

NEW YORK STATE BOARD OF LAW EXAMINERS

FOREIGN LEGAL EDUCATION HANDBOOK:

SUMMARY OF ELIGIBILITY REQUIREMENTS FOR FOREIGN- EDUCATED APPLICANTS TO THE NEW YORK BAR EXAMINATION

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Foreign Legal Education

I. INTRODUCTION

Section 520.6 of the Rules of the Court of Appeals for the Admission of Attorneys and Counselors at Law (22 NYCRR 520.6) contains the eligibility requirements for applicants who wish to qualify for the New York State bar examination based on the study of law in a foreign country. Rule 520.6 also incorporates by reference provisions from Rule 520.3. Compliance with the requirements of the Rules of the Court of Appeals must be proven to the satisfaction of the Board before an applicant may be permitted to sit for the bar examination. Therefore, applicants should carefully review Rules 520.6 and 520.3 before applying to sit for the New York State bar examination.

II. ADVANCE EVALUATION OF ELIGIBILITY

To establish eligibility for the bar examination, all first-time applicants under Rule 520.6 must complete an online Foreign Evaluation Form and submit other required documentation such as transcripts. Please note that in most instances, a transcript alone will NOT be enough to determine your eligibility for the examination. We urge you to carefully review Section VI, below, for a complete list of all the supporting documentation you will be required to submit.

III. DEADLINES FOR REQUESTING ADVANCE EVALUATION OF ELIGIBILITY

- A. **Applicants requiring an LL.M. to qualify for the examination.** If you need to “cure” a deficiency in your foreign legal education by completing an LL.M. degree at an approved law school in the United States, you MUST seek an Advance Evaluation of Eligibility from the Board. Because of the volume of these applications, their complexity and the frequent need to communicate with these applicants and request more information concerning their eligibility, it can take up to six (6) months from the date of the Board’s receipt of all required documentation for an eligibility decision to be made. While we encourage applicants to seek an evaluation at least one year in advance of taking the bar exam, to ensure that you receive a timely decision on your eligibility, the Board requires that you submit all documentation by the following deadlines:

EXAM	DOCUMENTS	DEADLINE
FEBRUARY	Online Foreign Evaluation AND all Required Foreign Documentation	May 1 of the year preceding the exam you wish to sit.
JULY	Online Foreign Evaluation AND all Required Foreign Documentation	October 1 of the year preceding the exam you wish to sit.

B. Applicants Qualifying for the Bar Exam Without the Need for an LL.M. Degree from a U.S. Law School. For your personal planning purposes, and to ensure that you receive a timely decision on your eligibility, the Board strongly encourages you to complete the online Foreign Evaluation Form AND submit all required supporting documentation at least six months prior to the first day of the application period of the examination you plan to take. If you are unable to meet this six month timeframe, the following deadlines will apply:

EXAM	DOCUMENTS	DEADLINE
FEBRUARY	Online Foreign Evaluation	November 30
	Required Foreign Documentation	January 15
JULY	Online Foreign Evaluation	March 31
	Required Foreign Documentation	June 15

C. The Board will not commence review of any request for an evaluation for any applicant requiring an LL.M. degree until it is in receipt of all required foreign documentation. Such applicants should *allow at least six months from the date of the Board's receipt of all of the necessary documentation for a decision to be made.*

D. We strongly advise applicants requiring an LL.M. degree to wait until you have received a determination on your Request for Evaluation before submitting an application to sit for the examination and paying the \$750 application fee.

E. If an LL.M. applicant submits an application to sit for the bar examination (and thus pays the \$750 application fee) **prior to receiving a determination of eligibility**, such applicant does so at his or her own risk in that the \$750 application fee will **not be refunded or credited if a determination cannot be made in time for such exam or if it is later determined that the applicant is ineligible.**

F. To request an evaluation of your credentials, click on the link located at the bottom of this page to create an online account. Upon creation of the account, you will be assigned a unique BOLE Identification Number which you must use for all correspondence and applications with the Board. However, we encourage you to carefully review all of the following information before completing the online Foreign Evaluation form.

IV. SYNOPSIS OF REQUIREMENTS UNDER RULE 520.6

A. Rule 520.6 (b) (1) (most applicants will be applying under this provision) has four major eligibility requirements:

1. **Qualifying Degree** (520.6 [b] [1]). The foreign-educated applicant must have fulfilled the educational requirements for admission to the practice of law in a foreign country other than the United States. The applicant must have a qualifying degree, which must be a degree in law.

2. **Accreditation** (520.6[b][1]). The qualifying degree must be from a law school or schools recognized by a competent accrediting agency of the government of the foreign country and must be deemed qualified and approved.
3. **Durational Equivalence** (520.6 [b] [1] [i] [a]). The applicant’s period of law study must be successfully completed. The program of study must also be “substantially” equivalent in duration to a full-time or part-time program required at a law school in the United States approved by the American Bar Association (ABA) and in substantial compliance with the instructional and academic calendar requirements of section 520.3(c)(1)(i) and (ii) and 520.3(d)(1).
4. **Substantial Equivalence** (520.3[b] [1] [i] [b]). The foreign country’s jurisprudence must be based upon the principles of the English Common Law, and the "program and course of law study" successfully completed by the applicant must be the “substantial” equivalent of the legal education provided by an ABA-approved law school in the United States.

B. Rule 520.6 (b) (2) (English Common Law based on a combination of law school and law office study) has four major eligibility requirements:

1. Admission to practice law in a foreign country whose jurisprudence is based upon the principles of the English Common Law.
2. Admission is based on a program of study in a law school and/or law office that is recognized by the competent accrediting agency of the government of such other country.
3. The combination of the law school and law office programs of study must be durationally equivalent under Rule 520.6 (b) (1) (i) (a).
4. Applicant must successfully complete a full-time or part-time program under the “cure” provision of Rule 520.6 (b) (1) (ii).

NOTE: Historically, applicants who qualify under Rule 520.6 (b) (2) are solicitors or barristers in English Common Law jurisdictions who do not have an LLB degree but who are admitted to practice based on successful completion of the Common Professional Examination course, the Graduate Diploma in Law or the Bar Vocational Course, together with a practical skills course, and a training contract (i.e., articles), the aggregate of which must satisfy the durational equivalency requirements. They will also need to complete an LLM or Master of Laws program at an approved law school in the United States pursuant to the “cure” provision.

V. “CURE” PROVISION (Rule 520.6 [b] [1] [ii] and 520.6 [b] [2])

An applicant, whether educated in a Common Law or non-common law country, whose legal education is not of sufficient duration or not substantively equivalent to an ABA-approved law school program, may cure the durational or substantive deficiency (but not both). On April 27, 2011, the New York Court of Appeals amended Rule 520.6 (b). Most provisions of the amended Rule do not apply to programs in effect prior to the 2012-2013 academic year. The following is a synopsis of how the Board of Law Examiners interprets and applies the “cure provision” for (A) programs completed or commenced **prior to** the 2012-2013 academic year and (B) programs **commenced in or after** the 2012-2013 academic year.

A. PROGRAMS COMPLETED OR COMMENCED PRIOR TO THE 2012-2013 ACADEMIC YEAR

Applicants who completed an LL.M. program prior to the 2012-2013 academic may cure the durational or substantive deficiency (but not both) by presenting proof that the applicant successfully completed a full-time or part-time program consisting of at least 20 semester hours of credit, or the equivalent, in professional law subjects, including basic courses in American law, in an approved law school in the United States.

1. **Program of Study.** The 20 credits must have been taken as part of a "program of study." Courses taken on a non-matriculated basis are not acceptable.
2. **Minimum of 20 Semester Hours of Credit.** For programs completed or commenced prior to the 2012-2013 academic year, the program of study must consist of a minimum of 20 semester hours of credit. All 20 credits must have been in courses that required classroom instruction, and such instruction **MUST** have taken place at a campus of an ABA law school located within the United States. The 20-credit hour program must have been completed over two or more semesters, completed generally during a typical academic year. The Board has no authority to waive the 20 credit requirement or any of other requirements of the Court Rules.
3. **Summer/Accelerated Programs Prohibited.** Accelerated programs and/or programs that were conducted exclusively during the summer are not recognized.
4. **Professional Law Subjects.** For programs completed or commenced prior to the 2012-2013 academic year, the credits must be in "professional law subjects." Generally, most courses that are typically taught in an approved law school qualify as "professional law subjects." Non-law courses will not be counted towards the 20 credits. The Board also does not count "directed research" or "independent study" as part of the 20 credits but applicants are free to take such credits over and above the 20 credits in professional law subjects required by the rule.
5. **Basic Courses in American Law.** For programs completed or commenced prior to the 2012-2013 academic year, the phrase "basic courses in American law" requires at least two courses in subjects tested on the bar examination or, if not tested on the bar examination, the courses must be approved in advance by the Court of Appeals. Applicants should contact the graduate office at the approved law school to consult the list of courses approved by the Court of Appeals.
6. **Successful Completion.** For programs completed or commenced prior to the 2012-2013 academic year, the "program of study" that the applicant chose to pursue must have been successfully completed before the applicant may qualify to sit for the bar exam. If the program of study that the applicant chose to pursue was more than 20 credits, the applicant will not qualify to sit for the bar exam until all of the law school's requirements for that program are satisfied and the degree is awarded. **Approved Law School.** Approved law school means a United States law school approved by the ABA. Please note that the Board cannot recommend a particular law school nor does the Board maintain a list of schools that offer programs that will satisfy Rule 520.6. You may consult the ABA's Section on Legal Education and Admissions to the Bar at their website (<http://www.abanet.org/legaled>) to obtain a list of ABA-approved law schools.

7. **"In the United States."** All of the courses must be physically completed at an ABA-approved law school located within the United States. ANY class taken at a law school's campus in a foreign country does NOT qualify toward the 20 credit requirement. Credits obtained on foreign campuses, even if the course or program is affiliated with or administered by an ABA-approved law school, will NOT count towards the minimum credits required by Rule 520.6. Distance, correspondence or external study, as well as on-line programs, are not permitted.

B. PROGRAMS COMMENCED DURING OR AFTER THE 2012-2013 ACADEMIC YEAR

Applicants enrolled in a program commenced during or after the 2012-2013 academic year may cure the durational or substantive deficiency (but not both) by obtaining an LL.M. degree (Master of Law) at an ABA-approved law school in the United States.

1. **LL.M. degree.** Applicants who commenced a program during or after the 2012- 2013 academic year must successfully complete the requirements of and be awarded an LL.M. degree within 24 months of matriculation. A completed transcript showing that a qualifying LL.M. degree was awarded will be required before an applicant is qualified to sit for the bar exam.
2. **Minimum of 24 Semester Hours of Credit.** For applicants who commenced a program in or after the 2012-2013 academic year, the LL.M. degree program must consist of a minimum of 24 semester hours of credit. All 24 credits (except as otherwise permitted) must be in courses requiring classroom instruction (see paragraph 8 below for impermissible coursework) with a minimum of 700 minutes of instruction time per credit, exclusive of examination time. If an applicant did not successfully complete 24 semester hours of credit during their LL.M. degree, in compliance with Court of Appeals Rule 520.6(b)(3)(i), the applicant may either petition the Court for a waiver of strict compliance under Rule 520.14, or the applicant may cure the deficiency by taking the missing credits on a non-degree basis at an ABA-approved law school in the United States. For example, if an applicant only took 22 credits in their LL.M. program because they did not initially plan on taking the New York bar exam, or the applicant took 24 credits but one or more credits were disqualified by the Board of Law Examiners, the applicant may take the additional credits on a non-degree basis at an ABA-approved law school in the United States without having to petition the Court for a waiver.
3. **Period of Instruction.** For applicants who commenced a program in or after the 2012-2013 academic year, the LL.M. degree program must take place over at least two (non-summer) semesters of at least 13 calendar weeks each, or the equivalent, exclusive of reading periods, examinations and breaks. The program cannot be completed exclusively during summer semesters; however, a maximum of four credits may be earned in summer courses.
4. **Approved Law School.** Approved law school means a United States law school approved by the ABA. Please note that the Board cannot recommend a particular law school nor does the Board maintain a list of schools that offer programs that will satisfy Rule 520.6. You may consult the ABA's Section on Legal Education and Admissions to

the Bar at their website (<http://www.abanet.org/legaled>) to obtain a list of ABA-approved law schools.

5. **All coursework to be completed in the United States.** All coursework must be physically completed at the campus of the ABA-approved law school in the United States. ANY course taken at a law school's campus in a foreign country does NOT qualify toward the 24-credit requirement for the LL.M. degree. No credit is allowed for distance, correspondence or external study or for an on-line program or course.
6. **Required Coursework.** For applicants who commenced a program in or after the 2012-2013 academic year, the LL.M. degree program must include: (i) at least two semester hours of credit in professional responsibility, (ii) at least two credits in a legal research, writing and analysis course (which may NOT be satisfied by a research and writing requirement in a substantive course), (iii) at least two-credits in a course on American legal studies, the American legal system or a similar course designed to introduce students to U.S. law, and (iv) at least six credits in subjects tested on the New York bar examination.
7. **Permissible Coursework.** For applicants who commenced a program in or after the 2012-2013 academic year, the LL.M. degree program may include: (i) credits in clinical courses (so long as the clinic course has a classroom component, the clinical work is performed under the direct supervision of a member of the law school faculty and the educational benefit is commensurate with credit awarded) and (ii) a maximum of six credits in other courses related to legal training (so long as the course is taught by a faculty member at law school awarding the LL.M. or an affiliate school and the course is completed at a campus in the United States).
8. **Impermissible Coursework/Credit.** Applicants may not count credits in any type of bar review or preparation course, "independent study", directed study, research papers or projects toward the 24 semester hours of credit required to qualify for the bar exam.
9. **Exchange Credits/LL.M. Programs.** An applicant who completes an exchange program at a U.S. law school may not count the credits earned in the exchange program toward both the foreign law degree and the LL.M. degree. If an applicant who attended a U.S. law school on exchange subsequently returns to the U.S. to complete an LL.M. degree, the applicant may not count the credits awarded during the prior exchange program toward the LL.M. degree. The applicant must complete a thorough and continuous program of study for the LL.M. degree that consists of a minimum of 24 credit hours and no fewer than two semesters of at least 13 calendar weeks each. However, exchange students who return to the U.S. to complete an LL.M. degree are permitted to apply courses taken on exchange toward the LL.M. program requirements of Rule 520.6(b)(3)(vi).
For example, an exchange student who completes a two-credit "legal research, writing and analysis" course, as required under Rule 520.6(b)(3)(vi)(b), is not required to retake that course as part of the LL.M. program but the student may not count the course towards the 24 credit hours required to qualify to sit for the bar exam.
10. **Failure to Complete Courses Required Under Rule 520.6(b)(3)(vi).** If an applicant (or prospective applicant) for the bar examination failed to complete one or more of the courses required under Court of Appeals Rule 520.6(b)(3)(vi) during their LL.M. degree program the applicant may take the missing course(s) on a non-degree basis at an ABA-approved law school in the United States. Those courses must meet the other

requirements of Rule 520.6 (i.e. they must be completed at the U.S. campus of the ABA-approved law school, a minimum of 700 minutes of instruction time must be required for the granting of one credit hour, and the coursework cannot be done via distance education). If the applicant has not returned to an ABA-approved law school in the U.S. to take the missing courses then the applicant will need to submit a verified petition to the Court of Appeals seeking a waiver of the requirement(s) and permitting the applicant to sit for the bar examination (See Court of Appeals Rule 520.14).

VI. SUPPORTING DOCUMENTATION

- A. All supporting documentation must come directly from the issuing institutions and/or government agencies in a sealed envelope.
- B. The documentation must consist of originals or copies certified directly by the issuing school or institution.
- C. Faxed copies, photocopies certified by a notary public, and/or photocopies certified by anyone other than an official at the issuing school or institution will NOT be considered.
- D. All documentation and correspondence should contain applicant's BOLE identification number.
- E. All documents become the property of the Board and will not be returned.
- F. Do NOT send in any documents before you complete the online foreign evaluation as the Board does not retain documents that cannot be linked to an active BOLE account.
- G. Do NOT send your documents in the same mailing envelope as another candidate.

VII. REQUIRED DOCUMENTATION

A. Rule 520.6 (b) (1) applicants (i.e., MOST foreign-educated applicants):

1. **Official Transcript(s).** Submit a final, official transcript directly from every law school attended that includes the dates of attendance for each period of study, the courses taken and passed for each period of study, the grades, the number of credits, the degree awarded, and the date the degree was awarded.
2. **Degree Certificate.** If the official transcript does not clearly state the degree awarded and/or the date such degree was awarded, you must also furnish the degree certificate.
3. **Proof of fulfillment of the educational requirements for admission to the practice of law in the foreign country.** (a) If you are admitted to practice law in a foreign country, attach a copy of your admission certificate, OR (b) If you are not admitted to practice law in a foreign country, submit proof of the educational requirements for admission to practice law in your country and proof from the bar admission authorities that you have fulfilled these requirements.

4. **Accreditation.** Submit a written statement from the competent accrediting agency of your foreign government that the law school or schools you attended were recognized by them as qualified and approved throughout your period of study.
5. **LL.M. Certificate of Attendance Form.** Applicants relying on the cure provision must have his or her law school submit the LL.M. Certificate of Attendance Form directly to the State Board of Law Examiners together with an official transcript.

B. Rule 520.6 (b) (2) applicants (combination of law school and law office study in an English Common Law):

1. Admission certificate from the competent accrediting agency of the government of the foreign jurisdiction.
2. Official transcripts of the law school programs confirming the dates of attendance and successful completion of the program(s).
3. A certificate or written statement verifying the successful completion of the law office study (i.e., clerkship or articles) and the dates of the employment.
4. LL.M. Certificate of Attendance Form and an official transcript from the United State law school.

VIII. ADDITIONAL DOCUMENTATION (if required):

A. Supplement to transcript. If the Board determines that your official transcript does not confirm that your legal education complies with the durational and substantive requirements of Rule 520.6 (b) (1), additional documentation from your law school will be required. You will be advised if such additional documentation is needed.

1. Proof of durationally equivalent legal education.

Rule 520.6 (b) (1) requires successful completion of law school study that is at least substantially equivalent in duration to that required under subdivisions (c)(1)(i) and (ii) and (d)(2) of Rule 520.3. If your official transcript does not clearly confirm that your law degree was based on classroom study that is substantially equivalent in duration to the number of credits and minutes of instruction as required by Rule 520.3, then it will be necessary for you to provide a written statement from your law school or schools confirming the total number of credits and minutes of instruction per credit that were successfully completed during your program of study.

2. Proof of substantively equivalent legal education.

Rule 520.6 (b) (1) (i) (b) requires successful completion of law school study that is substantially equivalent of the legal education provided by an approved law school in the United States. If your official transcript does not clearly confirm that your law school study is substantially equivalent of the legal education provided by an approved law school in the United States, then it will be necessary for you to provide from your law school or schools any additional documentation as requested by the Board.

B. English translation. If the law school transcripts, degree certificate, or any other paper submitted is not in English it shall be accompanied by an English translation that is duly authenticated by a certified translator which includes a statement by the translator setting

forth the translator's qualifications and certifying that the translation is accurate. Translations made by the applicant or a third party who is not a certified translator (even if the third party is fluent in a particular language) will not be accepted. Translations may be mailed to the Board under separate cover and need not come directly from the issuing school or university. If you do not have a copy of the transcript from which to produce an English translation, then you should order a second original from your school – one original to be sent directly to the Board and one for the translator.