



*State of New York
Court of Appeals*

*Andrew W. Klein
Clerk of the Court*

*Clerk's Office
Albany, New York 12207-1095*

January 12, 2012

NOTICE TO THE BAR

Study of Law in an Approved Law School

After consultation with law school administrators and review of American Bar Association (ABA) Standards for Approval of Law Schools, the Court of Appeals has amended section 520.3 of the Rules for the Admission of Attorneys and Counselors at Law (22 NYCRR Part 520), regarding the study of law in an approved law school in the United States, effective April 1, 2012.

In an effort to better prepare law school graduates for the practice of law, the Court amended section 520.3 to allow students to complete up to 30 credits in clinics, field placement programs or externships. Additionally, recognizing the ever-increasing role of technology in legal education, section 520.3 now permits up to 12 credit hours of distance education courses to count toward the number of credits required for graduation. To provide students some flexibility in completing their programs of study, the Court amended section 520.3 to eliminate residency weeks and scheduled days requirements. In place of those requirements, the revised Rule provides that the law school's academic year must consist of at least 130 days over an eight-month period, and the course of study leading to a first degree in law must be completed in no fewer than 24 months and no later than 60 months after the program is commenced. Finally, to more closely comport with the ABA's current national accreditation standards, the Court amended section 520.3 to increase the total number of credits required for graduation from 80 to 83, 64 credits of which must be earned by attendance in regularly scheduled classroom courses at the law school.

The Court revised sections 520.4, 520.5, and 520.6 to reflect the changes to section 520.3. In addition, the Court made some additional minor changes to section 520.4, regarding the law office study program, and section 520.6, regarding the eligibility of foreign-educated students to sit for the bar exam; however, these revisions do not effect a major substantive change to those provisions.

A copy of the order amending the Rules is attached.

Questions may be directed by telephone to the Clerk's Office at (518) 455-7760.

Andrew W. Klein
Clerk of 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.....10th.....day
of.....January 2012.....*

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 520.3, 520.4, 520.5 and 520.6 of the Rules of the Court of Appeals for the Admission of Attorneys and Counselors at Law (22 NYCRR §§ 520.3, 520.4, 520.5, 520.6) are amended, effective April 1, 2012, or as soon thereafter as section 52 of the Judiciary Law is complied with, by deleting the bracketed material and adding the underlined material.

§ 520.3 Study of law in law school.

(a) *General.* [(1) Except as otherwise provided in paragraph (2) of this subdivision, a] 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; or [law schools which at all times during the period of applicant's attendance was or were approved.]

(2) [An] the 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 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. [t]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 [a certificate showing] satisfactory proof that the applicant has been awarded a first degree in

law.

(b) *Approved law school defined.* For purposes of these rules, [A]an approved law school [for purposes of these rules] is one:

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

(2) [which is approved by the American Bar Association.] 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) [An approved] The law school shall require for its first degree in law the successful completion of [either a full-time or a part-time] a program [which consists of] 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 [80] 83 [semester] credit hours [of credit, including at least 60 semester hours in professional law subjects. A maximum of 20 of the required 80 semester hours may be courses related to legal training or clinical courses as provided in paragraphs (2) and (5) of this subdivision; and] must be required for graduation, including substantial instruction in substantive and procedural law and professional skills;

(ii) [at least 1,120 hours of classroom study, exclusive of examination time.] 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) Other courses related to legal training taught by members of the faculty of said law school or university, or taught by members of the faculty of any university or college with which the law school offers a joint degree program, may, in the discretion of the law school, be substituted for professional law subjects to the extent of no more than 10 of the required 80 .

semester hours.]

[(3) No credit shall be allowed for correspondence courses.]

[(4) All study shall be evaluated by authentic written examination, except where such examination is inappropriate, such as in seminar and practice court courses or courses which are principally concerned with legal writing and research.]

[(5) Clinical and like courses may, in the discretion of the law school, be substituted for classroom periods to the extent of no more than 20 of the required 80 semester hours, where:]

[(i) a description of the course has been filed with the Clerk of the Court of Appeals, either separately or in the law school's annual catalogue or bulletin;]

[(ii) the course is under the direct and immediate supervision of a member or members of the faculty;]

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

[(iv) the law school certificate of attendance filed with the New York State Board of Law Examiners lists separately the credit allowed for clinical courses or other nonclassroom study.]

[(d) *Full-time program defined.* A full-time program shall consist of at least 75 and no more than 105 calendar weeks in residence, including reading periods not to exceed one week per semester and examinations, of at least 10 classroom periods per week, scheduled principally between the hours of 8 a.m. and 6 p.m., totaling not less than the equivalent of 1,120 hours of classroom study, exclusive of examination time. A calendar week shall include four days of scheduled classes; however, no more than three three-day weeks per semester may be counted toward the 75-week minimum. A semester which includes successful completion of at least 10 credit hours per week of study shall be counted as 15 full-time weeks in residence toward the residency weeks requirement of this subdivision. As allowed under subdivision (h) of this section, a summer session which includes successful completion of at least five credit hours per week of study shall be counted as 7.5 full-time calendar weeks in residence toward the residency weeks requirement of this subdivision.]

[(e) *Part-time program defined.* A part-time program shall consist of at least 105 and no more than 135 calendar weeks in residence, including reading periods not to exceed one week per semester and examinations, of at least eight classroom periods per week, irrespective of the hours at which the classroom periods are scheduled, totaling not less than the equivalent of 1,120 hours of classroom study, exclusive of examination time. A calendar week shall include

three days of scheduled classes; however, no more than three two-day weeks per semester may be counted toward the 105-week minimum. A semester which includes successful completion of at least 8 credit hours per week of study shall be counted as 15 part-time weeks in residence toward the residency weeks requirement of this subdivision. As allowed under subdivision (h) of this section, a summer session which includes successful completion of at least 4 credit hours per week of study shall be counted as 7.5 part-time calendar weeks in residence toward the residency weeks requirement of this subdivision.]

[(f) *Successful completion defined.* Complete credit for an academic year, semester, quarter or summer session in an approved law school in which one or more courses have been failed shall not be given until the passing grades in the courses failed have been earned, or substitute courses successfully completed, or unless the failures are compensated for by a sufficiently high average for the same academic year, semester, quarter or summer session under acceptable regulations established by the law school in which the applicant is matriculated.]

[(g) *Transfer from one law school program to another.* A student may transfer from a full-time to a part-time program, or from a part-time to a full-time program, at the end of any semester, quarter or other complete academic session. In computing residence credit:]

[(1) each week of a full-time program shall be deemed equal to one and one-third weeks of a part-time program; and]

[(2) each week of a part-time program shall be deemed equal to three fourths of a week of a full-time program.]

[(h) *Summer session.* Credit may be given for successful completion of courses taken in summer session only if such session is approved by the dean of the law school in which the applicant is matriculated.]

(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 technology is used to deliver instruction.

(i) Up to 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) 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 as the course progresses.

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

(ii) 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;

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

(iv) distance education courses under paragraph (6) of this subdivision.

(d) Course of study and academic calendar. 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) a minimum of 700 minutes of instruction time, exclusive of examination time, must be required for the granting of one credit hour;

(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) 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

(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).

[(i)e] Credit for law study in foreign country. An approved law school may, in its discretion, [allow] grant such credit as it may deem appropriate [determine] 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.

§ 520.4 Study of law in law office.

(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) [that] the applicant commenced the study of law after the applicant's 18th birthday; [and]

(2) [that] the applicant successfully completed [at least one academic year as a matriculated student in a full-time program or the equivalent in a part-time program] the prescribed requirements of the first year of full-time study in a first degree in law program at an approved law school as defined in section 520.3(b) of this Part, whether attending full-time or part-time, earning a minimum of 28 credit hours (the threshold period) [and at the conclusion thereof was eligible to continue in that school's degree program]; [and]

(3) at the conclusion of the threshold period the applicant was in good standing, not on academic probation and was eligible to continue in the law school's degree program;

(4) the threshold period was completed within 36 months of the commencement of law school study; and

~~[(3)5]~~ [that] the applicant thereafter studied law in a law office or offices located within New York State, under the supervision of one or more attorneys admitted to practice law in New York State, for such a period of time as, together with the credit [allowed] permitted pursuant to this section for attendance in an approved law school, shall aggregate four years.

(b) *Employment and instruction requirements.* An applicant studying law in a law office or offices within New York State must be actually and continuously employed during the required period as a regular law clerk and student in a law office, under the direction and subject to the supervision of one or more attorneys admitted to practice law in New York State, and must be actually engaged in the practical work of such law office during normal business hours. In addition, the applicant must receive instruction from [said] the supervising attorney or attorneys in those subjects [which] that are customarily taught in approved law schools.

(c) *Credit for attendance in approved law school.* Credit shall be allowed [for attendance in an approved law school] toward the required four years of combined law school and law office study in accordance with subdivision (a) as follows:

(1) [credit of] one full year [or](52 weeks) of credit shall be allowed for [any] successfully [completed year of a full-time law school program] completing the threshold period;

(2) [credit of three quarters of a year or 39 weeks shall be allowed for any successfully completed year of a part-time law school program] following the threshold period, two weeks of credit shall be allowed for every additional successfully completed credit hour at an approved law school, but only if at the conclusion of the semester in which the credits were earned the applicant was in good academic standing, was not on academic probation and was eligible to continue in the school's degree program.[;]

[(3) proportionate credit shall be allowed for any successfully completed semester, quarter or summer session in such a full-time or part-time law school program;]

[(4) for any period of law school study not successfully completed, credit may be allowed for attendance as determined by the New York State Board of Law Examiners based on an evaluation of performance in the individual case.]

(d) *Vacations.* Vacations taken by the applicant in excess of one month in any year of law office study shall be deducted from the period of law office study for which credit shall be given, but [failure by] if the applicant [to] does not take a vacation [shall not decrease] there will not be an adjustment in the period of study required by this section.

(e) *Certificate of commencement of law office study.* It shall be the duty of the attorney or attorneys with whom a period of law office study is about to be commenced to obtain from, complete and file with, the Clerk of the Court of Appeals a certificate of commencement of clerkship, Appendix B-2, *infra*. At the time the certificate of commencement of clerkship is filed, the applicant shall provide the Court of Appeals with a copy of the determination of the [New York] State Board of Law Examiners of the credit to which the applicant is entitled under subdivision (c) of this section.

(f) *Credit for law study in law office.* Credit shall be given only for study in a law office or offices [completed subsequent to] engaged in after the successful completion of the threshold period of law school study and after the filing of the certificate required by subdivision (e) of this section.

(g) *Proof required.* Compliance with the requirements of this section shall be proved to the satisfaction of the [New York] State Board of Law Examiners.

§ 520.5 Study of law in law school and actual practice.

(a) *General.* An applicant who has studied law in any law school in any other state or territory of the United States or in the District of Columbia, other than a law school

[which] that grants credit for correspondence courses, and has received a degree from such law school [which] that qualifies [such] the applicant to practice law in such state, territory or in the District of Columbia, 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) [that] the applicant possesses the legal education required by this [section] Part;

(2) [that] the applicant's course of study complies with the instructional, [and program] course of study, and academic calendar requirements of section 520.3(c) through ([i]e) of this Part; and

(3) [that] while admitted to the bar in the highest court in any state or territory of the United States or in the District of Columbia, the applicant has actually practiced therein for at least five years of the seven years immediately preceding the application to sit for the bar examination.

(b) *Proof required.* The applicant shall submit to the [New York] State Board of Law Examiners such proof of compliance with the provisions of this section as the [b]Board may require.

§ 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 [at least substantially equivalent in duration to that required under section 520.3(d) and (e) of this Part,] in a law school or schools each of which, throughout the period of the applicant's study therein, was [recognized] approved by the [competent] government or an authorized accrediting [agency of the government of] body in such [other] country, or of a political subdivision thereof, [as qualified and approved] 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) of this Part; and

(b) Substantive requirements. [that s]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.[: or]

(ii) Cure provision. [if] An applicant who does not meet the [durational equivalency] requirements of [this] subparagraph (i)(a) or (i)(b) [but has at least two years of substantively equivalent education, or if applicant does not meet the requirements of subparagraph (i) of this paragraph, applicant] may cure either the durational or substantive deficiency, but not both, [by satisfactory proof that applicant has a full-time or part-time LL.M. (Master of Laws) degree program at an approved law school in the United States meeting the requirements of paragraph 3 of this subdivision; or] 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 [recognized by the competent accrediting agency of] approved by the government or an authorized accrediting body in [of] such [other] country, or of a political subdivision thereof, and which [is] satisfies the durational[ly equivalent yet] requirements of subparagraph (1)(i)(a) but does not satisfy the substantive[ly deficient under] requirements of subparagraph (1)(i)(b) of this subdivision, and that such applicant has successfully completed an [full-time or part-time] 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 [semester] credit hours [of credit] (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; [and]

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

(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 [semester] credit hours [of credit] may be earned in courses completed during summer semesters; [and]

(iv) the program shall be completed within 24 months of matriculation; [and]

(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); [and]

(vi) the program completed by the applicant shall include:

(a) a minimum of two [semester] credit hours [of credit in the history, goals, instruction, value, rules and responsibilities of the United States legal profession and its members] in a course or courses in professional responsibility; [and]

(b) a minimum of two credit [semester] hours [of credit]in legal research, writing and analysis, which may not be satisfied by a research and writing requirement in a substantive law course; [and]

(c) a minimum of two credit [semester] hours [of credit] 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 [semester] hours [of credit] may be applied in satisfaction of the requirement of subdivision (b)(3)(vi)(d); and

(d) a minimum of six credit [semester] hours [of credit] in other courses in

subjects 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 [New York] State Board of Law Examiners.

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

(a) a maximum of four [semester] credit hours [of credit] in clinical courses, provided (1) the clinical course includes a classroom instructional component in order to insure 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 [or instructional staff whose primary professional employment is with the law school]; and (3) the time and effort required and anticipated educational benefit are commensurate with the credit awarded; and

(b) a maximum of six [semester] credit hours [of credit] 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 [New York] State Board of Law Examiners such proof of compliance with the provisions of this section as the [b]Board may require.

(d) *Effective date for implementation.* [The provisions of existing Rule 520.6 shall continue to apply to those applicants applying to take a bar examination prior to the July 2013 bar examination,] [e]Except for [that] the requirements of subdivisions (b)(3)(iii), (v) and (viii), which are effective [immediately] May 18, 2011, the [All other] provisions of [this amended] Rule 520.6(b)(3) shall first apply to L.L.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).