

NEW YORK BOARD OF LAW EXAMINERS

UNIFORM BAR EXAMINATION

INFORMATIONAL GUIDE FOR NEW YORK APPLICANTS

1. What is the Uniform Bar Examination?

The Uniform Bar Examination (UBE) is a high quality, uniform battery of tests that is administered contemporaneously in every other jurisdiction that has adopted the UBE. It consists of the Multistate Bar Examination (MBE), the Multistate Performance Test (MPT), and the Multistate Essay Examination (MEE).

The UBE tests knowledge of general principles of law, legal analysis and reasoning, and communication skills – essentially, it tests the fundamental knowledge and lawyering skills that are needed to begin the practice of law. The UBE is uniformly administered, graded and scored, and it results in a score that can then be transferred to other UBE jurisdictions.

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 at: <https://www.ncbex.org/exams/ube/>

2. When will the UBE be administered in New York?

The UBE was first administered in New York in July 2016.

3. How do I register to take the UBE in New York?

Applicants are required to create an account on the Board's website in order to register for the UBE. In order to create an account, an applicant is required to provide the applicant's name, date of birth, email address and NCBE number. For information on obtaining an NCBE number, visit the website of NCBE at https://accounts.ncbex.org/php/ncbe_number/goDashboard.

After creating the account, the applicant will receive an email with a Board of Law Examiners identification number (BOLE ID) and a temporary password, which the applicant will be prompted to change. The applicant is then required to complete an Account Profile Page, which will require additional information including information regarding the applicant's legal education. After completing the Account Profile Page, the applicant may proceed to complete the online electronic application to sit for the bar examination (UBE) in New York, provided that it is during the application filing period. The application filing period for the February administration of the UBE is November 1 - 30. The application filing period for the July administration of the UBE is April 1 - 30.

At the time of application for the UBE, the applicant is required to certify that they will satisfy the eligibility requirements to sit for the UBE under Section 520.3, 520.4, 520.5, 520.6 or 520.17 of the Rules of the Court of Appeals for the Admission of Attorneys and Counselors at Law. If an applicant has already taken and passed the New York bar examination or is currently admitted to practice law in New York see question 33.

4. What is the schedule for the UBE in New York?

The UBE is administered on the last Tuesday and Wednesday of February and July. During the morning session on Tuesday, applicants are given three hours to complete two Multistate Performance Test (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 Multistate Essay Exam (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 Multistate Bar Examination (MBE), which is a six-hour, 200 question multiple-choice exam divided into two three-hour sessions.

The schedule for the UBE in New York is as follows:

Tuesday: 9:30 am to 12:30 pm and 2:00 pm to 5:00 pm

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

5. What is the passing score for the UBE in New York?

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. An applicant whose score on the UBE, whether taken in New York or another jurisdiction, is lower than 266 will not qualify for admission in New York. However, an applicant whose UBE score is below 266, whether taken in New York or in another jurisdiction, may qualify for admission in a UBE jurisdiction whose passing score is below 266. The following examples may be useful:

- An applicant takes the UBE in New York and achieves a score of 280. The applicant will qualify for admission in New York, provided the applicant satisfies the other admission requirements.
- An applicant takes the UBE in a UBE jurisdiction where the passing score is 270 and achieves a score of 268. Although the applicant will not qualify for admission in the jurisdiction in which the applicant took the UBE, the applicant will qualify for admission in New York, provided the applicant satisfies the other admission requirements.
- An applicant takes the UBE in New York and achieves a score of 262. The applicant will not qualify for admission in New York, but will qualify for admission in a UBE jurisdiction where the passing score is 262 or below.
- An applicant takes the UBE in a UBE jurisdiction where the passing score is 260 and achieves a score of 262. The applicant will not qualify for admission in New York but will qualify for admission in the UBE jurisdiction in which the applicant took the UBE and in any other UBE jurisdiction with a passing score of 262 or below.

6. Are there requirements for admission in New York, in addition to taking and passing the UBE?

Yes. An applicant for admission in New York must also take and complete an online course in New York-specific law, known as the New York Law Course (NYLC), and must take and pass an online examination, known as the New York Law Exam (NYLE).

Applicants must comply with the 50 hour pro bono service requirement. For information regarding this requirement see: <http://www.nycourts.gov/attorneys/probono/baradmissionregs.shtml>

Applicants must also take and pass the Multistate Professional Responsibility Examination (MPRE). For information regarding this test, see: <https://www.ncbex.org/exams/mpre/>

Additionally, applicants who commence their law school studies after August 1, 2016 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: <http://www.nybarexam.org/Skills/skills.htm>.

Finally, applicants 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>

7. What is the New York Law Course (NYLC)?

The NYLC is an online, on demand course on important and unique principles of New York law in the subjects of Administrative Law, Business Relationships, Civil Practice and Procedure, Conflict of Laws, Contracts, Criminal Law and Procedure, Evidence, Matrimonial and Family Law, Professional Responsibility, Real Property, Torts and Tort Damages, and Trusts, Wills and Estates. The NYLC consists of approximately 17 hours of recorded lectures with embedded questions which must be answered correctly before an applicant may continue viewing the lecture. An applicant must complete all of the videos before the applicant may register for the New York Law Exam (NYLE). You must view each lecture in its entirety and at its normal speed. Your time viewing each video segment will be audited by the Board. Advancing or speeding up the video by any means is strictly prohibited. Failure to view each lecture in its entirety and at its normal speed may result in the institution of misconduct charges under Board Rule 6000.13. Penalties may include requiring you to repeat the NYLC in its entirety, nullification of your registration for the NYLE, nullification of your NYLE score, a period of suspension from repeating the NYLC and/or NYLE, and disclosure of your misconduct to the Appellate Division in New York having jurisdiction over your application for admission and to other jurisdictions. If a user experiences technical problems while watching the videos it is incumbent on the user to contact the Board immediately to report any issues. The videos and embedded questions are copyrighted. It is a violation of Board Rule 6000.13 to copy or give to other applicants or third parties any of the embedded questions or answers or to make use of any such materials that may have been shared with you by others. Violation of Board Rule 6000.13 may result in penalties as described above, as well as such penalties for copyright infringement as may be appropriate.

8. When will the NYLC be available?

The NYLC was launched on April 5, 2016 and is currently available on the Board's website.

9. How do I register for the NYLC?

The applicant is required to create a BOLE Account on the Board's website in order to register for and access the NYLC. If an applicant already has a BOLE account the applicant should not create a new account. In order to create a new BOLE account, an applicant must provide his/her name, date of birth, email address and NCBE number. For information on obtaining an NCBE number, visit the website of the National Conference of Bar Examiners at: https://accounts.ncbex.org/php/ncbe_number/goDashboard.

10. How do I complete the NYLC registration?

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After creating an account, the applicant will receive an email with a Board of Law Examiners identification number (BOLE ID) and a temporary password, which the applicant will be prompted to change. The applicant will then be required to complete an Account Profile Page, which will require additional information, including information regarding the applicant's legal education. The applicant will be required to certify that the applicant is a *bona fide* applicant for admission to practice law in New York, and anticipates being eligible and plans to sit for the UBE within one year. After completing and certifying the Account Profile Page, the applicant may proceed to take the NYLC, by clicking on "New York Law Course" in his/her BOLE account in the Applicant Services Portal.

11. Is there a fee to take the NYLC?

There is no fee to take the NYLC.

12. When may I take the NYLC?

An applicant may complete the NYLC up to one year before or any time after the date on which the applicant first sits for the UBE, subject to the application filing deadline of Section 520.12(d) of the Rules of the Court of Appeals. That section requires that a complete application for admission be filed within three years from the date when the applicant sits for the second day of the UBE, whether taken in New York or in another jurisdiction. If an applicant completes the NYLC more than one year before sitting for the UBE, the applicant will be required to complete the NYLC again in its entirety and retake the NYLE. First and second year Juris Doctor students should wait until their third year in law school to commence the NYLC. The following examples may be useful:

- An applicant completes the NYLC on July 25, 2018, takes and passes the September 2018 NYLE, and takes and passes the UBE on July 30 and 31, 2019. The applicant will be required to repeat both the NYLC and NYLE because the applicant completed the NYLC more than one year before taking the UBE.
- An applicant completes the NYLC in August 2018, takes and passes the September 2018 NYLE, but does not take the July 2019 UBE. The applicant will be required to repeat both the NYLC and NYLE because the applicant completed the NYLC more than one year before taking the UBE.
- An applicant completes the NYLC in August 2017, takes and passes the September 2017 NYLE, does not take the UBE in New York in July 2018 but takes and passes the UBE in New York in February 2019. The applicant will be required to repeat both the NYLC and NYLE unless the applicant took the UBE in another UBE jurisdiction in July 2018, in which case the applicant must provide proof to the Board of having sat for the UBE in the other jurisdiction.

13. Will I be able to access the videos after I complete the NYLC?

Yes. After an applicant watches all of the videos and completes the NYLC, an applicant will have unlimited access to re-watch the NYLC videos, without the embedded questions, through their BOLE Account.

14. What is the New York Law Exam (NYLE)?

The NYLE is a 50-item, two hour, open book, multiple choice test administered online. It tests important New York rules on the topics of Administrative Law, Business Relationships, Civil Practice and Procedure, Conflict of Laws, Contracts, Criminal Law and Procedure, Evidence, Matrimonial and Family Law, Professional Responsibility, Real Property, Torts and Tort Damages, and Trusts, Wills and Estates.

15. When will the NYLE be offered?

The NYLE is offered four times per year. Please note that the failure to take and pass the NYLE before the results of any given UBE are released may result in a delay in admission. Third-year law students taking a July UBE are particularly encouraged to take and pass the NYLE before the UBE results are released in late October. The dates and registration deadlines for the NYLE are available at:

<http://www.nybarexam.org/ExamDates/ExamDates.html>.

16. How and when do I register for the NYLE?

You may not register for the NYLE until you have completed the NYLC. After an applicant has successfully completed the NYLC, the applicant may register for the next available administration of the NYLE through the applicant's online account at the Board's website. The deadline to register for the NYLE is 30 days prior to the date of the NYLE. For example, the deadline to register for the March 21, 2019 administration of the NYLE is February 19, 2019. The registration period for the next administration of the NYLE will open immediately following the close of the registration period for the preceding administration. The dates and registration deadlines for the NYLE are available at:

<http://www.nybarexam.org/ExamDates/ExamDates.html>.

17. How do I complete the NYLE registration?

The Board of Law Examiners has contracted with Examsoft Worldwide to administer the NYLE. After an applicant has registered with the Board for the NYLE, the Board will furnish the applicant's contact information to Examsoft. About three to four weeks prior to the administration of the NYLE, the applicant will be contacted by email by Examsoft with the instructions for purchasing, downloading and registering the exam software that is required for the NYLE. After purchasing and downloading the software the applicant will be required to perform and submit a mock exam to confirm that the software works on the applicant's computer. A few days before the date of the NYLE the applicant will be required to login to their account with Examsoft and download the exam file to their computer that will be used on exam day. Applicants must strictly adhere to all deadlines and instructions provided by Examsoft in order to complete their registration for the NYLE. Deadlines cannot be extended.

18. Is there a fee for the NYLE?

There is a \$29 fee for the NYLE which is payable to Examsoft.

19. How do I access the NYLE?

In the days preceding the date of the NYLE, the applicant will be notified by an email from Examsoft to download the exam file required to take the NYLE. A password will be required to access the exam file on the date of the NYLE. The password will be made available to applicants ten minutes before the scheduled start of the NYLE. Applicants will be required to be connected to the internet to enter the password into the software. After inserting the password while connected online, the applicant will then open the exam file, type "begin" at 12:00 noon and commence the exam.

20. What happens during the exam?

The NYLE is an open book test, and applicants have two hours to complete it, unless an applicant has been granted extended time by reason of a disability. Applicants are permitted to have access to the Course Materials and their notes during the exam. No backward navigation will be allowed, so once an applicant has navigated to the next question, the applicant may not return to the prior question. Electronically searching the Course Materials while taking the NYLE by using a searchable version of the Course Materials is a violation of Board Rule 6000.13 and may result in penalties including nullification of your registration for the NYLE, nullification of your NYLE score, a period of suspension from repeating the NYLE, and disclosure of your misconduct to the Appellate Division in New York having jurisdiction over your application for admission and to other jurisdictions. At the conclusion of two hours, the exam file will close and the applicant will be prompted to upload the exam file to Examsoft. All exam files must be uploaded to Examsoft by 2:30 pm ET on the date of the exam, unless an applicant has been granted extended time by reason of a disability, in which case the applicant should refer to their Test Accommodations Determination Letter. Every applicant is required to certify that he or she completed the NYLE without assistance from anyone else and that he or she did not provide assistance to any other applicant.

21. What is the passing score on the NYLE?

The passing score on the NYLE is 60% (an applicant must answer 30 out of the 50 items correctly). An applicant who fails the NYLE will be required to retake both the NYLC and the NYLE. Results are generally available within two weeks from the date of the NYLE, and applicants will be notified by email when results have been posted to their BOLE Account in the Applicant Services Portal.

22. What content will be covered by the NYLC and the NYLE?

The NYLC and NYLE focus on important principles of New York law that are either different from the general principles and prevailing views of the law tested on the MBE and the MEE or are unique to New York and important for the new practitioner to know. The subjects covered are Administrative Law, Business Relationships, Civil Practice and Procedure, Conflict of Laws, Contracts, Criminal Law and Procedure, Evidence, Matrimonial and Family Law, Professional Responsibility, Real Property, Torts and Tort Damages, and Trusts, Wills and Estates.

23. Are there materials available to prepare for the NYLC and NYLE?

Yes. Course Materials are currently available on the Board's website. The Course Materials cover the 12 topics on New York law that are covered in the NYLC and tested on the NYLE. All of the material tested on the NYLE will be found in the Course Materials for the NYLC and NYLE or in the videos. Electronically searching the Course Materials while taking the NYLE by using a searchable version of the Course Materials is a violation of Board Rule 6000.13 and may result in penalties including nullification of your registration for the NYLE, nullification of your NYLE score, a period of suspension from repeating the NYLE, and disclosure of your misconduct to the Appellate Division in New York having jurisdiction over your application for admission and to other jurisdictions.

24. When may an applicant take the NYLC and NYLE?

To be certified for admission by the New York Board of Law Examiners (see Rule 520.7[a]), an applicant may take the NYLC and NYLE up to one year before the applicant first sits for the UBE or up to three years after the applicant first sits for and passes the UBE, subject to the application filing deadline of Court of Appeals Rule 520.12(d). That section requires that an applicant submit a completed application

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for admission to the Appellate Division within three years from the date when the applicant sits for the second day of the UBE, whether taken in New York or in another jurisdiction. It is important to note that a passing NYLE score expires three years from the date the applicant received the passing score (see Rule 520.9[a][3][v]).

Some examples may be useful. These examples only use years as measuring points; it should be understood, however, that the specific months in which certain events take place will have to be taken into account in each instance:

- An applicant takes the NYLC and takes and passes the NYLE and the UBE in 2017. The applicant must apply for admission by 2020.
- An applicant takes and passes the UBE in 2017, and takes the NYLC and passes the NYLE in 2018. The applicant must apply for admission by 2020.
- An applicant takes the NYLC and takes and passes the NYLE in 2016 and takes and passes the UBE in 2017. Although the passing score on the UBE is valid until 2020 the NYLE is only valid for three years from the date the applicant received the passing score. Since the applicant's NYLE score will become stale in 2019, the applicant must apply for admission by 2019 otherwise the applicant will need to retake the NYLC and NYLE.
- An applicant takes the NYLC and takes and fails the NYLE in 2016. The applicant takes and passes the UBE in 2017. The applicant must retake the NYLC and retake and pass the NYLE by 2020, and must also apply for admission by 2020.
- An applicant takes the NYLC and takes and passes the NYLE in 2016. The applicant takes and fails the UBE in 2017, but re-takes and passes the UBE in 2018. The applicant must apply for admission by 2019 or else the applicant will need to retake the NYLC and NYLE which become stale in 2019.
- An applicant takes and passes the UBE in 2017, but does not take and pass the NYLE until 2019. The applicant must apply for admission by 2020, or else the UBE score will be stale.
- An applicant takes and passes the NYLE in May 2016 but does not pass the UBE until July 2019. The applicant's NYLE score will become stale in May 2019, requiring the applicant to retake the NYLC and NYLE, even though the passing score on the UBE would otherwise be valid until 2022.

The same rules will apply to applicants seeking to transfer a UBE score in from another jurisdiction. That is, the applicant will have to take the NYLC and take and pass the NYLE within one year before or three years after the date of administration of the UBE.

25. When will New York begin accepting UBE scores from other UBE jurisdictions?

Effective October 1, 2016, an applicant who sat for the UBE in another jurisdiction may apply for admission based on the transfer of a score earned on the UBE taken in another jurisdiction to New York in lieu of taking the UBE in New York, subject to the application filing deadline of Court of Appeals Rule 520.12(d). For example, if an applicant took the UBE in another jurisdiction in July 2015, the applicant must complete the NYLC, pass the NYLE, pass the MPRE and file an application for admission with the Appellate Division by July 2018. If an applicant's UBE score is more than three years old as of October 1, 2016, the applicant cannot seek to transfer that score to New York. See question 24 above.

26. What is the process to transfer a UBE score to New York?

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 seeking to transfer a UBE score to New York must create an account on the Board's website and file an application for a determination of eligibility for admission to practice by examination and pay the fee prescribed for admission by examination in Section 465 of the Judiciary Law. The applicant will also be required to 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 a passing UBE score (New York's passing score is 266) in the form of an official UBE score transcript from the National Conference of Bar Examiners (NCBE); and (3) proof of a passing MPRE score (New York's passing score is 85). Requests to transfer an official UBE score shall be made at <http://www.ncbex.org/ncbe-exam-score-services/ube-score-services/>. NCBE charges a \$25 fee for each UBE score transcript.

27. When must an application for a determination of eligibility for admission upon examination by transferred UBE score be filed?

The application for a determination of eligibility for admission upon examination by transferred UBE score is available through the applicant's account in the Applicant Services Portal. Upon submission of the electronic application and payment of the requisite fee (see question 30) the applicant should receive a confirmation email which explains the proof of eligibility that must be submitted. For Juris Doctor Graduates of ABA- approved law schools the proof will be a Law School Certificate of Attendance Form, which the Board will send to you by email, and which you must submit to your law school to complete and return to the Board. Since Court of Appeals Rule 520.12(d)(1) requires an applicant to submit an application for admission to the Appellate Division within three years from the date when the applicant sat for the second day of the UBE, the Board will require sufficient notice and time to review an application for determination of eligibility for admission upon examination by transferred UBE score. Accordingly, in order to provide the Board with adequate time to process an application for determination of eligibility for admission upon examination by transferred UBE score applicants are encouraged to file such application with the Board at least 30 days prior to the expiration of an applicant's time to file the application for admission with the Appellate Division under Court of Appeals Rule 520.12(d)(1).

28. For how long will a score achieved on the UBE taken in another UBE jurisdiction be accepted in New York?

A UBE score achieved in another UBE jurisdiction will be accepted in New York for three years from the date the applicant sat for the UBE. For example, if an applicant took and passed the July 2015 UBE in another jurisdiction, that score is now stale under Court of Appeals Rule 520.12(d).

29. What is the fee to take the UBE in New York?

The fee is prescribed by section 465 of the Judiciary Law, \$250 for domestically-educated applicants and \$750 for candidates educated in a foreign country and qualifying for admission under Court of Appeals Rule 520.6.

30. What is the application fee for admission by transferred UBE score?

The application fee for admission by transferred UBE score in New York is the fee prescribed by section 465 of the Judiciary Law, \$250 for domestically-educated applicants and \$750 for candidates educated in a foreign country and qualifying for admission under Court of Appeals Rule 520.6.

31. Is there a charge to take the NYLC and NYLE?

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There is no fee to take the NYLC. The fee to take the NYLE is \$27 paid directly to Examsoft.

32. Are there any other requirements that must be satisfied before a UBE score earned in another UBE jurisdiction can be transferred to New York?

Applicants seeking to transfer a UBE score to New York must satisfy the educational eligibility requirements as set forth in Court of Appeals Rules 520.3, 520.4, 520.5, 520.6, or 520.17. See also question 6 above regarding additional admission requirements.

33. If I have already taken and passed the bar exam, or if I am already admitted to practice law in New York, may I take the UBE in New York?

No. Applicants must certify that that they are a *bona fide* applicant for admission to the bar in New York in order to sit for the bar exam in New York. Therefore, applicants who have already taken and passed a prior New York bar exam and applicants who are already admitted to practice law in New York may not sit for the UBE in New York. However, you may be able to take the UBE in another UBE jurisdiction. We suggest that you consult the eligibility rules for the other UBE jurisdictions.