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 December, 2015.

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 Part 520 of the Rules of the Court of Appeals for the Admission of Attorneys and Counselors at Law (22 NYCRR Part 520) is amended, effective December 30, 2015, or as soon thereafter as section 52 of the Judiciary Law is complied with, by deleting the bracketed material and adding the underlined material to sections 520.3(c)(4) and 520.6(b)(3)(vii)(a), and by adding a new section 520.18.

§ 520.3 Study of Law in Law School

(c)(4) <u>There shall be no limit on t</u>[T]he total number of credit hours granted for law school clinical courses, field placement programs<u>,</u> [and] externships <u>and other experiential learning courses</u> [, including classroom components, may not exceed 30 of the 83 credit hours required for graduation].

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

(b)(3)(vii)(a) [a maximum of four] credit hours in clinical courses, field placements, externships and other experiential learning courses, [provided:

(1) the clinical course includes a classroom instructional component in order to ensure contemporaneous discussion, review and evaluation of the clinical experience;

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

(3) the time and effort required and anticipated educational benefit are commensurate with the credit awarded;] and

§520.18 Skills Competency Requirement for Admission

(a) General. Every applicant for admission to practice, other than applicants for admission without examination pursuant to section 520.10 of this Part, or applicants who qualify for the bar examination under section 520.4 or 520.5 of this Part, shall demonstrate that the applicant possesses the skills and values necessary to provide effective, ethical and responsible legal services in this State. An applicant may satisfy this requirement by submitting proof of compliance with one of the following five subdivisions.

(1) Law school certification of competence in skills and professional values.

(i) An applicant may submit from an American Bar Association-approved law school a certification confirming that:

(a) the law school has developed a plan identifying and incorporating into its curriculum the skills and professional values that, in the school's judgment, are required for its graduates' basic competence and ethical participation in the legal profession, as required

by American Bar Association Standards and Rules of Procedure for the Approval of Law Schools Standard 302(b), (c) and (d), and has made this plan publicly available on the law school's website; and

(b) the applicant has acquired sufficient competency in those skills and sufficient familiarity with those values.

(ii) For purposes of this subdivision, a school may certify that an applicant has attained the required skill level if the graduate received a grade that the school considers sufficient to demonstrate competence in courses the school has designated as teaching the skills and professional values needed for basic competence and ethical participation in the legal profession.

(iii) A law school may adopt such other means of assessing its students' achievement of the required skills for purposes of this subdivision, provided the school receives the prior approval of the Court of Appeals.

(2) Law school certification of credit acquisition. An applicant may submit a certification from the applicant's approved law school confirming that the applicant enrolled in and successfully completed 15 credit hours, as defined by American Bar Association Standards for the Approval of Law Schools, of practice-based experiential coursework designed to foster the development of professional competencies. The 15 credits may be earned in whole or half credits.

(i) For purposes of this subdivision, practice-based experiential coursework is coursework that:

(a) develops the concepts underlying the practice competencies being taught;

(b) provides opportunities for performance by the student other than traditional classroom discussion;

(c) provides for regular individualized student feedback from a faculty member; and

(d) provides opportunities for student self-reflection.

(ii) Practice-based, experiential coursework includes, but is not limited to, those courses designated by a school as "experiential courses" under American Bar Association Standards for the Approval of Law Schools.

(iii) A law school may not count toward this requirement the first four credits earned in an introductory first-year legal research and writing class, first-year moot court class, or any combination thereof.

(iv) A student may earn up to six of the fifteen required credits through law school certified non-credit bearing summer employment supervised by an attorney in good standing in any state or territory of the United States or the District of Columbia. The supervising attorney must certify to the law school the beginning and ending dates of the employment, that the student satisfactorily completed the employment, and that the work experience: provided the student with an initial orientation session; implemented a system for assignments that assured that the student was actually engaged in the performance of legal work, including a diversity of tasks, as part of the ongoing practical work of the law office during normal business hours and throughout the required period; provided the student with experience and guidance in the skills and values required for basic competence and ethical participation in the legal profession; gave the student timely oral and written feedback; and engaged the student in reflection on his/her experiences and

learning during the employment. At least 50 hours of full-time employment is required for each substituted credit under this subdivision.

(v) Certification. The certification of an applicant's compliance with this paragraph shall list the courses or parts of courses in the law school curriculum and, if applicable, the work experiences completed by the applicant that meet the 15-credit requirement as set forth herein.

(vi) Alternative method of compliance. If the law school does not submit the certification as required in paragraph (v), the applicant may submit evidence to the Court of Appeals that the requirements of this subdivision have been met by providing a list of the practice-based experiential courses taken by the applicant, the credits awarded, and the course descriptions and/or other information demonstrating that each course meets the requirements of this subdivision. Upon concluding that the applicant has submitted sufficient proof of compliance with this subdivision, the Court shall issue a determination to that effect.

(3) Pro Bono Scholars Program. An applicant who has successfully completed the Pro Bono Scholars Program as prescribed in section 520.16 of this Part shall be deemed to have met the skills competency requirement.

(4) Apprenticeship. An applicant may complete a six-month full-time paid or unpaid apprenticeship in a law office in the United States, under the supervision of one or more attorneys who have, for at least two years, been admitted to practice and in good standing in the jurisdiction where the apprenticeship occurs. For an applicant who is unable to secure an apprenticeship in the United States, the applicant may complete the

apprenticeship in a law office in another country, territory or commonwealth outside the continental United States, 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 that country, territory or commonwealth. In countries, territories or commonwealths that permit the practice of law without formal admission, supervision by a law graduate who has not been formally admitted to the bar may suffice as long as the supervisor is authorized to engage in the relevant practice under the jurisdiction's rules, is in full compliance with the jurisdiction's rules, and has had at least two years of experience in the relevant practice.

(i) Timing. The apprenticeship shall be continuous for the six-month period, and shall commence after the conclusion of the applicant's law studies, except that an applicant who is required to complete an LL.M. program at an approved law school pursuant to section 520.6(b) of this Part may complete the apprenticeship before commencing the LL.M. program. The apprenticeship must be completed in its totality within the three-year application filing deadline provided in section 520.12(d) of this Part.

(ii) Supervisor responsibilities. Apprenticeship supervisors are responsible for (1) certifying the beginning and ending dates of the apprenticeship; (2) providing the applicant with an initial orientation session; (3) implementing a system for assignment that assures that the applicant is actually engaged in the performance of legal work, including a diversity of tasks, as part of the ongoing practical work of the law office during normal business hours and throughout the required period; (4) providing the applicant with experience and guidance in the skills and values required for basic

competence and ethical participation in the legal profession; (5) giving timely oral and written feedback to the applicant; (6) engaging the applicant in reflection on his/her experiences and learning during the apprenticeship; and (7) certifying that the preceding elements have been complied with, and that the applicant has satisfactorily completed the apprenticeship.

(iii) Any apprenticeship completed under this paragraph shall be conducted in compliance with all applicable federal, state and local laws and regulations.

(5) Practice in another jurisdiction. An applicant who has been authorized to practice law in another United States jurisdiction or any other country, territory or commonwealth outside the continental United States may satisfy the skills competency requirement by establishing and submitting proof that the applicant has been in good standing and practiced law in that jurisdiction full-time for at least one year or half-time for two years following the applicant's authorization to practice. Prior legal practice may qualify even if it occurred without formal admission to the bar if the applicant engaged in lawful practice in a country, territory or commonwealth that permits legal practice without formal admission to the bar, and if the prior practice was for at least one year or half-time for two years, in full compliance with the jurisdiction's rules. For an applicant who qualifies for the bar exam after completion of an LL.M. degree pursuant to section 520.6 of this Part, the applicant's practice may occur before or after commencement of the LL.M. program.

(b) Proof required. An applicant shall submit to the appropriate Appellate Division department of Supreme Court an Affidavit of Compliance with the Skills Competency

Requirement. The Appellate Division may, in its discretion, require the applicant to submit any additional proof it deems necessary to ensure compliance with this section.

(c) Implementation. For applicants who qualify for the bar examination under section 520.3 of this Part, and for applicants who qualify for the bar examination under section 520.6 of this Part on the basis of their foreign legal education alone, the requirements of this section shall first apply to those commencing their law study after August 1, 2016. For applicants who qualify for the bar examination under section 520.6 of this Part after the completion of a qualifying LL.M. program, the requirements of this section shall first apply to those commencing their LL.M. program after August 1, 2018.