

**ANNOUNCEMENT REGARDING PROGRAMMATIC WAIVERS FROM
DISTANCE LEARNING LIMITATIONS (RULES 520.3 & 520.6)
DUE TO THE CORONAVIRUS
(Updated March 31, 2020)**

The Court is aware of the evolving challenges that law schools and law students are confronting during the coronavirus health emergency. In an effort to accommodate the many law schools that have now gone to a distance-learning model during this health crisis, the Court announces that, to the extent law schools comply with American Bar Association (ABA) Standard 306 regarding distance education and comport with the ABA Council on Legal Education and Admission to the Bar's February 2020 guidance memorandum with respect to distance education, the limitations contained in Rules 520.3(c)(6)(i), 520.3(c)(6)(iii), and 520.6(b)(3)(viii) (22 NYCRR 520.3[c][6][i], 520.3[c][6][iii], and 520.6[b][3][viii]), will be waived for J.D. and LL.M. students enrolled in law courses at ABA-approved law schools during the Spring 2020 and Summer 2020 terms.

**ANNOUNCEMENT REGARDING POTENTIAL DEPARTURES FROM
DISTANCE LEARNING LIMITATIONS (RULES 520.3 & 520.6)
DUE TO THE CORONAVIRUS
(Updated March 19, 2020)**

Cognizant of the challenges and uncertainties that law schools face in developing responses to the coronavirus, the Court announces that it is in accord with the ABA Council on Legal Education and Admissions to the Bar's February 2020 guidance memorandum with respect to distance education during emergencies and disasters ([see https://www.americanbar.org/content/dam/aba/administrative/news/2020/03/legal-ed-emergencies-disasters-memo.pdf](https://www.americanbar.org/content/dam/aba/administrative/news/2020/03/legal-ed-emergencies-disasters-memo.pdf)). The Court will consider potential departures from the rules in the future in the context of individual or programmatic waivers, as necessary to address institutional responses to the coronavirus. Information about the waiver petition process is available on the Court's website ([see http://www.nycourts.gov/ctapps/admattnyfaq.htm#Section2](http://www.nycourts.gov/ctapps/admattnyfaq.htm#Section2)). During this period of emergency, notarization/verification will not be required if the circumstances do not permit it. **Requests for programmatic waivers by reason of the coronavirus may be submitted in letter form, should be requested by the dean of the law school or an official designated by the dean to act on the dean's behalf, and should be e-mailed to: pwp@nycourts.gov.**

It is important to note that the definition of "distance education" in Rule 520.3(c)(6) applies to all students enrolled in J.D. programs at American Bar Association-approved law schools in the United States, including first-year J.D. students. Specifically, Rule 520.3(c)(6) provides that "[d]istance education is an educational process in which more than one-third of the course instruction is characterized by the separation, in time or place, or both, between instructor and student, and the instruction involves the use of technology to support regular and substantive interaction among students and between students and the faculty member, either synchronously or asynchronously" ([see https://www.nycourts.gov/ctapps/520rules10.htm#3](https://www.nycourts.gov/ctapps/520rules10.htm#3)). Accordingly, a waiver of strict compliance will only be necessary with respect to J.D. courses if the distance instruction exceeds the one-third limitation.

In contrast, pursuant to the Court's rules, foreign-educated students seeking to qualify for the New York bar examination by completing a qualifying LL.M. pursuant to Rule 520.6(b)(3) will not be credited with coursework that has any distance education component ([see Rule 520.6\[b\]\[3\]\[viii\]](#) ["No credit shall be allowed for correspondence courses, on-line courses, courses offered on DVD or other media, or other distance learning courses.]; [see https://www.nycourts.gov/ctapps/520rules10.htm#6](https://www.nycourts.gov/ctapps/520rules10.htm#6)). To the extent that law schools must address the situation presented by the coronavirus by converting LL.M. courses to distance education, a waiver of strict compliance will be required.

To expedite the waiver petition process, to the extent possible, provide the following information in the petition for a programmatic waiver of strict compliance:

An estimate of the portion/percentage of the semester's instruction that will be completed by distance learning;

Whether the course was designed for or can be easily adapted to distance learning;

Whether affected faculty members have the experience and training needed to deliver a distance education course meeting the requirements of the ABA Standards for distance education;

Whether the school has the technological capacity (in general and in the context of a disaster or emergency) to support that form of instruction and whether students and faculty have or can be provided with the technology needed for the course;

A description of the technology that will be used to deliver the distance learning;

Will the distance learning be synchronous or asynchronous;

How will the school confirm that students have completed the distance learning requirements;

Will the manner in which the course is graded change due to the transition to distance learning (e.g., if class participation was a component of the grade in an in-person course will it remain so when the course is delivered via distance learning);

Will course requirements be changed to accommodate the transition to distance learning (e.g., will written coursework replace classroom-based coursework).

The petition need not specifically address every course that will be transitioning to distance education, but may address generally how the school plans to handle the transition for traditional in-person courses as compared to experiential courses or internships and the like. In deciding whether a waiver of strict compliance is appropriate, the Court will take into consideration the challenges faced by law schools during this health emergency and their available resources, as well as the fact that the majority of law students have completed approximately half of the semester via existing learning methods. Questions about the waiver petition process may be directed to Lisa Drury, Court Attorney for Professional Matters, at (518) 455-7760.