

**NEW YORK STATE
BOARD OF LAW EXAMINERS**

**FREQUENTLY ASKED QUESTIONS
AND GENERAL INFORMATION GUIDE
FOR TAKING THE UNIFORM BAR
EXAMINATION (UBE) IN NEW YORK
STATE**

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TABLE OF CONTENTS

	<u>Page</u>
BAR EXAMINATION.....	1
BOLE ID and NCBE NUMBER.....	1
APPLYING TO SIT FOR THE BAR EXAMINATION.....	2
APPLICATION DEADLINE.....	2
APPLICATION FEES.....	3
PAYMENT OF FEES.....	3
ELIGIBILITY REQUIREMENTS.....	3
DOCUMENTATION TO BE SUBMITTED TO THE BOARD IN SUPPORT OF YOUR APPLICATION “PROOFS”.....	4
ADMINISTRATIVE ACCOMMODATION REQUESTS...6	
ADMINISTRATIVE ACCOMMODATION REQUESTS FOR LACTATING INDIVIDUALS.....	6
NON-STANDARD TEST ACCOMMODATIONS (see BOARD RULE 6000.7).....	6
LAPTOP PROGRAM.....	7
EXAM SCHEDULE.....	8
TEST CENTER LOCATIONS.....	9
TEST CENTER ASSIGNMENTS.....	9
REQUESTS FOR CHANGE IN TEST CENTER LOCATION.....	10
CHANGE OF ADDRESS.....	10
SEATING TICKETS.....	10
PHOTO IDENTIFICATION.....	10
WITHDRAWAL FROM THE EXAMINATION.....	11
REPEATED WITHDRAWAL FROM THE EXAM/FAILURE TO APPEAR.....	11
ABSENCE FROM EXAM OR ANY PART THEREOF.....	11
PASSING SCORE.....	11
GRADING.....	12

ADDITIONAL REQUIREMENTS FOR APPLICANTS FOR ADMISSION UPON EXAMINATION.....11

RESULTS AND CERTIFICATION.....13

MATERIALS AVAILABLE TO FAILED APPLICANTS.....13

ADMISSION INFORMATION.....14

TRANSFER OF UBE SCORE EARNED IN ANOTHER UBE JURISDICTION TO NEW YORK.....15

TRANSFER OUT A UBE SCORE EARNED IN NEW YORK TO ANOTHER JURISDICTION.....15

TRANSFER OF MBE SCORES FROM NEW YORK TO ANOTHER JURISDICTION.....15

TRANSFER OF AN MBE SCORE FROM ANOTHER JURISDICTION TO NEW YORK.....15

SECURITY POLICY.....15

FRAUD, DISHONESTY AND OTHER MISCONDUCT (see BOARD RULE 6000.13).....15

APPLICATION FOR WAIVER OF THE RULES (see BOARD RULE 6000.15).....16

1. What is the New York Bar Examination?

Effective with the July 2016 bar examination, the New York bar examination consists of the Uniform Bar Examination (UBE). The UBE is a high quality, uniform battery of tests that are administered contemporaneously in every other jurisdiction that has adopted the UBE. The UBE is uniformly administered, graded and scored, and it results in a score that can then be transferred to other UBE jurisdictions.

The UBE, which consists of the Multistate Bar Examination (MBE), the Multistate Performance Test (MPT), and the Multistate Essay Examination (MEE), is a paper and in-person examination. All applicants have the option to use a personal laptop computer along with Board-designated word processing security software to type the answers to MPT and MEE questions so long as all applicable deadlines for this option are met. Otherwise, applicants handwrite the answers to the MPT and MEE questions. All applicants are required to record their answers to the MBE questions on a Scantron answer sheet that will be provided by the Board. An applicant must take all sections of the UBE concurrently in the same jurisdiction in order to earn a UBE score that may then be transferred to other UBE jurisdictions.

The UBE is held each year on the last Tuesday and Wednesday of February and July.

More information regarding the UBE, including the list of jurisdictions that have adopted the UBE, is available at the website of the National Conference of Bar Examiners (NCBE) at: <https://www.ncbex.org/exams/ube/>.

Keep in mind that the UBE differs from the New York Law Exam (NYLE), which is an online, open book exam on New York specific law (see “What are other admission requirements” below).

2. What is a BOLE ID and NCBE Number?

In order to apply for the UBE, you must have an NCBE Identification number. If you do not have one, you must visit https://accounts.ncbex.org/php/ncbe_number/ and complete the brief application to receive your NCBE Number.

All applicants must also create a Board of Law Examiners (BOLE) account before applying for the examination. To create a BOLE account, you should click on BOLE Account on the Board's homepage and you will need to furnish the following information:

- (1) Name – enter your full legal name exactly as it appears in the official government issued photo identification that you will use as proof of identity on the date of the bar exam;
- (2) Date of Birth;
- (3) Email address – Use an email address that you check frequently as all communications from the Board will be sent only by email;
- (4) NCBE Number.

Upon creating a BOLE account, you will receive an auto-generated email containing your temporary password from administration@nybarexam.org. You will be prompted to log back into your BOLE account to change your password and to complete your Account Profile. You will be prompted to furnish your legal residence address and indicate the basis for your eligibility to sit for the bar exam. You will be assigned a unique identification number called a BOLE ID, which

will be located in your Account Profile. If you do not immediately complete your Account Profile, any subsequent application with the Board will be deemed incomplete.

Applicants may login to their accounts on the BOLE website at any time using their user name (email address) and password. All transactions and registrations will be made in the applicant's online account including applying for the UBE, registering for the NYLE, applying for admission by transferred UBE score and changing your address. Examination results from the UBE and the NYLE will also be posted to applicant accounts.

You should retain your BOLE ID and use it for all future correspondence with the Board. You should also be prepared to give your BOLE ID when calling the Board office for any reason. All correspondence from the Board will be sent only by email and only to the email address that you provide in your BOLE account. Therefore, it is recommended that you use an email address that will not expire (i.e., Gmail, Yahoo). Emails will come from administration@nybarexam.org so please make certain that you adjust the settings in your email account to accept emails from this address. The server that generates emails from administration@nybarexam.org does not accept responses. If you respond to an email from administration@nybarexam.org we will NOT receive it and you will not receive a response.

You should also check your email regularly (including your junk/spam folder) for important updates and emails regarding the examination. If you change your email with the Board after any given application period closes for the UBE, you need to make certain that it also gets updated with ExamSoft Worldwide, the Board's third-party software vendor.

3. How do I apply for the UBE?

Applicants must apply to sit for the UBE through the Applicant Services Portal. After signing into their account with the Board, the applicant should click the link in the box entitled "New York Bar Examination" in order to register for the UBE.

4. What is the application deadline for the UBE?

A. General Rules

The UBE is administered on the last Tuesday and Wednesday of February and July. Applications must be filed during the month of November for a February examination and during the month of April for a July examination. An application is considered filed when it is filed electronically online and the application fee is paid. The application must be completed and the fee must be received during the application period for the application to be considered filed. **There is no late application period.**

<u>EXAMINATION</u>	<u>APPLICATION FILING PERIOD</u>
FEBRUARY	November 1 – November 30
JULY	April 1 – April 30

B. Special Rule for Re-Applicants

For applicants who failed the immediately preceding administration of the UBE, the deadline for filing a re-application for the next offered bar examination is the later of (i) the application filing deadline set forth in Board Rule 6000.4(b) [which is April 30th for a July exam or November 30th for a February exam] or (ii) the 14th day following the date of the Board's release of the UBE examination results. Re-applicants who did not complete *both* days of the immediately preceding examination must file their application by April 30 for a July exam or November 30 for a February exam. This special rule does not apply to the NYLE.

5. What is the application fee for the UBE?

The application fee for the UBE is set in statute by the New York State Legislature and is based on the method of qualifying (see Judiciary Law section 465). Since the fees are set by the legislature, neither the Board nor the Court of Appeals has the authority to reduce or waive the fees.

Section 520.3 (JD received from an ABA approved law school).....	\$250
Section 520.4 (law office study).....	\$250
Section 520.5 (unapproved law school).....	\$250
Section 520.6 (study of law in foreign country).....	\$750
Section 520.17 (Pro Bono Scholars Program).....	\$250

6. How do I pay fees?

A. UBE Application

The only acceptable form of payment for the UBE is a Visa or MasterCard credit card. Debit cards are not accepted. The Board cannot accept credit card payment by mail or by phone.

B. All Other Fees (see Board Rule Section 6000.14)

If you are making any payment to the Board other than the online application fee for the UBE, UBE Score Transfer or Admission on Motion, the only acceptable forms of payment are: certified check or cashier's check drawn on a U.S. bank in U.S. funds; U.S. Post Office money order; or a money order drawn on a U.S. bank or financial institution. All payments should be made payable to: "NYS Board of Law Examiners." Personal checks are not accepted and will be returned. Do not send cash.

7. What are eligibility requirements to take the UBE?

Section 520 of the Rules of the Court of Appeals for the Admission of Attorneys and Counselors at Law sets forth the eligibility requirements for qualifying to sit for the UBE. Applicants must be at least 21 years of age to take the bar examination. Prior to creating your account and/or applying for the UBE, you should carefully review the Rules pertaining to how you will qualify to sit (Rule 520.3, 520.4, 520.5, 520.6 or 520.17), which can be found on the Board's website, to confirm that you meet the eligibility requirements. It is the applicant's responsibility, upon first creating an

account with the Board, to select the correct subsection of Rule 520 when asked how they qualify to sit for the UBE. Any mistake in selecting eligibility status must be corrected by contacting the Board in writing before completing the UBE application since all applicants must certify their eligibility status as part of the application. An applicant will be withdrawn from any UBE in which an incorrect eligibility status is certified. A summary of the requirements is also available by clicking on the Bar Exam Eligibility section on the Board's website. If you are not in compliance with any of these rules, and you commenced the study of law in the United States prior to April 1, 2012, the Saving Clause of Rule 520.1(b) provides that the rules which were in place when you began your law school study apply. Please contact the Board if you have any questions concerning your eligibility for the examination. The Board has no authority to waive any of the requirements of Rule 520.

8. What do I need to know about providing proof of my eligibility?

A. General Deadlines

The documentation that you will be required to submit to the Board to support your eligibility to sit for the bar examination will depend on the subsection of Rule 520 on which you are basing your eligibility. The required proofs must be received at the Board's office no later than February 1st for the February examination and June 15th for the July examination. If your documentation is not timely received at the Board office, you will not be issued a seating ticket, and you will not be able to take the UBE.

B. Graduation from an ABA Approved Law School with a Juris Doctor Degree (Rule 520.3)

As part of the online UBE application, you will be required to answer questions about your coursework at your ABA-approved law school that will generate your Certificate of Attendance form. You must be accurate when answering these questions and therefore should have a copy of your transcript in front of you when applying for the UBE. Once you complete these questions and timely pay the application fee, no action is needed on your part with respect to your eligibility as the next step in your eligibility falls on your law school to timely certify your Certificate of Attendance form. If you made an error in answering any question about your legal education, your law school will correct the error before certifying it. The deadline for your law school to certify this form on your behalf is February 1st for a February exam and June 15th for a July exam. Once the Board reviews and approves your Certificate of Attendance form, you will receive an email confirmation (you should not expect this email until after February 1st for a February exam and after June 15th for a July exam). If there is a problem with your eligibility, you likely will not be advised by the Board until on or after February 1st for a February exam or on or after June 15th for a July exam. Therefore, if you know of a deficiency in your eligibility (for example, you took longer than 60 months to complete your JD degree or you did not take a course in Professional Responsibility), you may petition the New York State Court of Appeals before receiving your ineligibility letter from the Board.

C. Law Office Study (Rule 520.4)

Assuming completion of the requisite weeks of law office study as outlined in an eligibility letter from the Board, you must file with the Board (1) the Applicant's Affidavit of Law Office Study; (2) a certified copy of the Certificate of Commencement of Clerkship that was filed with the Office

of the Clerk of the Court of Appeals; and (3) an affidavit from the attorney(s) for whom you clerked.

D. Graduation from an Unapproved Law School in the United States with a Juris Doctor Degree (Rule 520.5)

Your law school must file with the Board the NON-ABA Law School Certificate of Attendance form. You must file with the Board (1) proof of admission to practice in another jurisdiction or jurisdictions; (2) your own affidavit setting forth the periods and places of law practice including the dates and names of employers; and (3) a minimum of three (3) affidavits from supervising attorneys, partners, judges, etc. confirming your proof of practice for five of the seven years preceding application to the New York bar exam.

E. Foreign Law School Study (Rule 520.6)

For comprehensive information concerning how to qualify for the examination based on foreign legal education, including the documentation and proofs that are required for qualifying under this provision and deadlines for submission, please visit the Foreign Legal Education page of the Board's website. Before paying the \$750 non-refundable application fee and applying for any given administration of the UBE, foreign-educated applicants should strictly adhere to all guidelines and deadlines. The below information assumes the applicant has met all applicable deadlines for the review of their underlying foreign legal education and outlines steps upon timely applying for the UBE.

1. First Time Foreign-Educated Applicants Who Must Complete An LL.M. Degree to Qualify For The UBE:

As part of the online application for the UBE, you will be required to complete questions about your LL.M. degree that will generate your Certificate of Attendance form. You must be accurate when answering these questions and therefore should have a copy of your transcript in front of you when applying for the UBE. Once you complete these questions and timely pay the application fee, no action is needed on your part with respect to your eligibility as the next step in your eligibility falls on your law school to timely certify your Certificate of Attendance form and submit a final, official transcript. If you made an error in answering any question about your legal education, your law school will correct the error before certifying it. The deadline for your law school to certify this form and upload a final transcript on your behalf is February 1st for a February exam and June 15th for a July exam. Once the Board reviews and approves these documents, you will receive an email confirmation (you should not expect this email until after February 1st for a February exam and after June 15th for a July exam). If there is a problem with your eligibility, you likely will not be advised by the Board until on or after February 1st for a February exam or on or after June 15th for a July exam. Therefore, if you know of a deficiency in your LL.M. coursework (for example, you did not take enough credits or your coursework did not otherwise fully comply with the coursework requirements under Court Rule 520.6 [b] [3] [vi]), you may petition the New York State Court of Appeals before receiving your ineligibility letter from the Board.

2. First Time Foreign-Educated Applicants Who Qualify For The UBE Without An LL.M. Degree:

If you have not already received a determination of eligibility upon applying for any given administration of the UBE, you must submit all supporting documentation and proofs consistent with Board's guidelines for foreign-educated applicants by February 1st for a February exam and by June 15th for a July exam. If there is a problem with your eligibility, you likely will not be advised by the Board until on or after February 1st for a February exam or on or after June 15th for a July exam. Therefore, if you know of a deficiency in your eligibility (for example, you did not take enough common law credits in law), you may petition the New York State Court of Appeals before receiving your ineligibility letter from the Board.

F. Pro Bono Scholars Program (Rule 520.17)

For comprehensive information concerning how to qualify for the examination by participating in the Pro Bono Scholars Program, including the documentation and proofs that are required for qualifying under this provision, please carefully review Court of Appeals Rule 520.17 and click on the Pro Bono Scholars Program section on the Board's website. Pro Bono Scholars must timely apply for the UBE through the Applicant Services Portal.

9. How and when do I request an administrative accommodation on the UBE?

If you want to request permission to bring an assistive device (lumbar support, orthopedic device) that is otherwise prohibited by the Board's Security Policy into the exam room at a general population test center and/or to make a special seating request such as seating in a particular test center location or a seat close to the restroom at a general population test center, you must TIMELY complete the Administrative Accommodation Request Form and attach supporting documentation. If the request is based on a medical condition, you must attach supporting medical documentation. The request must be received by January 1st for a February exam or June 1st for a July exam. If the request is granted, the Board will provide a letter granting the request. Please keep in mind that untimely requests, even if supported by documentation (including medical documentation), cannot usually be granted and/or processed in time for the exam, particularly if the request is to be seated at a specific test center location. Be reminded that requests for non-standard test accommodations such off-the-clock breaks, extra testing time, or the provision of an assistive seating device (i.e., high back chair, podium) must be submitted as part of a timely application for non-standard test accommodations. The Administrative Accommodation form should not be used for requests for extra testing time or other testing accommodations under the ADA. The Administrative Accommodation Request Form may be accessed at the following link: <https://www.nybarexam.org/ADA/Administrative%20Accommodation%20Form.pdf>

10. How and when do I request an administrative accommodation as a lactating individual?

If you want to request permission to bring lactation supplies into the exam room, a private space to pump during the lunch and/or off-the-clock break time to pump during the exam, you must TIMELY complete the Administrative Accommodation Request Form For Lactating Individuals and attach supporting medical documentation. The request must be received by January 1st for a February exam or June 1st for a July exam. If the request is granted, the Board will provide a letter

granting the request. Please keep in mind that untimely requests, even if supported by medical documentation, cannot usually be granted and/or processed in time for the exam.

11. How and when do I request non-standard test accommodations for a disability on the UBE?

The Board provides reasonable and necessary test accommodations to applicants who are qualified to take the UBE (and/or the NYLE) and are disabled under the Americans with Disabilities Act (see Board Rule 6000.7). To find out more about non-standard test accommodations (NTA), please carefully review the Board's Test Accommodations Handbook which is available on the Board's website.

If you are requesting test accommodations on the UBE, in addition to timely filing the separate application for test accommodations, you must also timely file the online application/re-application to sit for the UBE. Applicants may complete the application/re-application for test accommodations online by logging into their account through the Applicant Services Portal. The online application/re-application will not be deemed submitted until all required supporting documentation is electronically uploaded to the Board, which must be done by the posted deadlines. Applicants who do not wish to complete the application/re-application online may alternatively physically mail a signed and completed application/re-application with all supporting documentation to the Board by the posted deadlines.

The application for test accommodations must be submitted by the deadlines set forth in Board Rule 6000.7(c)(2). There is no late application period, and these deadlines cannot be waived (see Board Rule 6000.15 [b] [1]).

Filing Deadline for the UBE: Applications and re-applications for test accommodations on the UBE, together with all required supporting documentation, shall be received by no later than April 30 for the subsequent July administration and no later than November 30 for the subsequent February administration. Please keep in mind that there are separate filing deadlines for the NYLE.

12. What is the "Laptop Program" for the UBE?

A. General Information

The Laptop Program for the UBE allows you to use your personal laptop computer along with Board-designated word processing security software to type your answers to MPT and MEE questions. You must elect the Laptop Program during the application period for the UBE. In completing the online UBE application, you will be asked if you wish to participate in the Laptop Program. No one will be added to the Laptop Program after the application period closes. If you timely elect to participate in the Laptop Program, shortly after the application period closes, you will receive an email from ExamSoft (barsupport@examsoft.com), with instructions for purchasing the software and registering your laptop. All subsequent communications will be sent from ExamSoft. We strongly recommend that you add barsupport@examsoft.com to your contacts and safe senders list to assure you receive all laptop-related email communications.

There is a \$100 technology fee to register for the laptop software, to be paid directly to ExamSoft. The deadlines for purchasing the software and registering your laptop are firm and cannot be waived or extended. Your failure to timely purchase the software and register your laptop will

result in the cancellation of your Laptop Program registration, and you will be required to handwrite your exam answers. Failure to follow these procedures does not constitute good cause for crediting or refunding your bar examination application fee.

Laptops are not used and not permitted in the exam room during the MBE portion of the exam. All applicants are required to record their answers to the MBE questions on a Scantron answer sheet that will be provided by the Board.

B. Risks

As is the case with the use of any technology, there are certain risks associated with participation in the Laptop Program for the UBE. In the event of any technical difficulties, laptop participants will be required to immediately switch to handwriting their essay answers. There are also risks associated with renting or borrowing a laptop for use on the UBE. If you no longer have access to the laptop after the conclusion of the examination, you may not be able to retrieve files which may be necessary in the unlikely event that portions of your essay answers are missing. Should you choose to rent or borrow a laptop, you should arrange to keep the laptop until after the results of the examination have been released. It is imperative that laptop participants use dependable laptops and that they test the software on the laptop several times prior to examination day.

C. Software Vendor and Fee

The Board has elected to use Exam Soft's Examplify© software as the security software for the UBE. There is a \$100 non-refundable technology fee that applicants will be required to pay directly to ExamSoft which will handle the registration, software download and qualification of laptops for use on the UBE.

D. System Requirements

All laptop participants must provide their own laptop which must meet or exceed the minimum system requirements as determined by ExamSoft. Please review the Minimum System Requirements needed to properly run Examplify prior to enrolling in the laptop program: <https://ei.examssoft.com/GKWeb/login/nyube>.

E. Foreign Language Packs

Applicants who have a laptop with a foreign language pack should be sure that they use a font that is recognized in the United States (e.g. Arial, Times New Roman or Courier). Your computer must be set to U.S. English or ExamSoft software will not work on your computer. Users of Asian languages must visit www.examssoft.com/asian for additional instructions.

13. What is the exam schedule for the UBE?

The standard schedule for the general population of applicants taking the UBE in New York is as follows (applicants granted test accommodations and/or off-the-clock breaks should refer to their determination letter for their exam schedule):

Tuesday: 9:30 am to 12:30 pm (MPT) and 2:00 pm to 5:00 pm (MEE)

Wednesday: 9:30 am to 12:30 pm (MBE) and 2:00 pm to 5:00 pm (MBE)

During the morning session on Tuesday, applicants are given three hours to complete two MPT items. Applicants may work on the MPTs in any order and they are free to decide how to allocate their time between the two MPT items, although NCBE develops each MPT as a 90-minute test item. During the afternoon session on Tuesday, applicants are given three hours to answer six MEE questions. Again, applicants are free to answer the questions in any order and they may decide how to allocate their time among the MEE questions. On Wednesday, applicants will take the MBE, which is a six-hour, 200 question multiple-choice exam divided into two three-hour sessions.

14. Where are the test center locations for the UBE?

For the February and July administrations of the UBE, there are always test centers in Albany, New York City and Buffalo for the general population. For the July administration, there may be additional test centers for the general population in Long Island, Saratoga Springs and/or White Plains. As test sites are confirmed for any given administration of the UBE, the locations will be posted in the Test Sites section on the Board's website. For applicants granted test accommodations for a disability and/or off-the-clock breaks, the test centers will be in New York City and Albany only. The Board suggests that you contact your travel agent or visit the Visitors and Convention Bureau after you have confirmed where you will be taking the examination for information concerning hotel and travel arrangements. The Board does not pay for lodging or travel expenses for any applicant.

15. How are test centers assigned for the UBE?

Test center assignments for the general population will depend on the sites available for a given administration of the exam and all seating in the general population is on a first-come, first-serve basis. No applicant will be assigned a seat in any given judicial department and no applicant is guaranteed a seat in any judicial department, even if such applicant resides or currently attends law school in any particular judicial department. In early January for a February exam and early June for a July exam, applicants will be sent an email requiring them to select a test center location from a list of available locations. Failure to respond to this email WILL result in your withdrawal from the exam. The Board does not announce this date or provide it over the phone; it is therefore your obligation to monitor your email daily between today and the day of the exam. Only locations with available seats will be listed in the email. First-time applicants who graduated with a Juris Doctor degree from a law school located in New York State will be given the first opportunity to select a seat assignment. All other applicants will then be given the opportunity to select from the remaining available seats. Out-of-state and out-of-country residents should expect to select between Albany and Buffalo (and Saratoga Springs for a July administration). The Board does not pay for lodging or travel expenses for any applicant.

For applicants granted test accommodations for a disability and/or off-the-clock breaks, the test centers are located in New York City and Albany only. First-time UBE applicants who graduated with a Juris Doctor degree from a First or Second Department law school will be given first preference to available seats at the test center in New York City. First-time UBE applicants who graduated with a Juris Doctor degree from a Third or Fourth Department law school will be given first preference to available seats in Albany. All other applicants, including all repeat J.D.

applicants and all applicants attending law school outside of New York State, will be assigned to a test center where seats are available. Seating availability will not be known until approximately six weeks after the UBE application period closes. The Board does not pay for lodging or travel expenses for any applicant, including applicants granted accommodations.

16. Can I make a request to change my test center?

No. Once the seating location email goes out, applicants cannot make a request for a change in their test center location. Also, there are no waiting lists for test centers. If you require a particular test center location because of, for example, a medical condition, it is your responsibility to timely make this request by submitting an Administrative Accommodation Form, supported by appropriate documentation, by January 1st for a February exam or June 1st for a July. If the request is granted, you will be assigned a test center location before the Board sends out the seating location email. Requests made after the seating location email is sent, even if supported by appropriate documentation, including medical documentation for a health-related condition, cannot be granted.

17. How do I change my address with the Board?

Applicants have a continuing obligation until the release of examination results to notify the Board of any change in their residence, correspondence and/or email addresses. In addition, any applicant who lives outside the State and works full-time in the State must notify the Board of their New York employment address. Applicants who pass the examination are certified to one of the four Departments of the Appellate Division based on the address on file with the Board on October 1st for a July exam and April 1st for a February exam. Once you are certified for admission, any change of address MUST be made through the Appellate Division to which you were certified and not through the Board. Change of Address and Email Address requests may be submitted through the applicant's BOLE Account in the Applicant Services Portal.

18. When will my seating ticket be available for the UBE?

Seat Tickets will generally become available by email to qualified applicants approximately two weeks before the date of the scheduled UBE. You must present your Seat Ticket to security in order to enter the examination. Therefore, it is important to print and bring a copy of the Seat Ticket to the exam. The seat number assigned in the Seat Ticket is the only means of identification throughout the grading process. Each seat at the examination has a number prominently displayed on a sticker. It is critical that you sit in the correct seat, and include the seat number on all examination materials.

19. What photo identification do I need for the UBE?

All applicants must upload to the Board a photo of an official government-issued photo ID and then bring this same photo ID to the exam, which will be checked at all four sessions. Acceptable forms of ID include 1) U.S. driver's license; (2) U.S. non-driver identification; (3) passport (upload only the page with your passport photo and name); (4) passport card; (5) U.S. Military Identification Card; (6) U.S. Visa or Permanent Resident ID Card; (7) U.S. Employment Authorization Card; or (8) New York City Identification Card. The expiration date on the photo ID shall not be expired and the name on your photo ID must match the name on your BOLE Account as this will be the name printed on your Seat Ticket.

20. How can I withdraw from the UBE?

Should you decide to withdraw from the UBE, you can do so through the Applicant Services Portal (at certain times, the withdrawal link will be deactivated for administrative purposes in which case you can notify the Board in writing by fax or by mail). From time to time, the Board may also provide a withdrawal link in emails regarding the UBE. The application fee is non-refundable except in extremely limited circumstances. If there are extenuating circumstances causing you to withdraw, you may request a credit. All such requests must be received in the Board's office within 30 days of the exam from which you withdrew. Requests must be in writing and must be accompanied in the first instance by appropriate supporting documentation. If the request is not supported in the first instance with appropriate supporting documentation it will be denied. The reason for the withdrawal and the supporting documentation will be reviewed by the Board to determine if there is a valid basis to credit the fee. If you cancel the credit card payment with your bank, you will be held responsible for any fees and penalties incurred by the Board.

21. What happens if I repeatedly withdraw from the UBE?

If an applicant repeatedly withdraws or fails to appear, the Board may, in its discretion, require the applicant to petition the Board before applying for a subsequent exam (see Board Rule 6000.9 [b [3)]), in which case the Board will notify the applicant and request the petition.

22. What if I miss or am late for any session of the UBE?

A. Absence: An applicant who misses a session of the exam will not be admitted to take any later exam sessions. Any applicant who takes both the MPT and MEE sessions but does not appear for any part of the MBE will be withdrawn from the exam and their application fee will be forfeited. Any applicant who takes any part of the MBE will be graded and will be awarded a UBE score.

B. Tardiness: No applicant will be admitted to the examination more than one half hour (30 minutes) after an examination session begins. This includes applicants granted non-standard test accommodations.

C. Failure to Make a Bona Fide Effort at Passing the Exam: Applicants are expected to answer the exam questions and make a bona fide effort at passing the UBE. If in the Board's opinion, upon review of an applicant's exam papers and record of attendance, the applicant does not make a bona fide effort to pass the examination, the Board may require the applicant to petition the Board for permission to sit for a future exam. If an applicant is unprepared for the exam or otherwise has no intention of making a bona fide effort to pass the exam, the applicant is expected to withdraw their application in advance of the exam. Applicants are not permitted to take any part of the UBE simply for practice.

23. What is the passing score on the UBE?

The passing score for the UBE in New York is 266 on a 400 point scale. An applicant must achieve a score of 266 or higher on the UBE, whether taken in New York or another jurisdiction, in order to qualify for admission in New York.

24. How is the UBE graded?

The answers to the MPT and MEE are each graded in accordance with a predetermined marking formula and are combined with the score achieved on the MBE to determine the total weighted scale score.

The MPT and MEE answers for each applicant who receives a total weighted scale score of 262 to 265 following the initial grading shall be re-graded by graders other than the initial graders prior to the release of results. The applicant's scores shall then be recomputed to arrive at a final UBE score. There is no appeal from a final score. The initial score prior to re-grading shall not be made available to the applicant.

25. What are additional requirements for admission upon examination?

In order to be certified for admission, you must (1) achieve a passing score on the **UBE**; (2) complete an online course in New York-specific law, known as the New York Law Course (**NYLC**); (3) take and pass the New York Law Exam (**NYLE**); (4) take and pass the Multistate Professional Responsibility Examination (**MPRE**); (5) comply with the 50-hour pro bono service requirement; and (6) satisfy the Skills Competency Requirement.

- A. **NYLC:** The NYLC is an online, on-demand course which reviews important and unique aspects of New York law. The NYLC consists of approximately 17 hours of recorded lectures with embedded questions which must be answered correctly before an applicant can continue viewing the lecture. After completing and certifying that you are a bona fide applicant for admission to practice in New York on the Account Profile Page, you may proceed to take the NYLC, by clicking on “NYLC” in your BOLE account. You may complete the NYLC up to one year prior to or three years after passing the UBE. If you complete the NYLC more than one year before taking the UBE for the first time you will be required to repeat the NYLC and NYLE. You must complete the NYLC prior to applying for the NYLE. Click on UBE/NYLC/NYLE on the Board's website for additional information.
- B. **NYLE:** The NYLE is a 50 item, two-hour, open book, multiple-choice test administered online and will test important New York rules. The NYLE is administered remotely. It is offered three times a year and the dates and times of each administration of the NYLE may be found on the Board’s website. You must apply for the NYLE at least 30 days prior to the administration you choose to take. The open registration period will be announced on the Board’s website prior to each administration of the NYLE. You must complete the NYLE up to one year prior to or three years after passing the UBE. Click on UBE/NYLC/NYLE on the Board's website for additional information. Click on DATES OF EXAMS on the Board's website for a list of the dates of the NYLE.
- C. **MPRE:** All applicants who have passed the UBE and are seeking admission to practice law in New York must take and pass the MPRE administered by NCBE prior to being certified by the Board to the Appellate Division. The MPRE is administered three times each year, in March, August and November. New York requires a minimum score of 85 and the score is valid for only four years from the date of the MPRE. Applications and information regarding the MPRE are available from NCBE at <http://www.ncbex.org/about->

[ncbe-exams/mpre/](#) An applicant may take the MPRE before or after taking the UBE but an MPRE score is valid for only four years from the date the applicant sat for the MPRE.

D. 50-Hour Pro Bono Requirement: For additional information on this requirement click on Mandatory 50-Hour Pro Bono Rule on the Board's homepage.

E. Skills Competency Requirement: Additionally, if you commenced law school studies after August 1, 2016, you must comply with the new Skills Competency Requirement set forth in Section 520.18 of the Rules of the Court of Appeals. For information regarding this requirement, see: <https://www.nycourts.gov/ctapps/news/nottobar/nottobar121615.pdf>

Finally, you must satisfy the character and fitness requirements as set forth in Court of Appeals Rule 520.12 and the rules of the various Appellate Division departments. For information regarding the admissions process, see:

<http://www.nybarexam.org/Admission/Admission.htm>

26. How do I obtain my results on the UBE and/or letter of certification?

The results of the UBE will be posted in the applicants BOLE Accounts in the Applicant Services Portal. An email will be sent to applicants notifying them when the exam results are posted in the portal. A list of all successful applicants is also posted on the Board's website and on the website of the New York Law Journal. While the Board does not set a specific date for the release of bar exam results, historically results from the July examination are released in late October and the results of the February examination are released in late April.

Each successful applicant on the UBE who has also furnished proof of successful completion of the NYLC, NYLE and MPRE will be certified by the Board to the Appellate Division for admission to the bar. Each successful applicant on the UBE who has not furnished proof of successful completion of the NYLC, NYLE and/or MPRE will be notified of that fact in writing. As proof of the NYLC, the NYLE and proof of the MPRE is received, the applicants will be certified to the Appellate Division. The Board usually certifies weekly on Friday, and it is very important for applicants to keep their current addresses on file with the Board so that they may be certified to the correct Appellate Division Department.

27. What materials are available to failed applicants?

No later than 60 days after the release of the results on the UBE, the Board will post on its website copies of the MEE questions and the MPT questions that appeared on such examination and copies of representative MEE and MPT answers of passing applicants.

If you do not achieve a passing score on the UBE, you may obtain copies of your answers to the MEE and MPT questions, the MEE questions, the MPT questions, and the selected answers from applicants' who received scores superior to the average score for each question. You must make a written request for these materials. Such request should be made no later than 60 days after the Board's failure notice to the applicant.

28. What other admission information should I be aware of upon passing the UBE?

Applicants who pass the UBE, successfully complete the NYLC and achieve a passing score on the NYLE and MPRE will be certified by the Board to the Appellate Division for admission to practice law in New York State. New York State's Appellate Division is divided into four Judicial Departments, and each Department handles its own admission determinations. You will automatically be assigned to one of the Departments on the basis of your residence address. If you reside outside New York State but are employed full-time therein, you are assigned on the basis of your employment address. Residence takes precedence over employment if you reside and work in New York State. If you neither reside nor work in New York State, you are assigned to the Third Department. Once you have been certified by the Board to the Appellate Division, any change in address must be made upon application to the Department to which you have been certified.

Pursuant to Section 520.12(d)(1) of the Rules of the Court of Appeals, your complete application for admission must be filed with the Appellate Division within three (3) years from the date when the applicant sits for the second day of the UBE, whether taken in New York or in another UBE jurisdiction. Any questions regarding the application for admission should be directed to the Appellate Division. You may find the phone number and a link to each of the four Judicial Departments on the Board's website under "Admission Information".

29. How do I timely transfer into New York a UBE score earned in another UBE jurisdiction?

Applicants seeking to transfer a UBE score to New York are required to satisfy the eligibility requirements for admission as set forth in Section 520.3, 520.4, 520.5, 520.6 or 520.17 of the Rules of the Court of Appeals. An applicant must take all sections of the UBE (MEE, MPT and MBE) concurrently in the same jurisdiction in order to earn a UBE score that may then be transferred to New York and other UBE jurisdictions.

If you are seeking to transfer a UBE score to New York, you must create an account on the Board's website and file an application for a determination of eligibility for admission to practice by transferred UBE score and pay the prescribed fee. You must also furnish the Board with (1) proof of compliance with the eligibility requirements of Court of Appeals Rule Section 520.3, 520.4, 520.5, 520.6 or 520.17 on a form prescribed by the Board; (2) proof of completion of the NYLC and NYLE; (3) proof of a passing MPRE score; and (4) proof of a passing UBE score (New York's passing score is 266) in the form of an official UBE score transcript from NCBE. After submission of an application by transferred UBE score, you should receive an email containing the Certificate of Law School Attendance Form, which you must submit to your law school with a request for the form to be completed, signed and mailed directly from the law school to the Board. The Board cannot certify you to the Appellate Division until it receives the Certificate of Attendance Form from your law school and approves your eligibility.

Applicants for admission by transferred UBE score must also satisfy the 50-Hour Pro Bono Requirement and the Skills Competency Requirement (applicable to applicants who commence their legal studies after August 1, 2016).

After you have transferred a passing UBE score and you have satisfied the other pre-admission requirements, you must submit your application for admission to the Appellate Division in accordance with Section 520.12(d)(1) of the Rules of Court of Appeals within three years from the

date of the second day of the UBE that you sat for and passed in the other jurisdiction. Given the deadline for submitting your application for admission to the Appellate Division, the Board of Law Examiners will require sufficient time to review your application for admission by transferred UBE score in order to determine your eligibility. Therefore, you must file your application for admission by transferred UBE score with the Board at least 30 days prior to the expiration of your time to file your application for admission with the Appellate Division.

NCBE charges a \$25 fee for each UBE score transcript. Requests to transfer an official UBE score shall be made at: <http://www.ncbex.org/ncbe-exam-score-services/ube-score-services/>.

30. How do I transfer out a UBE score earned in NY to another jurisdiction?

You must contact NCBE to transfer your UBE score earned in New York to another UBE jurisdiction. New York cannot transfer your UBE score to another U.S. state or territory. You will need to login to your NCBE Account to transfer the UBE score to another jurisdiction.

NCBE charges a \$25 fee for each UBE score transcript. Requests to transfer an official UBE score shall be made at: <http://www.ncbex.org/ncbe-exam-score-services/ube-score-services/>.

31. How do I transfer my MBE score earned in New York to another jurisdiction?

An applicant taking the UBE in New York may request the certification of an MBE score earned in New York to another jurisdiction. An applicant requesting such certification must use the Board's MBE Score Transfer Request Form I which may be downloaded from the Forms section of the Board's website. The applicant must also pay to the Board the \$50 fee prescribed in Rule 6000.14(c).

32. Does New York accept the transfer of an MBE score earned in another jurisdiction?

No. Applicants must sit for all sections of the UBE (MBE, MEE and MPT) in New York in order to earn a UBE score in New York.

33. What security policies can I expect during the administration of the UBE?

Prior to the UBE, you should carefully read and review all emails from the Board, as well as the Board's Security Policy. The Security Policy, which is updated from time to time, contains important exam day information, such as a list of items which are permitted at the exam and conduct that is prohibited at the exam. The Security Policy is available at <https://www.nybarexam.org/Docs/secpolicy.pdf>. Violations of the Security Policy will be prosecuted by the Board and may result in the imposition of penalties such as nullification of your UBE score, disqualification from sitting for future exams, and notice to the Character and Fitness Committee. All applicants should carefully review Board Rule 6000.13.

34. What is the Board's Rule on Fraud, Dishonesty and Other Misconduct?

Applicants for the UBE must comply with the Board's Security Policy and with Board Rule 6000.13, which prohibits acts of fraud, dishonesty and other misconduct in connection with the application to and the taking of the UBE. The Board strictly enforces this Rule and Security Policy and prosecutes their violation. Examples of prohibited conduct include falsifying information on

any application, including an application for test accommodations, falsifying any documents and/or emails submitted to the Board, bringing and/or using a prohibited item in the exam room, writing or typing before and/or after time, removing exam materials from the exam room and any form of cheating. Many problems can be avoided by carefully and fully reading ALL pre-exam emails from the Board and by carefully listening to and following all oral and written instructions during the exam.

Examples of penalties that have been imposed for sustained findings of misconduct include nullification of the applicant's UBE score, disqualifying the applicant from taking the UBE in New York for up to six years and reporting the matter to any Committee on Character and Fitness having jurisdiction over the applicant.

35. How do I petition the Board for a waiver of a Board Rule?

Pursuant to Board Rule 6000.15 the Board, upon written application and for good cause shown, may in its discretion waive any provision of the Board Rules with the exception of Section 6000.7, Section 6000.3(a)(2), Section 6000.3(c)(4), Section 6000.3(d)(1) and Section 6000.9. Such applications must be in the form of a verified petition (which means it must be made under oath and sworn to before a Notary Public or other like official) which shall set forth the applicant's name, residence address, email address, BOLE ID, the facts relied upon, and a prayer for relief.

Any Rule of the Board, the substance of which is also contained in the Rules of the Court of Appeals, may be waived only by the Court of Appeals upon application to the Court pursuant to Court of Appeals Rule 520.14.