

Pathways to NY Bar Exam

Rule 520.18 of the Rules of the Court of Appeals lays out a **Skills Competency Requirement** for Admission to the Bar in New York State. In part:

(a) General. Every applicant for admission to practice... 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.

While this requirement applies to applicants commencing a JD degree after August 1, 2016, for foreign applicants who qualify for the bar exam only after completing an LL.M. program at an ABA-approved law school, the skills competency and professional values requirement first applies to those commencing their LL.M. programs after August 1, 2018. This delayed implementation date is intended to provide law schools time to develop appropriate skills and values offerings for LL.M. students.

Pathway 1:

Under 520.18

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.

If a College of Law chooses to certify applicants under Pathway 1, the following important additional information has been issued:

- Pathway 1 requires more than current ABA Standard 303(a) (3). (6 credits of experiential learning). Specifically, the law school must

- (1) “separately develop 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, and
- (2) publish that plan on the law school’s website.”
- The school also must certify that the particular bar applicant has “acquired sufficient competency in those skills and familiarity with those values.” Thus, law schools must individually assess each applicant to determine if the applicant has acquired the requisite skills and is sufficiently familiar with the values of the profession. Compliance with ABA Standard 303 therefore is not a “safe harbor” under the rule.
 - Rule 520.18(a) (1) does not specify the number of credits necessary to establish compliance with pathway 1. The law school must determine whether the applicant has completed sufficient credits to meet the requirements of this pathway.
 - No core courses are required- Pathway 1 vests with law schools the discretion to determine the courses that will impart the professional skills and values necessary for the competent and ethical practice of law.
 - No specific letter grade is required in these courses to be certified.
 - Plans do not need to be pre-approved, but the Court will review plans, as appropriate, to ensure compliance. Accordingly, law schools should ensure that their websites provide an accurate and up-to-date version of the school’s plan.

The NSU College of Law Pathway One Plan appears on the next page.



New York State Skills Competency Requirement for Admission of Attorneys

Pathway One Plan

In December 2015, the New York Court of Appeals adopted Rule 520.18 modifying the requirements for admission to the New York Bar by creating a Skills Competency Requirement which is distinct and separate from the ABA Accreditation Standard 303 requiring students complete at least 6 credit hours of experiential learning classes. This requirement is applicable to all students who begin their J.D. studies in August 2016 or later and seek to qualify for admission to the New York Bar, and requires that any applicant “possesses the skills and values necessary to provide effective, ethical and responsible legal services.”

The Shepard Broad College of Law has identified the skills and professional values which are required for our graduates’ “basic competence and ethical participation in the legal profession” under the rule, and designated where in the curriculum those skills and professional values are taught and assessed.

Skill	Courses
Demonstrate a fundamental knowledge of substantive legal doctrine (e.g., case law, legal concepts, legal principles, regulations and statutes).	All doctrinal courses including all required courses*
Identify legal issues and apply legal reasoning and analysis to solve problems in a logical and structured manner to issues covered in this course.	All doctrinal courses including all required courses* Pro Bono legal activities Clinical, Field Placements or Workshop offerings
Communicate orally or in writing, or both, the legal reasoning and analysis regarding issues.	LRW I and II Upper Level Writing Requirement Pro Bono legal activities
Research legal issues thoroughly and efficiently.	LRW I and II Upper Level Writing Requirement

	Clinical, Field Placements or Workshop offerings
Demonstrate a proficiency in reading critically all materials.	All doctrinal courses including all required courses*
Understand the obligation to adhere to the values of the legal profession (e.g., (1) providing of competent representation, (2) striving to promote justice, fairness, and morality, (3) striving to improve the profession, and (4) engaging in professional self-development).	Required Professional Responsibility Course Pro Bono legal activities Clinical, Field Placements or Workshop offerings
Demonstrate ethical and practical judgment and active listening skills in communications (e.g. with clients, attorneys, and related parties).	LRW I and II Professional Responsibility Clinical, Field Placements or Workshop offerings
Use technology to meet ethical duties of the legal profession (e.g. to address duties of confidentiality for all communications, to fulfill filing and other judicial obligations, and to keep abreast of technologies that affect accuracy of information provided to clients).	LRW I and II Clinical, Field Placements or Workshop offerings
Anticipate, recognize and resolve obligations ethically.	Professional Responsibility Clinical, Field Placements or Workshop offerings
Demonstrate self-directed learning practices for life-long learning.	LSS I and II, ELA I and II FBE and MBE

*Required courses are: Business Entities, Contracts, Civil Procedure, Constitutional Law I and II, Criminal Law, Criminal Procedure, Evidence, Florida Bar Exam Workshop, LRW I and II, LSS I, Multistate Bar Exam Workshop, Professional Responsibility, Property, Torts, a Florida Bar Exam workshop (FBE), a Multistate Bar Exam workshop(MBE), and either Family Law or Wills and Trusts.