one or more attorneys who have, for at least two years, been in good standing and authorized to practice law in the country, territory, or commonwealth where the apprenticeship takes place.

Please note that you can petition the Court of Appeals to waive the strict compliance with this rule if you have several apprenticeships that add up to six months rather than one continuous apprenticeship.

#### ***Pathway 5 (Practice in another jurisdiction)***

To satisfy the requirement under Pathway 5, an applicant who has been authorized to practice law in another country must submit proof that she or he has been in good standing and practiced law in that jurisdiction full-time for at least one year or part-time for two years following the applicant's authorization to practice. Formal admission to another country's bar is not required under this pathway as long as all other requirements are satisfied.

#### ***Pathway 2 (15 credit hours of practice-based experiential coursework)***

To satisfy the requirements under Pathway 2, the Experiential Coursework Pathway, an applicant must complete 15 credits of practice-based experiential courses as defined by the American Bar Association. Many Duke Law School courses are practice-based experiential courses. Additionally, students may earn up to six credits through non-credit bearing summer employment either in the United States or abroad, as long as it is supervised by an attorney in good standing in any state or territory of the United States or the District of Columbia. At least 50 hours of full-time employment is required for each substituted credit.

Under this pathway, applicants whose legal education is not based on common law principles and who are, therefore, required to complete an LL.M. program in the U.S. to establish eligibility for the New York bar under rule §520.6, **will need to complete a total of 27 credits**, including 12 non-experiential credits required by rule §520(b)(3)(vi). Duke offers an additional semester in which applicants may be to complete both requirements.

#### **61. How long do I have to complete the Skills Competency Requirement after taking the New York Bar Exam?**

As part of the admission application, an applicant must submit the "Form Affidavit as to Applicant's Compliance with the Skills Competency and Professional Values Requirement," establishing that the applicant has satisfied all requirements of one of the pathways contained in Rule 520.18. It is important to note that, under Rule 520.12, applicants who qualify for admission based on having passed the Uniform Bar Examination, whether taken in New York or another jurisdiction, must file a complete application for admission **within three years** from the date the applicant sits for the second day of the Uniform Bar Examination. If the applicant does not complete the skills competency and professional values requirement before the expiration of the three-year period, or the applicant is unable to submit the Affidavit of Compliance within that period, the application will be deemed incomplete and will not satisfy Rule 520.12.

#### **62. I have several years of work experience in my home country but was not formally admitted to my country's bar exam because I worked "in-house" at a company. Does this mean I have to complete the Skills Competency Requirement?**

Most likely, no. Rule 520.18(a)(5) specifically contemplates a situation where an attorney "engaged in lawful



practice in a country [...] that permits legal practice without formal admission to the bar, and if the prior practice was [full-time] for at least one year [...], in full compliance with the jurisdiction rule.” The specific example of this situation, as provided by the New York Court of Appeals (questions related to Pathway 5 in the FAQs for New York’s Skills Competency and Professional Values Bar Admission Requirement), is as follows:

By way of example, in some countries, an attorney who practices as in-house counsel is prohibited from being a member of the bar. The attorney’s practice is nevertheless authorized under that jurisdiction’s rules. Such an attorney could use this practice to satisfy Pathway 5. The attorney will be required to submit proof to the Appellate Division that the practice complied with the jurisdiction’s regulations regarding the practice of law.

**63. Where can I find additional information about New York Skills Competency Requirement?**

New York Court of Appeals has a highly detailed FAQs for New York’s Skills Competency and Professional Values Bar Admission Requirement covering most questions related to fulfilling Skills Competency Requirements via Pathways 1-5; it is available here: <http://www.nycourts.gov/ctapps/news/skills.pdf>. For additional questions about this rule, you can contact the Court of Appeals directly at: [nyskillsrule@nycourts.gov](mailto:nyskillsrule@nycourts.gov).

## SECTION E: NY BAR APPROVED COURSE LIST

### Duke Law Courses Approved for New York Bar Eligibility by New York Court of Appeals<sup>1</sup>

- I. **Professional Responsibility (2 credits required)** [Rule 520.6(b)(3)(vi)(a)]
- Ethics and the Law of Lawyering (2 credits)
  - Ethics and the Law of Lawyering in Civil Litigation (2 credits)
  - Ethics in Action (2 credits)
  - Criminal Justice Ethics (2 credits)
  - Ethics of Social Justice Lawyering (2 credits)
  - Ethics in Action: Large Firm Practice (2 credits)
- II. **Legal Research, Writing and Analysis (2 credits required)** [Rule 520.6(b)(3)(vi)(b)]
- U.S. Legal Analysis, Research & Writing for International Students (2 credits)
- III. **American Legal Studies (2 credits required)** [Rule 520.6(b)(3)(vi)(c)]
- Distinctive Aspects of U.S. Law (2 credits)
- IV. **Subjects Tested on the NY Bar Exam (6 credits required)** [Rule 520.6(b)(3)(vi)(d)]

#### First- courses:

- Civil Procedure (4.5 credits)
- Constitutional Law (4.5 credits)
- Contracts (4.5 credits)
- Criminal Law (4.5 credits)
- Property (4 credits)
- Torts (4.5 credits)

#### Upper-level courses:

- Administrative Law (3 credits)
- Agency Law (2 credits)
- Business Associations (4 credits)
- Criminal Procedure: Adjudication (3 credits)
- Criminal Procedure: Investigation (4 credits)
- Evidence (4 credits)
- Family Law (3 credits)
- Federal Courts I: Constitution & Judicial Power (3 credits)
- Federal Courts II - Public Law Litigation (3 credits)
- First Amendment (3 credits)
- Introduction to Alternative Dispute Resolution (2 credits)
- Principles of Commercial and Bankruptcy Law (4 credits)
- Remedies (3 credits)
- Structuring and Regulating Financial Transactions (3 credits)
- The Business and Economics of Law Firms (1 credit)
- Trust and Estates (3 credits)

<sup>1</sup>Updated June 2022. Not all courses are offered each semester; consult the course browser to determine eligibility.