

NEW YORK STATE BOARD OF LAW EXAMINERS



NEW YORK STATE BAR EXAM INFORMATION GUIDE

**NEW YORK STATE BOARD OF LAW EXAMINERS
CORPORATE PLAZA – BUILDING 3
254 WASHINGTON AVENUE EXTENSION
ALBANY, NY 12203-5195
Phone: (518) 453-5990
Fax: (518) 452-5729
www.nybarexam.org**

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1. BAR EXAMINATION

Commencing with 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 consists of the Multistate Bar Examination (MBE), the Multistate Performance Test (MPT), and the Multistate Essay Examination (MEE). 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. An applicant may transfer a concurrent MBE score to New York from another jurisdiction to combine with the written section for a bar examination score but the applicant will NOT earn a UBE score.

The Uniform Bar Examination (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 at: <https://www.ncbex.org/exams/ube/>.

2. 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 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. 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.

Applicants will be able to 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 application for the bar exam, registration for the NYLC, registration for the NYLE, application by transferred UBE score and change of address requests.

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 with questions regarding the examination or your eligibility. 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. You should also check your email regularly for important updates and emails regarding the examination.

3. APPLYING TO SIT FOR THE BAR EXAMINATION

Applicants may apply to sit for the UBE by clicking on the link for Bar Exam Application located in the Applicant's BOLE Account or by clicking on the Online Application link located at the bottom of the homepage of the Board's website.

4. APPLICATION DEADLINES

A. General Rules

The bar examination 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

If you fail the examination administered immediately preceding the next available application period, the deadline for receipt of a re-application for the next offered examination is 14 days from the date of the Board's release of results *or* the last day of the filing period, whichever is later. Re-applicants who did not complete *both* days of the immediately preceding examination do not get the benefit of this 14 day extension.

5. APPLICATION FEES

The application fee 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 waiver 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. PAYMENT OF FEES

A. Online Application

The only acceptable form of payment 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, 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. Do not send cash.**

7. ELIGIBILITY REQUIREMENTS

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 New York State bar examination. Prior to applying for the exam, you should carefully review the Rules pertaining to how you will qualify to sit for the exam (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 to sit for the examination. 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. RULES OF THE STATE BOARD OF LAW EXAMINERS (22 NYCRR § 6000)

The Board's Rules set forth the requirements for application to the exam, fees, transfer of scores, test accommodations, seating assignments, examination content and form, grading, and fraud and dishonesty, among other things. Applicants are expected to be familiar with and to comply with the requirements of the Board's Rules, which can be found by clicking on Rules and Regulations on the Board's website.

9. PROOF OF ELIGIBILITY (DOCUMENTS TO BE SUBMITTED IN SUPPORT OF YOUR APPLICATION)

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 bar examination.**

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

Your law school must file with the Board (1) the Law School Certificate of Attendance Form *and* (2) your verified Handwriting Sample. Shortly after the application period closes, you will be sent, by email, the required forms to be verified by your law school.

C. Law Office Study (Rule 520.4)

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; (3) an official transcript of your law school study (unless you provided it previously); (4) your completed Handwriting Sample certified by the attorney for whom you clerked; and (5) 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 (1) the Law School Certificate of Attendance form. You must file with the Board (2) proof of admission to practice in another jurisdiction or jurisdictions; (3) an affidavit setting forth the periods and places of law practice including the dates and names of employers; (4) a minimum of three [3] affidavits from supervising attorneys, partners, judges, etc. confirming proof of practice for five of the seven years preceding application to the New York bar exam; and (5) your completed Handwriting Sample certified by a Notary Public.

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, please visit the Foreign Legal Education page of the Board's website. Additional deadlines for receipt of documentation may apply.

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.

10. ADMINISTRATIVE ACCOMMODATIONS

If you want to request permission to bring into the examination room an assistive device, such as, a lumbar cushion, an orthopedic device, diabetic supplies or you are a nursing mother that requires accommodations, you must complete the Administrative Accommodation Request Form. **The request must be received by the Board no later than the first day of the month of the scheduled exam.** If the request is granted, the Board will provide a letter granting the request which must be presented to security at the entrance of the test center.

If you want to request a special seating arrangement due to a medical condition, such as near a restroom or near an exit, you must make a written request to the Board on the form provided by the Board (Administrative Accommodations Request.). **The request must be received by the Board no later than the first day of the month of the scheduled exam.**

11. TEST ACCOMMODATIONS (see BOARD RULE 6000.7)

The Board provides reasonable and necessary test accommodations to applicants who are qualified to take the bar examination and/or the New York Law Exam (NYLE) who are disabled under the Americans with Disabilities Act. To find out more about test accommodations, please download a copy of the Board's Test Accommodations Handbook which is available on the Board's website. If you are requesting test accommodations, you must timely file the application to sit for the examination, pay the appropriate application fee, **AND timely file a separate, paper ADA application** by the deadlines set forth in Board Rule 6000.7(c)(2). **There is no late application period.**

12. LAPTOP PROGRAM

A. General Information

The laptop program 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. When you apply for the examination, you must indicate whether you will participate in the laptop program. **You must elect the laptop program during the application period. No one will be added to the laptop program after the application period closes.** Shortly after the application period has ended, you will receive an email from our current laptop software vendor, ExamSoft Worldwide (barsupport@examsoft.com), with instructions for purchasing the software and registering your laptop. All subsequent laptop program communications will also 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.

The homepage of the Board's website will be updated when the dates and deadlines to register your laptop for a particular exam are determined. These deadlines 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.

B. Risks

As is the case with the use of any technology, there are certain risks associated with participation in the Laptop Program. **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 bar examination. 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 ExamSoft Worldwide's SofTest© software as the security software for the bar examination. 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 examination.

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 SofTest prior to enrolling in the laptop program. <http://go.examssoft.com/barexamsystemrequirements>

Use of a wireless keyboard and a wireless mouse are not permitted on the bar exam.

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. EXAM SCHEDULE

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

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.

14. TEST CENTER LOCATIONS

The bar examination is always held in Albany, New York City, White Plains and Buffalo each February and July and may also be given at other locations (i.e. Saratoga Springs in July) based on a variety of factors including the availability of test sites. As test sites are confirmed, the locations will be posted on the Board's website. 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.

15. TEST CENTER ASSIGNMENTS

In accordance with Rule 6000.8, each applicant admitted to the examination shall be assigned to a test center in one of the four judicial departments located in the State. Test center assignments will depend on the sites available for a given administration of the exam. All applicants will receive an email sometime after the application period closes to choose and confirm their seat location. Only locations with available seats will be listed in the email. Generally, applicants will be assigned to a test center in the department in which they reside (at the time the application is completed); out-of-state residents will be listed as "unassigned" at the time of the email and will be required to choose a location with available seats. Most out-of-state residents will be required to choose between Albany and Buffalo test centers, but other locations may also be added as needed and will appear on the website. Only locations with available seats at the time you open the link will be listed in the email. Once a location is filled, it will no longer appear in the email.

16. REQUESTS FOR CHANGE IN TEST CENTER LOCATION

There are no waiting lists for test centers and changes to test center assignments are only made in rare instances and only upon a showing of good cause. Such requests must be mailed to the Board's office and must be in the form of an affidavit showing the location requested, the reason for the request, and supporting documentation if applicable (i.e., medical necessity verified by a doctor's certificate). Mere convenience or geographical proximity is not considered good cause. Requests will be decided based on good cause shown and the availability of seats and decisions are completely within the discretion of the Board.

17. CHANGE OF ADDRESS

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 candidate who lives outside the state and works full-time in the state must notify the Board of their New York employment address. **Seat assignments for the examination are based on the address given at the time of application. Change of address requests which affect seating for the bar examination may not be processed until after the bar examination has been administered.** Candidates 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 15 for a July

exam and April 15 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 Requests may be submitted through the applicant's online BOLE Account. You may be required to provide proof of residency in the form of a copy of your New York driver's license or non-driver photo ID card, a valid, fully-executed residential lease showing your name, a property tax bill and/or a utility bill.

18. SEATING TICKETS

Seating Tickets will generally become available by email to qualified applicants approximately two weeks before the date of the scheduled examination. At that time, seating tickets are also made available to view and print from the home page of the Board's website. You must present your Seating Ticket to security in order to enter the examination. Therefore, it is important to print and bring a copy of the Seating Ticket to the exam. The seat number assigned in the Seating 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. PHOTO IDENTIFICATION

All applicants must bring an official government issued photo ID to the examination, which will be checked at all four sessions. Acceptable forms of ID include a U.S. driver's license, a passport, or other **government issued** photo ID. A non-U.S. citizen who does not possess a driver's license issued by a U.S. state or territory must present a valid passport as identification. The name on your photo ID must match the name on your Seating Ticket.

20. WITHDRAWAL FROM THE EXAMINATION

Should you decide to withdraw from the examination, you must notify the Board in writing- by fax or by mail - as soon as possible. The Board may also provide a link where you may withdraw your application on the website or in emails regarding the examination. 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 accompanied by appropriate supporting documentation. 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 applied online and paid your fee by credit card, you may be held responsible for any penalties incurred by the Board should you cancel the credit card charge for any reason.

21. REPEATED WITHDRAWAL FROM THE EXAM/ FAILURE TO APPEAR

Pursuant to Board Rule 6000.9(b)(3), any applicant who has withdrawn from or failed to appear for two or more bar examinations must petition the Board for permission to re-apply before taking another bar examination. Petitions to re-apply should be received in the Board's office by November 15 for a February examination and by April 15 for a July examination.

Petitions must be in the form of an affidavit which means that you must swear under oath and under penalty of perjury that its contents are truthful and accurate, and your statement must be witnessed by a notary. Petitions must include:

1. Your name, age, residence address, email address and phone number;
2. The facts which caused you to withdraw from or to fail to appear for each and every bar examination, not just the most recent bar exam; and,
3. The facts which support your request to re-apply including a discussion of what steps you have taken - or what has changed in your circumstances - to make it possible for you to appear for a future exam.

Petitions should include – where ever possible - supporting documentation which confirms the reasons why you withdrew or failed to appear for each and every exam. Examples include medical documentation, police reports, death notices, employment letters and the like.

Please Do NOT include any staples, paperclips, binding and/or exhibit tabs with your petition. Petitions are scanned upon receipt and using such materials may cause your petition to be torn or shredded during the scanning process.

22. ABSENCE FROM EXAM OR ANY PART THEREOF

A. Absence: Applicants must appear for ALL sessions of the examination to be graded. An applicant who fails to appear for one session of the examination shall not be admitted to a later session. Any applicant who is not present for both sessions of the first day of testing will not be permitted to take the MBE in New York on the following day. Any examination papers submitted by an applicant who does not take the entire examination will not be graded, their application fee shall be forfeited, it will be counted as a “failure to appear,” and a new application must be filed for any future examination.

B. Tardiness: No applicant will be admitted to the examination more than one half hour after an examination session begins.

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 exam. If in the Board's opinion, upon review of applicant's exam papers and record of attendance, the applicant does not make a bona fide effort to pass the examination, the Board may withdraw the applicant from the exam and the applicant will be subject to the two absence/withdrawal rule in Rule 6000.9(b)(3) and will be required 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.

23. PASSING SCORE

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. GRADING

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 weight 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 of his or her examination 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. ADDITIONAL REQUIREMENTS FOR APPLICANTS 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 an online examination, known as 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.

NYLC: The NYLC is an online, on demand course which reviews important and unique aspects of New York law. The NYLC consists of approximately 15 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 must complete the NYLC up to one year prior to or three years after passing the UBE. You must complete the NYLC prior to applying for the NYLE. Click on UBE/NYLC/NYLE on the Board's website for additional information.

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 offered four 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 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.

MPRE: All applicants who have passed the bar examination and are seeking admission to practice law in New York State must take and pass the Multistate Professional Responsibility Examination (MPRE) administered by the National Conference of Bar Examiners (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. Applications and information regarding the MPRE is available from NCBE at <http://www.ncbex.org/about-ncbe-exams/mpre/>. You must pass the MPRE within three years of passing the UBE (either before or after).

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

Skills Competency Requirement: Additionally, if you commence 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. RESULTS AND CERTIFICATION

The results of the bar examination will be emailed to candidates. The day the results are released, a private results lookup screen will also be available online for all applicants to view their results. The next day, a list of all successful applicants will be posted on this 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 or early November, and the results of the February examination are released in late April or early May.

Each successful applicant 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 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 candidates will be certified to the Appellate Division. The Board usually certifies on a weekly basis, 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. MATERIALS AVAILABLE TO FAILED APPLICANTS

No later than 60 days after the release of the results, the Board will post on its website copies of the MEE questions and a synopsis of the MPT items 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, a synopsis of 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 which should be accompanied by payment as prescribed in Section 6000.14(e). Such request should be made no later than 60 days after the Board's failure notice to the applicant.

28. ADMISSION INFORMATION

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. If you passed the bar exam prior to July 2016 Rule 520.12(d)(2) provides that the complete application for admission must be filed with the Appellate Division within three years from the date of the initial letter sent by the Board notifying you that you passed the bar examination. A failure to timely file your Application for Admission with the Appellate Division will result in your having to re-take the bar exam. 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 website under "Admission Information".

29. TRANSFER OF A UBE SCORE EARNED IN ANOTHER UBE JURISDICTION 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 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 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 the National Conference of Bar Examiners (NCBE).

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 of Law Examiners 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. TRANSFER OF MBE SCORES FROM NEW YORK TO ANOTHER JURISDICTION

An applicant taking the bar examination 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 Applications & Forms section of the Board's website. The applicant must also pay to the Board the \$50 fee prescribed in Rule 6000.14(c).

31. TRANSFER OF CONCURRENT MBE SCORE FROM ANOTHER JURISDICTION TO NEW YORK

An applicant may transfer a concurrent MBE score to New York from another jurisdiction to combine with the written section for a bar examination score but the applicant will NOT earn a UBE score. A concurrent MBE score is a score that was taken as part of another state's entire bar examination during the same administration as the New York bar exam. For example, an applicant may sit for the written section of the New York bar examination on Tuesday, take the MBE on Wednesday in another jurisdiction (typically MA), and then transfer the MBE score to New York provided that the applicant also took the other state's local components on Thursday.

32. SECURITY POLICY

Prior to the bar examination, you should carefully read and review the Board's Security Policy. The Security Policy contains important exam day references, such as a list of items which are permitted at the exam (all other items are prohibited) and behaviors which are prohibited at the exam. Violations of the Security Policy will be prosecuted by the Board and may result in the imposition of penalties such as nullification of scores, disqualification from sitting for future exams, and notice to the Character and Fitness Committee (see Board Rule 6000.13).

33. FRAUD, DISHONESTY AND OTHER MISCONDUCT [Board Rule 6000.13]

A. Generally

Candidates for the New York State bar examination 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 bar examination. The Board strictly enforces its Rule and Security Policy and prosecutes their violation.

B. Specific Misconduct

The Following Penalties Have Been Imposed for Misconduct Violations

- Nullification of examination results.
- Disqualification from taking future exams.
- Report to Committee on Character & Fitness having jurisdiction of the candidate.
- Report to other United States and foreign jurisdictions where the candidate is admitted or seeks admission.

The Following Conduct is Prohibited

- Bringing a prohibited item (cell phone, notes, bag, etc.) through the security checkpoint even if the item is not brought into the exam room and/or is not being used. Such conduct cannot be excused by the fact that the item was in your clear plastic bag and/or was not discovered by the security officer at the security checkpoint. **This prohibition extends beyond the four walls of the examination room.**
- Using a prohibited item (cell phone, notes, computer file, etc.) after passing through the security checkpoint or while in the exam room, whether or not the exam has begun.
- Writing or typing anything after time is called including completing a word or sentence, filling in a bubble on an answer sheet, crossing out or erasing information or answers, or adding identifying information (i.e. seat number).
- Copying or attempting to copy multiple choice or essay answers from another candidate, or giving such information to another candidate.
- Removing or attempting to remove any examination material (question booklet, answer booklet, notes, instructions, etc.) from the exam room.
- Providing false or intentionally misleading information on any bar examination application including an application for test accommodations.

34. ORAL AND WRITTEN INSTRUCTIONS GIVEN AT THE EXAMINATION

Many problems can be avoided by listening to and reading the instructions given at the examination. Some important exam day rules to remember are:

- Once you enter the exam room, you may not leave it at any point except to use the restroom with permission of a proctor. Violation of this rule will prohibit re-entry into the exam room and could disqualify you from completing the exam.
- You must have an EXIT PASS to leave the testing room if you complete the exam prior to the 15 minute announcement.
- Do NOT remove examination materials from the exam room.
- After you leave the exam room, you may not re-enter until the next testing session.
- NO SMOKING is allowed during the exam.
- No notes may be brought past the security checkpoint, either in paper format, electronic format or otherwise, and no studying is allowed past the security checkpoint.
- No applicant may leave their seat during the last 15 minutes of the session for any reason.
- Applicants may not remove their laptop from the testing room during the lunch break otherwise they will forfeit the use of the laptop during the afternoon session.
- Applicants who do not immediately stop writing or typing when time is called will be reported to the Board and may be found guilty of violating the Board's rule covering Fraud and Dishonesty.

- At the end of each session, all applicants must remain seated until the dismissal announcement is made.

35. APPLICATION FOR WAIVER OF THE RULES (see Board Rule Section 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.

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.