

Announcement: February 2021 Bar Examination - October 21, 2020

In July 2020, as a consequence of the health crisis, the Court made the difficult decision to cancel the September 2020 in-person bar examination. At the same time, Chief Judge DiFiore announced the creation of a Working Group to study the future of the bar exam in New York. The Working Group recommended that, as an emergency measure, New York administer a remote bar exam on October 5 and 6 using materials prepared by the National Conference of Bar Examiners (NCBE). The Court adopted that recommendation.

While the Board of Law Examiners continues to gather and study the data, our preliminary assessment is that, despite the novel procedure, this was a very successful administration of the bar examination. Of the 5,167 applicants who downloaded the exam software and were scheduled to take the remote exam on October 5 and 6, 2020, all but 17 successfully completed the entire exam. The Court thanks the Board and the staff for their hard work and dedication, the exam takers for their patience and perseverance and the New York law schools for their assistance in this process, particularly in making space available for those in need of a suitable testing venue.

Looking ahead to the February 2021 bar exam, on October 19, 2020, the NCBE announced it will make a full set of exam materials available, requiring jurisdictions to choose between an in-person or remote administration of the February exam. Although the Court originally anticipated that a remote exam would be administered on a one-time basis, the threat posed by the pandemic has not abated sufficiently to permit the Board to safely conduct in-person testing of large numbers of bar applicants in New York, and it is therefore necessary to again consider a remote option. Accordingly, in consultation with the Board of Law Examiners and the Chair of the Working Group, the Hon. Howard A. Levine, and at the urging of the Deans of the New York law schools, the Court has determined that New York will administer a remote bar exam in February 2021. Details concerning the eligibility criteria and registration process for the February exam will be announced shortly by the Board of Law Examiners. Our goal remains a safe and secure administration for all those involved.

Rule 520.8 and 520.12 Waiver Order

The Court of Appeals has issued an order waiving strict compliance with the requirements of section 520.8 and 520.12 of the Rules for the Admission of Attorneys and Counselors at Law (22 NYCRR 520.8 and 520.12) to permit the New York State Board of Law Examiners to replace the Uniform Bar Examination with the Emergency Remote Testing Option to be offered by the National Conference of Bar Examiners on October 5-6 and to require an applicant who passes the Emergency Remote Testing Option to complete an application for admission within one year from the date when such applicant sits for the second day of the Emergency Remote Testing Option. A copy of the order is attached.

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 29th
day of July, 2020.*

Present, HON. JANET DiFIORE, Chief Judge presiding.

Temporary Waiver of Strict Compliance with certain provisions of Sections 520.8 and 520.12 of the Rules for the Admission of Attorneys and Counselors at Law (22 NYCRR 520.8 and 520.12).

ORDER

WHEREAS, the Court of Appeals recognizes that ongoing public health and safety concerns resulting from the coronavirus health emergency preclude the in-person administration of the New York State Bar Examination originally scheduled for July 2020; and

WHEREAS, the Court of Appeals seeks to provide an expeditious pathway to licensure for law graduates while ensuring public protection and preserving the integrity of the legal profession, it is

ORDERED, that strict compliance with the requirements of section 520.8 and 520.12 of the Rules for the Admission of Attorneys and Counselors at Law (22 NYCRR 520.8 and 520.12) is hereby waived to the extent that the New York State Board of Law Examiners shall be permitted to replace the Uniform Bar Examination with the Emergency Remote Testing Option to be offered by the National Conference of Bar Examiners on October 5-6, 2020; and it is further

ORDERED, that the Time to File Admission Application requirements of section 520.12 are hereby waived to the extent that an applicant who passes the Emergency Remote Testing Option must file a complete application for admission within one year from the date when such applicant sits for the second day of the Emergency Remote Testing Option; and it is further

ORDERED, that upon satisfying the Rules of this Court in all other respects, failure to comply with the above referenced provisions shall not bar any such applicant from being admitted to the New York bar.

Announcement: Membership of the Working Group on the Future of the Bar Examination - August 11, 2020

On July 16, 2020, following the Board of Law Examiner's decision to cancel the planned September 2020 administration of the Uniform Bar Examination (UBE) as a consequence of the public health crisis, Chief Judge DiFiore announced the creation of a Working Group to study the future of the bar examination. Under the leadership of its Chair, retired Court of Appeals Judge Howard A. Levine, the Working Group was immediately tasked with examining whether emergency measures should be taken to address the disruption experienced by aspiring attorneys in New York, including whether New York should participate in the remote testing option offered by the National Conference of Bar Examiners (NCBE). On July 23, 2020, the Court of Appeals announced that the Working Group (comprised of Judge Levine, Justice Erin M. Peradotto, Seymour James, Esq., and Matthew Biben, Esq.) had issued a comprehensive report recommending, in light of the exigencies presented by the pandemic, that New York administer the October 2020 remote examination offered by the NCBE on a one-time basis - a recommendation that was promptly adopted by the Court.

As the Working Group now turns its attention to its broader mission of evaluating the primary assessment tool for New York bar applicants (presently the UBE) as well as other proposed metrics for bar admission, Chief Judge DiFiore is pleased to announce the addition of nine new members: Hon. Richard C. Wesley, Judge, United States Court of Appeals for the Second Circuit (former Judge of the New York Court of Appeals); Hon. Alan D. Scheinkman, Presiding Justice, Appellate Division, Second Department; Hon. Randy F. Treece, Magistrate Judge (ret.), United States District Court for the Northern District of New York; Jennifer Beckage, Beckage PLLC; John M. Desmarais, Desmarais LLP; Dean John D. Feerick, Fordham University School of Law; Caitlin Halligan, Selendy & Gay PLLC; James J. Wisniewski, Law Clerk to Judge Catherine Leahy-Scott, New York Court of Claims; and Mark C. Zauderer, Ganfer, Shore, Leeds & Zauderer LLC. With Judge Levine at the helm, this extraordinary group of distinguished Judges and attorneys -- reflecting a wide range of experience in the judiciary, public service, private practice and legal academia - is well-positioned to examine the efficacy of the UBE and to explore innovative methods of adapting our professional licensure process to ensure an equitable and responsible path to attorney admission that maintains the high standards of the New York bar and continues to fulfill the core objective of protecting the public.

Bar Examination Update - July 23, 2020

Over the past several months, the Board of Law Examiners worked to achieve a safe administration of the Uniform Bar Examination on September 9-10. However, on July 16, having determined that the plan for a socially-distanced in-person examination, developed with the support and generosity of the New York law school deans, had become impractical, the Board made the difficult decision to cancel the September administration of the exam. Because public health conditions across the country have not adequately abated and the pandemic remains an active and ongoing threat to public health in a growing number of states, at this juncture an in-person examination is not a viable option.

In anticipation of this possibility, working with the Presiding Justices of the Appellate Division, the Court of Appeals developed a temporary practice authorization program permitting eligible law school graduates to engage in the supervised practice of law, which is now up and running in each of the Appellate Division Departments.

Additionally, Chief Judge DiFiore assembled a Working Group, chaired by retired Court of Appeals Judge Howard A. Levine, to study the future of the bar exam in New York. As its first undertaking, members of the Working Group were tasked with studying whether immediate, emergency measures are necessary to address the disruption experienced by aspiring attorneys in New York. Under the leadership of Judge Levine, the Working Group has issued a comprehensive report and several recommendations addressing these urgent issues.

Initially, the Working Group evaluated the necessity of alternative pathways to licensure, noting the availability of the temporary practice authorization program and expressing a preference to postpone examination until February 2021. But this alternative was rejected because of the uncertainty associated with holding an in-person examination at that time. Ultimately, in light of the exigencies presented by the pandemic, the Working Group recommended that New York administer, on a one-time basis, the emergency remote testing option to be offered by the NCBE on October 5-6. While acknowledging the shortcomings of the remote exam - including its experimental nature - the Working Group, in consultation with technology, security and psychometric experts, discussed proactive measures to ensure broad access, mitigate security risks and establish a reliable grading methodology. In addition, although it did not take a position on the issue, the Working Group recommended that the Court and the Board evaluate the wisdom of reciprocity arrangements that would permit candidates to transfer their remote exam scores across jurisdictions. The Working Group rejected a temporary diploma privilege option, noting that the bar exam provides critical assurance to the public that admitted attorneys meet minimum competency requirements, emphasizing New York's immense candidate pool as well as the degree of variation in legal curricula across the country.

The Court commends the Working Group for its prompt and thoughtful consideration of how best to address the pressing challenges posed by the health crisis and has accepted these recommendations. New York will participate, with appropriate safeguards, in the remote bar examination to be administered on October 5-6. Candidates registered for the September exam will be automatically registered for

the October remote exam. The Court and the Board will also give careful consideration to waiver requests by JD candidates who graduated in 2019 or later, previously took the bar examination in New York and failed no more than two times and who wish to sit for the online examination. Further, the Board will make reasonable efforts to address technological or testing space issues for candidates who promptly seek assistance in advance of the examination. Further information regarding the remote exam will be posted as it becomes available. Please continue to monitor this website, as well the Board of Law Examiners' website, for additional updates.

Bar Examination & Temporary Practice Order Update - July 16, 2020

On July 16, 2020, the Board of Law Examiners made the difficult decision to cancel the September 9-10 administration of the bar examination in New York. The Board arrived at this decision after careful consideration of current conditions and with a singular focus on the health and safety of all participants. Unfortunately, the global pandemic presents a persisting threat in a growing number of states and therefore, at this juncture, an in-person exam is not yet a safe or practical option in New York.

The Court of Appeals commends the members of Board of Law Examiners, ably lead by Diane Bosse, for their tireless efforts to administer the bar exam under these difficult circumstances and for their considered decision to suspend the September exam. The Court is also appreciative of the input and cooperation of the Deans of New York's fifteen law schools, who generously offered their facilities in order to make possible the Board's redesigned exam administration.

Because suspension of the September exam has always been a real possibility, the Court has proceeded on dual tracks: working towards a safe administration of the exam while simultaneously developing contingencies to ameliorate the effects of further postponement. As previously announced, the Chief Judge has approved a program designed to provide temporary authorization for qualified law graduates to engage in the supervised practice of law. To formally implement the program, the Court has amended its rules, effective July 22. As provided in the Court's amended rules, the temporary authorization program is available to all first-time takers of the bar examination employed in New York, including both J.D. and LL.M. candidates, irrespective of their graduation year. Once authorized, eligible candidates will be permitted to work under a qualified supervising attorney prior to their admission to the bar and to perform, subject to supervision, many of the functions of admitted attorneys across the State. Candidates may remain in the program through their formal admission to the bar, so long as candidates pass their first bar examination no later than 2021 and promptly seek admission to the bar following the release of exam results. The Court's order is attached.

A standardized and streamlined application process has been developed to enable candidates to swiftly secure temporary authorization to practice. Qualified candidates may apply for authorization through the department of the Appellate Division in which they expect to be certified for admission by the New York State Board of Law Examiners. Application forms and related information can be found on each Department's website. The Appellate Division will begin processing applications on July 22, when the Court's amended rules take effect.

In addition, the Chief Judge has assembled a Working Group, to be chaired by retired Court of Appeals Judge Howard A. Levine, to study the future of the bar exam in New York. The Working Group has been tasked with evaluating, in a comprehensive manner, the primary assessment tool for New York bar applicants (presently, the Uniform Bar Examination) as well as other proposed metrics for bar admission -

including a fully remote bar exam and a diploma privilege, among other alternatives. Relevant considerations will include health and safety, feasibility, equality, security, and the reliability of each proposed alternative as an accurate measure of an applicant's proficiency. As its first priority, the Working Group will evaluate the emergency remote testing option to be offered by the NCBE on October 5-6 and endeavor to reach a recommendation by early August. This important work will explore innovative methods of adapting our professional licensure process in a responsible manner as we emerge from the most acute stages of this crisis.

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 1st day of July, 2020.

Present, HON. JANET DiFIORE, Chief Judge presiding.

In the Matter

of

The Amendment of the Rules of the Court of Appeals to add a new Part 524 thereof for the Temporary Authorization of Certain Law Graduates to Engage in the Supervised Practice of Law in New York.

Pursuant to section 53 of the Judiciary Law, it is hereby

ORDERED that the Rules of the Court of Appeals are amended, effective July 22, 2020, or as soon thereafter as section 52 of the Judiciary Law is complied with, by adding a new Part 524 thereof pertaining to the Temporary Authorization of Certain Law Graduates to Engage in the Supervised Practice of Law in New York. Part 524 provides as follows:

RULES OF THE COURT OF APPEALS FOR THE TEMPORARY
AUTHORIZATION OF CERTAIN LAW GRADUATES TO ENGAGE IN THE
SUPERVISED PRACTICE OF LAW IN NEW YORK

524.1 Temporary authorization for supervised practice of law.

The Appellate Division of the Supreme Court, in its discretion, may authorize certain law school

graduates to engage in the supervised practice of law in accordance with the provisions of this Part. These provisions have been adopted in recognition of the impact of the coronavirus health emergency, including the postponement of the July 2020 New York State bar examination.

524.2 Eligibility of law graduates for temporary authorization.

To be eligible for authorization to engage in the supervised practice of law pursuant to this Part, the applicant must:

- (a) have received a first degree in law or LL.M. degree from a law school that is approved by the American Bar Association,
- (b) be qualified to take the New York State bar examination pursuant to the Rules for the Admission of Attorneys and Counselors-at-Law (22 NYCRR Part 520),
- (c) not have previously failed a bar examination in New York or any other state or territory of the United States, or in the District of Columbia, and
- (d) be employed to engage in the practice of law in New York.

524.3 Scope of supervised practice.

(a) With the approval of the Appellate Division of the Supreme Court, the applicant is authorized to perform, under the supervision of a supervising attorney and subject to the terms of the order of the Appellate Division of the Supreme Court, and subject to the limitations set forth in paragraph (b) below, the functions of an attorney and counselor-at-law throughout the State.

(b) Limitations on authorized practice.

(1) A supervising attorney shall be actually present to supplement or correct any written or oral statement, or any action of the applicant in all (i) examinations before trial and (ii) cases in which the applicant appears before a court, except for routine calendar calls. If a supervising attorney is

not available and present, the matter may not proceed. For routine calendar calls, a supervising attorney shall be immediately available to appear should the need arise. In all circumstances, the applicant's appearance shall be on notice to the jurist before whom the appearance is made.

(2) A supervising attorney must approve the final versions of all legal and litigation documents drafted by the applicant, and the supervising attorney's name must appear thereon. Where a signature is required by section 130 of the Rules of the Chief Administrator of the Courts (22 NYCRR Part 130), the paper shall be signed by a qualified supervisor.

(3) The applicant may not open or maintain any attorney escrow account and may not be a signatory on any attorney escrow account.

(4) The applicant may not finally dispose of any matter without the prior approval of a supervising attorney.

(5) Whenever appearing before the Court of Appeals or the Appellate Division of the Supreme Court, the applicant must secure prior Court approval.

(c) Nothing in this Part shall be construed to limit any authority to practice law pursuant to other rules or laws of this State.

524.4 Supervising attorney.

For purposes of section 524.3, a supervising attorney must be an attorney duly admitted to practice in the State of New York for a period of at least three years and who is in good standing of the bar of the State of New York.

524.5 Application for authorization.

The applicant shall apply for authorization to the Appellate Division of the Supreme Court in the department in which the applicant expects to be certified for admission by the New York State

Board of Law Examiners pursuant to section 520.7(a) of the Rules of the Court of Appeals for the Admission of Attorneys and Counselors-at-Law (22 NYCRR 520.7[a]). The application shall be supported by an employer affidavit certifying understanding of this Part's requirements and compliance therewith.

524.6 Disciplinary authority.

An applicant who practices law temporarily in this State pursuant to this Part shall be subject to the New York Rules of Professional Conduct and to the disciplinary authority of this State in connection with such temporary practice to the same extent as if the applicant were admitted or authorized to practice in the State. A grievance committee may report complaints and evidence of a disciplinary violation against an applicant practicing temporarily pursuant to this Part to the department of the Appellate Division of the Supreme Court in which the applicant applied for authorization.

524.7 Termination of authorization.

Authorization granted under the provisions of this Part shall terminate upon the first to occur of the following:

- (a) revocation of this Part,
- (b) revocation of authorization, for good cause, by the Appellate Division of the Supreme Court,
- (c) termination of the applicant's employment to engage in the practice of law in New York,
- (d) notification that the applicant has failed to pass a bar examination administered in New York or any other state or territory of the United States, or in the District of Columbia,
- (e) failure of the applicant to sit for an administration of the Uniform Bar Examination by

August 2021,

(f) failure of the applicant to submit a completed Application for Admission to Practice as an Attorney and Counselor-at-Law in the State of New York to the applicable Appellate Division of the Supreme Court within four weeks of notification that the applicant has passed the Uniform Bar Examination or failure, following the submission of such completed Application, to timely respond to any request for additional materials, or

(g) notification that a recommendation has been made to the applicable Committee on Character and Fitness to disapprove the applicant's application for admission.

Academic & Bar Dispensations – June 4, 2020

The Court of Appeals has approved a number of dispensations to alleviate the challenges presented by the public health crisis. On April 21, the Chief Judge signed a comprehensive order providing for, among other things, a programmatic waiver of distance learning limitations that enabled law students to continue their coursework virtually. That waiver applied broadly to all categories of students, including J.D. students, LL.M. students, and students who have completed fewer than 28 credit hours. Pursuant to the distance learning waiver, any classroom-based course that has been converted to a virtual course as a result of the public health crisis will count fully as a classroom-based course - not a distance education course.

Today, the Chief Judge signed an order extending the waiver of distance learning limitations through the Fall 2020 term. The extended waiver similarly applies to all categories of students, including J.D. students, LL.M. students, and students who have completed fewer than 28 credit hours. The order is [attached](#).

Given the unique considerations presented by LL.M. programs, and the critical nature of the Court's residency requirement for LL.M. students, law schools and students are advised that the Court does not expect to extend the distance learning waiver for LL.M. students beyond the Fall 2020 term. However, to allow increased flexibility, the Chief Judge's order also includes a waiver of the limitation on the number of credit hours that may be earned towards an LL.M. degree during the Summer 2021 term. This additional waiver will enable law schools to offer fully residential LL.M. programs that begin at the start of the Spring 2021 term and continue through a full Summer 2021 term.

The Court is mindful of the disruption and stress felt acutely by law students and law school representatives, and remains committed to addressing each issue in a manner that balances the concerns of affected students and institutions, the interests of the public, and the integrity of the legal profession.

**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 4th day of June, 2020

Present, HON. JANET DiFIORE, *Chief Judge, presiding*

Temporary Waiver of Strict Compliance with certain provisions of Sections 520.3 and 520.6 of the Rules for the Admission of Attorneys and Counselors at Law (22 NYCRR 520.3 and 520.6).

ORDER

WHEREAS, the Court of Appeals recognizes the substantial challenges facing law schools and law students as a result of the coronavirus health emergency; and

WHEREAS, the Court of Appeals seeks to alleviate those hardships, it is

ORDERED, that, for any J.D. student enrolled in any classroom-based course at a law school approved by the American Bar Association during the Fall 2020 semester, which course was converted to a distance education course as a result of the coronavirus health emergency, strict compliance with the distance education provision contained in section 520.3(c)(6) of the Rules for the Admission of Attorneys and Counselors at Law (22 NYCRR 520.3[c][6]), defining distance education, be and the same hereby is waived, such that any converted course need not be counted towards the 15-credit hour limitation on distance education courses contained in section 520.3(c)(6)(i), and that any converted course need not be considered a distance education course for purposes of the prohibition on distance learning courses for students who have not yet completed the equivalent of 28 credit hours toward the first degree in law contained in section 520.3(c)(6)(iii); and it is further

ORDERED, that, for any LL.M. student enrolled in any course at a law school approved by the American Bar Association during the Fall 2020 semester, strict compliance with the provisions contained in section 520.6(b)(3)(v) and 520.6(b)(3)(viii) of the Rules for the Admission of Attorneys and Counselors at Law (22 NYCRR 520.6[b][3][v], [viii]), requiring that all coursework for LL.M. cure programs be completed at the campus of an American Bar Association approved law school in the United States and prohibiting credit for distance learning courses, be and the same hereby is waived; and it is further

ORDERED, that, for any LL.M. student enrolled in an LL.M. program at a law school approved by the American Bar Association during the Summer 2021 semester, strict compliance

with the provision contained in section 520.b(3)(iii) of the Rules for the Admission of Attorneys and Counselors at Law (22 NYCRR 520.6[b][3][iii]), limiting the number of credit hours that may be earned in courses completed during summer semesters to four, be and the same hereby is waived; and it is further

ORDERED, that upon satisfying the Rules of this Court in all other respects, failure to comply with the above-referenced provisions shall not bar any applicant from sitting for the New York bar examination or from being admitted to the New York bar.

Chief Judge Approves Temporary Authorization Program – April 28, 2020

As previously announced, the New York bar examination is presently scheduled for September 9-10, 2020. New York historically hosts, by far, more test-takers than any other UBE jurisdiction, and efforts are ongoing to safely accommodate as many test-takers as possible in September.

However, as the current epicenter of the pandemic in the United States, New York is facing unprecedented constraints. The Court of Appeals is communicating closely with public health officials to ensure that all prudent precautions are observed, and that the health of all participants is appropriately safeguarded. Prevailing guidance indicates that, in September, New York will be affected by ongoing travel restrictions, limitations on large gatherings, and social distancing mandates - constraints that prevent us from maximizing space in our larger testing venues across the state. Seating capacity for the September examination is likely to be limited.

As a result, the application period for the September exam, opening on May 5, will proceed on a rolling basis. Given the significant public health concerns and consequent restrictions that we face, candidates are encouraged to consider taking the Uniform Bar Examination at a later date or in other jurisdictions that may be better positioned to accommodate test-takers. While we understand the considerable stress and uncertainty caused by these limitations, the health and safety of all participants must remain our top priority. Further updates concerning registration for the September exam will be communicated by the Board of Law Examiners in advance of the application period.

To alleviate the hardship on bar applicants, on April 28 the Chief Judge approved a comprehensive and streamlined program designed to provide temporary authorization for qualified law graduates to engage in the limited practice of law. Practice orders promulgated by the Appellate Division departments will allow all covered candidates employed in New York to work under the supervision of a qualified attorney in good standing who has been admitted to practice law in New York for at least three years. Temporary authorization will be available to all first-time takers of the bar examination, including both J.D. and LL.M. candidates, irrespective of their graduation year. The temporary authorization program is intended to carry qualified candidates through their swearing-in date, so long as those candidates pass their first bar examination no later than 2021 and promptly seek admission to the bar following the release of exam results. This program will supplement existing practice order programs that authorize specified candidates to engage in the supervised practice of law, which will be unaffected by this temporary measure. Formal authorization and implementation of the program will follow in the near future.

Our goal is to conduct a safe administration of the bar examination as soon as possible and to facilitate candidates' swift admission to the bar thereafter. In the interim, the temporary authorization program should provide some assurance and stability for law students and recent law graduates eager to join the workforce. The Court is confident that New York employers will continue to exercise patience and flexibility as bar candidates navigate the obstacles presented by this crisis.

Academic & Bar Admission Dispensations – April 21, 2020

This unprecedented public health crisis has introduced considerable uncertainty and disruption into the delivery of legal education, the bar admissions process, and our State's justice system. The Court of Appeals recognizes that the weight of these issues has been felt acutely by law school representatives, recent graduates, and current students, particularly those nearing the completion of their studies. The global pandemic has upended traditional law school instruction, interrupted the bar admissions process, and delayed the administration of the July bar examination.

The Court of Appeals has instituted a number of measures in response to these challenges. On March 31, the Court announced a programmatic waiver of distance learning limitations to enable law students to continue their coursework virtually. That waiver applies broadly to all categories of students, including J.D. students, LL.M. students, and students who have completed fewer than 28 credit hours. Pursuant to the distance learning waiver, any classroom-based course that has been converted to a virtual course as a result of the public health crisis will count fully as a classroom-based course - not a distance education course. If necessary, the Court is prepared to further extend the waiver of distance learning limitations, including into the Fall 2020 term.

On April 21, the Court considered and approved a number of additional dispensations related to law school instructional requirements and the bar admissions process. First, the Court is implementing a programmatic waiver of the full-time pro bono work requirement and the corresponding academic component of the Pro Bono Scholars Program (22 NYCRR 520.17 [c] [2] and 520.17 [c] [3]) for those enrollees expected to graduate in Spring 2020. The feasibility of the Pro Bono Scholars Program for the 2020-2021 academic term will be evaluated at a future date.

The Court also decided to temporarily waive several additional bar admission requirements for Spring 2020 graduates, including the Pro Bono Requirement for Bar Admission (22 NYCRR 520.16) and the Skills Competency Requirement for Admission (22 NYCRR 520.18). While applicants must still successfully complete the New York Law Course (NYLC) and the New York Law Examination (NYLE), the requirement that applicants complete the NYLC and pass the NYLE no earlier than one year before sitting for the Uniform Bar Examination (22 NYCRR 520.9 [a] [2] [ii] and 520.9 [a] [3] [ii]) will be temporarily waived for any applicant who fulfilled the NYLC and NYLE requirements after July 2019 and who first sits for the Uniform Bar Examination no later than 2021. The order is attached. The Court has also approved the relaxation of specified application guidelines, including certain notarization requirements, original document requirements, and timing requirements. Those changes will be implemented through the Board of Law Examiners and the four Departments of the Appellate Division. A statement from the Appellate Division Presiding Justices on changes to bar admission practices in accordance with April 21, 2020 announcement of the Court of Appeals is attached.

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 21st day of April, 2020.

Present, HON. JANET DiFIORE, Chief Judge presiding.

Temporary Waiver of Strict Compliance with certain provisions of Sections 520.3, 520.6, 520.9, 520.16, 520.17, and 520.18 of the Rules for the Admission of Attorneys and Counselors at Law (22 NYCRR 520.3, 520.6, 520.9, 520.16, 520.17, and 520.18).

ORDER

WHEREAS, the Court of Appeals recognizes the substantial challenges facing law schools, law students, and recent law graduates as a result of the coronavirus health emergency; and

WHEREAS, the Court of Appeals seeks to alleviate those hardships, it is

ORDERED, that, for any J.D. student enrolled in any classroom-based course at a law school approved by the American Bar Association during the Spring 2020 and/or Summer 2020 semesters, which course was converted to a distance education course as a result of the coronavirus health emergency, strict compliance with the distance education provision contained in section 520.3(c)(6) of the Rules for the Admission of Attorneys and Counselor at Law (22 NYCRR 520.3[c][6]), defining distance education, be and the same hereby is waived, such that any converted course need not be counted towards the 15-credit hour limitation on distance education courses contained in section 520.3(c)(6)(i), and that any converted course need not be considered a distance education course for purposes of the prohibition on distance learning courses for students who have not yet completed the equivalent of 28 credit hours toward the first degree in law contained in section 520.3(c)(6)(iii); and it is further

ORDERED, that, for any LL.M. student enrolled in any course at a law school approved by the American Bar Association during the Spring 2020 and/or Summer 2020 semesters, strict compliance with the provisions contained in section 520.6(b)(3)(v) and 520.6(b)(3)(viii) of the Rules for the Admission of Attorneys and Counselor at Law (22 NYCRR 520.6[b][3][v], [viii]), requiring that all coursework for LL.M. cure programs be completed at the campus of an American Bar Association approved law school in the United States and prohibiting credit for distance learning courses, be and the same hereby is waived; and it is further

ORDERED, that, for any applicant who successfully completed the New York Law Course and passed the New York Law Exam after July 2019 and who first sits for the Uniform Bar Examination no later than 2021, strict compliance with the timing limitation of section

520.9(a)(2)(ii) of the Rules of the Court of Appeals for the Admission of Attorneys and Counselors at Law (22 NYCRR 520.9[a][2][ii]), providing that an applicant must demonstrate to the State Board of Law Examiners that the applicant has completed the New York Law Course no earlier than one year before the date on which the applicant first sits for the Uniform Bar Examination, be and the same hereby is waived; and it is further

ORDERED, that, for any applicant who successfully completed the New York Law Course and passed the New York Law Exam after July 2019 and who first sits for the Uniform Bar Examination no later than 2021, strict compliance with the timing limitation of section 520.9(a)(3)(ii) of the Rules of the Court of Appeals for the Admission of Attorneys and Counselors at Law (22 NYCRR 520.9[a][3][ii]), providing that an applicant must demonstrate to the State Board of Law Examiners that the applicant has taken the New York Law Examination no earlier than one year before the date on which the applicant first sits for the Uniform Bar Examination, be and the same hereby is waived; and it is further

ORDERED that, for any Spring 2020 J.D. or LL.M. graduate, strict compliance with the requirements of section 520.16 of the Rules of the Court of Appeals for the Admission of Attorneys and Counselors at Law (22 NYCRR 520.16), requiring the completion of at least 50 hours of qualifying pro bono service prior to filing an application for bar admission, and requiring the filing of proof of compliance, be and the same hereby is waived; and it is further

ORDERED, that, for any Spring 2020 graduate enrolled in the Pro Bono Scholars Program, strict compliance with the Program requirements contained in section 520.17(c)(2), section 520.17(c)(3), and section 520.17(d) of the Rules for the Admission of Attorneys and Counselor at Law (22 NYCRR 520.17[c][2], [c][3], [d]), requiring that participants in the Program complete at least 12 weeks of full-time pro bono work, complete a concomitant academic component at an approved law school, and earn at least 12 academic credits for participation in the program, be and the same hereby is waived; and it is further

ORDERED, that for any Spring 2020 J.D. or LL.M. graduate, strict compliance with the requirements of section 520.18 of the Rules of the Court of Appeals for the Admission of Attorneys and Counselors at Law (22 NYCRR 520.18), mandating proof of compliance with the skills competency requirement for admission, be and the same hereby is waived; and it is further

ORDERED, that upon satisfying the Rules of this Court in all other respects, failure to comply with the above-referenced provisions shall not bar any applicant from sitting for the New York bar examination or from being admitted to the New York bar.

**Appellate Division
Supreme Court of the State of New York**

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SECOND JUDICIAL DEPARTMENT
45 MONROE PLACE
BROOKLYN, NEW YORK 11201

FOURTH JUDICIAL DEPARTMENT
50 EAST AVENUE
ROCHESTER, NEW YORK 14604

STATEMENT FROM THE PRESIDING JUSTICES
BAR ADMISSION PRACTICES
APRIL 27, 2020

On April 21, 2020, the Court of Appeals instituted a number of measures in response to the challenges posed to legal education and the bar admissions process by the unprecedented public health crisis now impacting our State and Nation. Several of the Court's actions require implementation by the Appellate Division which is charged with the responsibility for the determination of individual admission applications.

The following changes apply in all Departments of the Appellate Division:

1. In accordance with the April 21, 2020 directive of the Court of Appeals, applicants for bar admission who graduate from law school in Spring 2020 shall not be required to provide an affidavit attesting to compliance with the Pro Bono requirement (22 NYCRR §520.16).
2. In accordance with the April 21, 2020 directive of the Court of Appeals, applicants for bar admission who graduate from law school in Spring 2020 shall not be required to provide any documents relating to the Skills Competency Requirement, including but not limited to affidavits attesting to compliance with the Skills Competency Requirement and law school and supervisor certifications (see 22 NYCRR §520.18).
3. In accordance with the April 21, 2020 directive of the Court of Appeals, participants in the Pro Bono Scholars program who graduate law school in Spring 2020 are not required to submit proof of successful completion of the Pro Bono Scholars Program (see 22 NYCRR §520.17[f]); however, proof of law school graduation is still required (see 22 NYCRR §520.5).
4. The application for admission to the bar must be in affidavit form, executed either in person before a notary public or other person authorized to administer oaths or executed pursuant to Executive Order 202.7, as it exists or as it may be extended (see generally Guidance for Notaries Under Executive Order 202.7 at https://www.dos.ny.gov/licensing/notary/DOS_COVID19_RemoteNotaryGuidance.pdf).
5. Any other document otherwise stated to be required in affidavit form may be submitted in the form of an affirmation made under penalty of perjury.

6. The requirement that only original documents may be submitted has been revised to permit submission of applications and supporting documents in digital (pdf) format, provided that the applicant represents that the digitized document is a complete and accurate representation of the original and that the Committees on Character and Fitness, and the Appellate Division, reserve the right to request the production of the original.



Rolando T. Acosta
R.T.A.

Hon. Rolando T. Acosta
Presiding Justice
Appellate Division, First Department



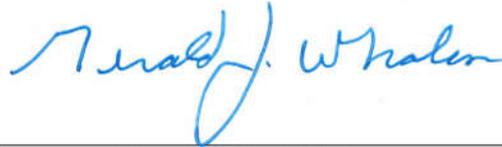
Elizabeth A. Garry

Hon. Elizabeth A. Garry
Presiding Justice
Appellate Division, Third Department



Alan D. Scheinkman

Hon. Alan D. Scheinkman
Presiding Justice
Appellate Division, Second Department



Gerald J. Whalen

Hon. Gerald J. Whalen
Presiding Justice
Appellate Division, Fourth Department

ADDITIONAL STATEMENT FROM THE PRESIDING JUSTICES OF THE FIRST AND SECOND DEPARTMENTS
BAR ADMISSION PRACTICES
APRIL 27, 2020

In addition to the changes made today by all Departments, the following additional changes have been instituted in the Appellate Division, First and Second Departments:

1. The requirement that affidavits (or affirmations) of legal employment must be dated no earlier than 60 days prior to the filing of the bar admission application has been eliminated.
2. The requirement that proof of moral character be dated no earlier than 60 days prior to the filing of the bar admission application may be waived by the Committees on Character and Fitness such that documents bearing earlier dates may be accepted in the discretion of the Committees.



Hon. Rolando T. Acosta
Presiding Justice
Appellate Division, First Department



Hon. Alan D. Scheinkman
Presiding Justice
Appellate Division, Second Department

Academic & Bar Admission Requirements – 2020

April 9, 2020 Update: Contingency Planning

As previously announced, the July 2020 bar examination is presently rescheduled for September 9-10, 2020. Every effort is being made to ensure the safe and smooth administration of that examination.

The Court of Appeals recognizes, however, the possibility that persisting public health concerns may prevent the administration of a fall bar examination in New York. We share the concerns expressed to us by the valued members of our legal community - law students, law school representatives, legal employers, and clients, among others - regarding lingering uncertainties and the immense challenges that may result from further postponement. We value your input and remain committed to addressing your concerns in a manner that balances the interests of the public, the integrity of the legal profession, and the needs of recent law school graduates eager to join the workforce.

To that end, we are actively considering a number of contingencies in the event that further postponement of the bar examination becomes necessary. The Chief Judge has convened a working group, led by Associate Judge Michael J. Garcia, to evaluate potential solutions and prepare for possible eventualities. The working group is exploring the possibility of expanding the use of practice orders, among other means of providing temporary authorization for recent graduates to engage in the limited practice of law. We expect to communicate further developments as expeditiously as possible.

March 31, 2020: The Court of Appeals met and decided to seek to have the rescheduled July Bar Examination administered in early September, shortly before or after the September 7, 2020 Labor Day holiday. While every effort will be made to reschedule the Bar Examination in early September, the Court recognizes that logistical and other challenges may prevent administration at that time, which may in turn delay the ability of spring 2020 law graduates to engage in full legal employment. Therefore, the Chief Judge on behalf of the Court will also explore the expansion of authority for practice orders that allow law graduates who meet specified criteria to engage in certain law practice under supervision of licensed attorneys. The expansion contemplated would allow private sector attorneys and law firms, as well as government offices and legal aid organizations, to apply to the Appellate Division for practice orders, and to allow such orders to include law graduates who are awaiting the administration of the first bar examination following their graduation, as well as law graduates who are awaiting results of the Bar Examination and meet the required criteria.

New York State Bar Exam Rescheduled for Fall 2020

On March 27, 2020, the Court of Appeals announced that the New York State Bar Examination will not be administered on July 28-29, 2020 as previously scheduled. The Bar Examination will be rescheduled for dates in the fall, to be determined. When available, the Board of Law Examiners will announce the rescheduled dates for the examination and for the application filing period.

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 fifteenth day of
September, 2023.*

Present, HON. ROWAN D. WILSON, *Chief Judge, presiding*

Temporary Waiver of Strict Compliance with certain provisions of Sections 520.3 and 520.6 of the Rules for the Admission of Attorneys and Counselors at Law (22 NYCRR 520.3 and 520.6).

ORDER

WHEREAS, the Court of Appeals recognizes the continuing challenges posed by the coronavirus pandemic, including those related to mandatory quarantine requirements; and

WHEREAS, despite these challenges, the Court of Appeals remains committed to ensuring compliance with the limitations on distance learning contained in sections 520.3(c)(6) and 520.6(b)(3)(viii) of the Rules for the Admission of Attorneys and Counselors at Law (22 NYCRR 520.3[c][6] and 520.6[b][3][viii]); and

WHEREAS, the Court of Appeals expects that law schools will make all reasonable and practicable efforts consistent with the challenges noted above to comply with the distance learning limitations contained in sections 520.3(c)(6) and 520.6(b)(3)(viii) of the Rules for the Admission of Attorneys and Counselors at Law (22 NYCRR 520.3[c][6] and 520.6[b][3][viii]), including by promulgating and documenting formal policies providing for reasonable quarantine requirements and accommodations pursuant to the Americans with Disabilities Act or other law requiring accommodation;

WHEREAS, the Court of Appeals expects that law schools will document and maintain a record of all instances in which a school permits a student's remote participation in a non-distance

education course for which the credits will not be counted towards the distance learning limitations in sections 520.3(c)(6) and 520.6(b)(3)(viii) of the Rules for the Admission of Attorneys and Counselors at Law (22 NYCRR 520.3[c][6] and 520.6[b][3][viii]); it is

ORDERED, that, for the 2023-2024 academic year, when a student or faculty member is required to attend in-person courses remotely due to mandatory COVID-19 quarantine requirements, such courses will not be considered “distance education” courses for purposes of sections 520.3(c)(6) and 520.6(b)(3)(viii) (22 NYCRR 520.3[c][6] and 520.6[b][3][viii]), as long as all students and faculty not subject to mandatory COVID-19 quarantine requirements attend the courses in person; and it is further

ORDERED, that, for the 2023-2024 academic year, when a student has been granted an accommodation under the Americans with Disabilities Act or another law requiring accommodation, which accommodation permits a student to attend in-person courses remotely, such courses will not be considered “distance education” courses for purposes of sections 520.3(c)(6) and 520.6(b)(3)(viii) (22 NYCRR 520.3[c][6] and 520.6[b][3][viii]) for either the accommodated students or the other students as long as the other students and faculty attend the courses in person.