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## A Comparison of the New York Bar Examination and the Proposed Uniform Bar Examination

Suzanne Darrow Kleinhaus  
*Touro Law Center, sdarrow-kleinhaus@tourolaw.edu*

Mary Campbell Gallagher

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## POINT OF VIEW

BY MARY CAMPBELL GALLAGHER, J.D., PH.D. AND PROFESSOR SUZANNE DARROW-KLEINHAUS



**MARY CAMPBELL GALLAGHER, J.D., Ph.D.**, is president of BarWrite® and BarWrite Press. Her company prepares candidates for the bar exam, focusing on foreign-trained candidates and retakers, and offers in-school and in-house writing instruction. She is the author of *Scoring High on Bar Exam Essays* (3rd ed. 2006) and *Perform Your Best on the Multistate Performance Test (MPT)* (2011). Her last article for the *NYSBA Journal* was "Alternatives for Scheduling the Bar Exam" (with Professor Carol A. Buckler), September 2013. She serves on the NYSBA Committee on Legal Education and Admission to the Profession.

**SUZANNE DARROW-KLEINHAUS** is Professor of Law and Director of Academic Development and Bar Programs at Touro Law School. She is the author of several publications including *The Bar Exam in a Nutshell 2d*, *Acing the Bar Exam*, and *Mastering the Law School Exam*. She has also written law review articles in this area, "A Response to the Society of American Law Teachers' Statement on the Bar Exam" and "Incorporating Bar Pass Strategies into Routine Teaching Practices."

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# A Comparison of the New York Bar Examination and the Proposed Uniform Bar Examination

The New York Board of Law Examiners (BOLE) proposes adopting the Uniform Bar Exam (UBE), substituting it for the current New York Bar Exam (NYBE). The BOLE proposal is currently under active consideration, and it is the subject of public hearings. This article examines some of the issues the proposal raises. First, we look at the history of the proposal, and at the differences between the UBE and the NYBE as it is currently administered. Then we look in detail at the proposal for New York: a combination of the UBE plus a stand-alone one-hour multiple-choice New York test. Finally, we pose some important questions: What are the possible effects of adopting the new tests? What will

the effect be on bar-exam pass rates, and on practice-readiness? What will the effect be on preparation of foreign-trained members of the bar? How will adoption of the UBE affect the way law school professors teach? Must professors choose between preparing students for the bar exam by teaching uniform rules and preparing them for practice in New York State by teaching New York law? Will the UBE affect the attractiveness of New York law schools?

### History of the Proposal

In early October 2014, the New York Court of Appeals announced that at the prompting of the Board of Law

Examiners it was urging the State to adopt the Uniform Bar Exam, effective for the July 2015 bar exam.<sup>1</sup>

The New York State Bar Association Committee on Legal Education and Admission to the Bar co-chaired by practitioner Eileen Millett and Dean Patricia Salkin of the Touro Law Center, submitted a report on that proposal to the Executive Committee of the NYSBA.<sup>2</sup> The Committee took no position on the UBE, but it urged delay and careful consideration of the proposal. On November 1, 2014, the House of Delegates of the New York State Bar Association adopted the report of the Committee. It also urged delay, stressing that if the UBE were adopted, adequate notice should be provided to all parties.<sup>3</sup>

On November 12, 2014, Chief Judge Lippman announced that the comment period would be extended from the original November 7, 2014 deadline to March 1, 2015, and that introduction of the UBE would be delayed. He announced creation of a study committee headed by the Honorable Jenny Rivera, Associate Judge of the New York Court of Appeals.<sup>4</sup> The committee has been holding hearings.<sup>5</sup>

### The Current New York Bar Examination Structure of the New York Bar Examination

The current New York Bar Examination (NYBE) has exceptional prestige among state bar examinations in the United States. It is a two-day examination, administered twice a year, on the last Tuesday and Wednesday of February and July.<sup>6</sup> It consists of four parts: (1) the Multistate Bar Examination (MBE), a full-day 200-question multiple-choice examination on seven subjects, designed and licensed to the states by the National Conference of Bar Examiners (NCBE); (2) five essays on New York law, each requiring 40 to 45 minutes; (3) the Multistate Performance Test (MPT), designed and licensed to the states by the NCBE, which is a simulated law-office task where research and writing tasks are to be performed within 90 minutes; and (4) the New York Multiple Choice Test, 50 multiple choice questions, roughly 25 testing the Civil Practice Law and Rules (CPLR).<sup>7</sup> The Board of Law Examiners creates the New York essay questions and the New York Multiple Choice Test.

Half of the current New York Bar Examination tests on New York law and is drafted by the New York Board of Law Examiners. Like the examinations of a number of other states whose examinations must reflect their legal specifics and local industries, the New York bar examination tests candidates' knowledge of specific New York law and skills for practice. Thus, the Texas bar exam tests on oil and gas; Delaware, on corporations law; California, on community property. The New York bar exam tests on the CPLR, and on the numerous New York distinctions in wills, domestic relations, criminal law and procedure, and other subjects.

According to the website of the New York Board of Law Examiners, applicants may qualify to sit for the NYBE in four ways.<sup>8</sup> These are (1) graduation from an American Bar Association (ABA)-approved law school in the United States with a juris doctor (J.D.) degree;<sup>9</sup> (2) a combination of law school study at an ABA-approved law school and law office study;<sup>10</sup> (3) graduation from an unapproved law school in the United States with a juris doctor degree and practice in a jurisdiction where admitted for five of the seven years immediately preceding application to sit for the New York bar examination;<sup>11</sup> or (4) foreign law school study.<sup>12</sup>

In 2014 the number of bar candidates taking the New York exam in February and July, combined, was 15,227. The first-time pass-rate for the 8,277 candidates with a J.D. from an ABA-accredited law school was 82%. The first-time pass rate for 2,437 foreign-trained candidates was 43%.<sup>13</sup>

In addition to passing the bar examination, candidates for the New York bar must demonstrate that they have completed a mandatory 50 hours of pro bono work.<sup>14</sup> They must pass the national, multiple-choice, Multistate Professional Responsibility Examination (MPRE), also designed by the NCBE.<sup>15</sup> They must also produce proof of moral character.<sup>16</sup>

This year, under the Pro Bono Scholars Program, a limited number of graduates will be allowed to take the bar exam during their third year of law school in exchange for a commitment to do pro bono work.<sup>17</sup>

### The New York State Board of Law Examiners Provides a Content Outline for the NYBE<sup>18</sup>

The BOLE states:

The New York portion of the NYBE consists of five essay questions and 50 multiple-choice questions. The general subject areas that may be tested are as follows:

- (1) administrative law [effective with the February 2015 exam];
- (2) business relationships, including agency, business corporations, limited liability companies, partnerships and joint ventures;
- (3) New York civil practice and procedure [effective with the February 2015 exam, federal civil practice and procedure will no longer be tested on the New York portion of the exam];
- (4) conflict of laws;
- (5) New York and federal constitutional law;
- (6) contracts and contract remedies;
- (7) criminal law and procedure;
- (8) evidence;
- (9) matrimonial and family law;
- (10) professional responsibility;
- (11) real property;
- (12) torts and tort damages;
- (13) trusts, wills and estates; and
- (14) UCC Articles 2 and 9.

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### Proposal to Substitute the UBE for the NYBE While Adding a Stand-Alone One-Hour Multiple-Choice New York Test

#### Structure of the UBE

The Uniform Bar Examination is a two-day package of bar-exam components created by the NCBE and licensed to the states. Under the BOLE proposal, the UBE would be a substitute for the components of the current New York Bar Examination. None of the content of the UBE would be drafted by the New York Board of Law Examiners. The New York Board of Law Examiners would create only an add-on one-hour multiple-choice test on New York law.

The UBE would consist of these three parts: (1) the Multistate Bar Examination, as on the NYBE, the full-day 200-question multiple-choice examination on seven subjects; (2) six Multistate Essay Examination (MEE) questions, based on uniform laws, rather than state-specific law, each taking 30 minutes; and (3) two tasks of the Multistate Performance Test (MPT), the simulated law-office task where research and writing are to be performed within 90 minutes. All parts of the UBE are designed by the NCBE and licensed to the states.

The proposal thus excludes the current New York Multiple Choice Test, with its 50 multiple-choice questions, roughly 25 of which test the CPLR.<sup>19</sup>

Most significantly, the UBE proposal substitutes an essay component designed by the National Conference of Bar Examiners, the Multistate Essay Examination (MEE),

for the New York essays currently offered by the BOLE, while adding a separate one-hour test on New York law. The MEE component of the UBE consists of six questions that test on uniform laws rather than the law of any particular jurisdiction. Each essay requires 30 minutes.

According to the National Conference of Bar Examiners, the UBE has been adopted by these 14 jurisdictions: Alabama, Alaska, Arizona, Colorado, Idaho, Minnesota, Missouri, Montana, Nebraska, New Hampshire, North Dakota, Utah, Washington, and Wyoming. Each UBE state sets its own pass score. These may, of course, change.

The one-hour multiple-choice test on New York law that the BOLE would add would be in lieu of the extended testing on New York-specific law in the current five New York essays and 50 New York multiple-choice questions. According to a presentation on October 23, 2014, by BOLE Chair Diane Bosse to the NYSBA Committee on Legal Education and Admission to the Bar, the one-hour test would be offered on additional dates to accommodate re-takers. The BOLE has provided an outline of law to be tested in this new New York multiple-choice test. Except that the new test does not include Articles 2 and 9 of the UCC, but does include federal and New York constitutional law, although representing inquiries of different lengths, these outlines are the same.

The *New York Law Journal* published a comparison of the UBE and the current New York Bar Examination on October 7, 2014.<sup>20</sup> Below is the table created by the Board of Law examiners.

**Structure of Current New York Bar Exam, Uniform Bar Exam and Proposed Exam**

New York Bar Exam	Uniform Bar Exam	Proposed Exam
<b>Day 1</b>	<b>Day 1</b>	<b>Day 1</b>
Multistate Performance Test (MPT) (1 item – 10%)	Multistate Performance Test (MPT) (2 items – 20%)	Multistate Performance Test (MPT) (2 items – 20%)
NY essay questions (5 questions – 40%)	Multistate Essay Examination (MEE) (6 questions – 30%)	Multistate Essay Examination (MEE) (6 questions – 30%)
NY Multiple-Choice Questions (50 questions – 10%)		
<b>Day 2</b>	<b>Day 2</b>	<b>Day 2</b>
Multistate Bar Examination (MBE) (200 questions – 40%)	Multistate Bar Examination (MBE) (200 questions – 50%)	Multistate Bar Examination (MBE) (200 questions – 50%)
		New York Law Examination (NYLE) (50 multiple-choice questions. Must be passed independently. Offered with the UBE and on other dates)

Currently, New York bar exam scores are weighted as follows: MBE = 40%; Essays = 40%; MPT = 10%; and the NY MCT = 10%. Note that these proportions are statistical constructs. Stronger scores on one section may compensate for weaker scores on another. Under the proposed UBE, the score would be weighted differently: MBE = 50%; MEE = 30%; and MPT = 20%. In addition to passing the UBE, a candidate in New York will be required to pass a separate New York multiple-choice test, achieving a minimum score of 30 out of 50.

These proposed changes in scoring have raised some concerns:

- Difference in scoring between the UBE and the New York bar exam is significant because New York bar candidates can use stronger scores on one section to compensate for weaker scores on other sections; increasing the MBE from 40% to 50% of the total grade while decreasing essays from 40% to 30% may impact the pass rate.
- The UBE's increase of the MPT to 20% from 10% will not compensate for the decrease in the weight of the essays. An MPT task is a more complicated and challenging test instrument than an essay.

The differences between the essay components of two exams are discussed below.

## Comparison of Essay Questions on the Multistate Essay Exam (MEE) and the New York Bar Exam

The MEE questions:

- Candidates are allowed 30 minutes per question.
- MEE questions are open-ended. Candidates must spot the issues.
- Comparison of released sample answers in a UBE (MEE) jurisdiction, on the one hand, with released sample answers from the NYBE, on the other, suggests that MEE essay responses may be longer than New York responses and contain more extensive and detailed rule statements. Meanwhile, however, MEE candidates have less time to answer each question.<sup>21</sup>

The MEE essay subject-matter coverage:

- Answers based on “uniform rules” in such subjects as Business Associations, Wills, Trusts, Family Law.
- Subjects that are key in New York practice, such as Contracts and UCC, and that appear on every New York bar exam, may be included less frequently on the MEE.

New York essay questions:

- Candidates are allowed 42–45 minutes per question.
- The questions do not demand issue-spotting, because the interrogatories are “issue specific,” for example, “Can Dan be held liable in Mom’s personal injury action on behalf of Child against Dan?”

Candidates must know and be able to quickly state the applicable rule of law.<sup>22</sup>

The NYBE essay subject matter coverage:

- Answers based on New York law.
- Students who study in New York law schools and plan to practice in New York benefit from learning New York law.

Note that with the MEE rather than New York essay questions on the bar exam, law school faculty will have to choose between preparing students for practice (New York law) and preparing students for the bar exam (uniform rules). This is because the MEE tests on the uniform laws, rather than on New York law. Subjects that the NYBE emphasizes by testing at every session or almost every session, such as contracts and the Uniform Commercial Code, may show up on the MEE only once a year or less. The questions on the MEE require the bar candidate to do “issue-spotting,” while those on the NYBE specify the issues the candidate must address. The questions on the MEE can be more discursive than those on the NYBE, which require producing a tight syllogistic response, more like a brief.<sup>23</sup> The MEE questions may be fairly described as advocates’ questions or debaters’ questions, those on the NYBE as practitioners’ questions.

During her October 23 presentation to the NYSBA Committee on Legal Education and Admission to the Bar, Ms. Bosse offered the following chart to compare the content on the current NYBE with that of the proposed UBE. Italics indicate content unique to either the UBE or the NYBE.

Content Comparison	
Current New York Bar Exam	Uniform Bar Exam
<i>Administrative Law</i>	–
Business Relationships	Business Associations
<i>NY Civil Practice and Procedure</i>	<i>Civil Procedure (Federal)</i>
Conflict of Laws	Conflict of Laws
Constitutional Law	Constitutional Law
Contracts and Contract Remedies	Contracts
Criminal Law and Procedure	Criminal Law and Procedure
Evidence	Evidence
Matrimonial and Family Law	Family Law
<i>Professional Responsibility</i>	–
Real Property	Real Property
Torts and Tort Damages	Torts
Trusts, Wills and Estates	Trusts and Estates
UCC Articles 2 and 9	UCC Articles 2 and 9

During her presentation, Ms. Bosse also noted the things that do *not* change under the UBE. New York will still

- decide who may sit for the bar exam and who will be admitted to practice,

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- set its own passing scores,
- grade the essays and performance tests,
- set policies regarding how many times candidates may retake the bar exam,
- decide how to assess knowledge of local law,
- determine for how long incoming UBE scores will be accepted, and
- make character and fitness decisions.

### Effects of Adopting the UBE Plus One-Hour Test on New York Law

#### Effect on Portability; Questions Remaining

The chief argument in favor of the UBE is that it may give new law school graduates the ability to transfer their UBE scores from one UBE jurisdiction to another,

### Possible Effect on Practice-Readiness of New York Graduates

New York law as tested on the New York Bar Examination differs markedly from the uniform law tested on the Multistate Essay Examination.

New York has adopted few uniform laws. Justin L. Vigdor is a former president of the New York State Bar Association, a longtime member of the New York State Uniform Law Commission, and a member of the Executive Committee of the National Conference of Commissioners on Uniform State Laws. Speaking from the floor at the November 1, 2014, meeting of the NYSBA House of Delegates, which was considering the UBE proposal, he emphasized the difficulty of getting the New York State Legislature to adopt uniform laws. He said:

From a practical point of view, New York law, which is in many ways unique, plays an important role in commerce locally, nationally, and throughout the world.

that is, it offers “portability.” At a time when many law school graduates have difficulty finding suitable jobs, the ability to expand the scope of their job search may have a significant advantage. Thus, a bar candidate who passes the Alabama bar exam could in theory simply transfer the score to Missouri, meet any additional licensing requirements, and be licensed to practice law in Missouri, without having to prepare for and pass the Missouri bar exam. The National Conference of Bar Examiners’ Comprehensive Guide to Bar Admission Requirements, 2014, lists the additional requirements.<sup>24</sup>

Likewise, new graduates who had passed the bar exam in another UBE state would no longer have to prepare for, take, and pass the New York bar exam, in addition to the first bar exam, in order to be licensed in New York. They could come to New York, pass the one-hour test on New York law, and, assuming passage of the MPRE and the character requirements, be licensed and work in New York.

In her presentation to the NYSBA committee, Ms. Bosse listed the following advantages of the UBE for students:

- Eliminates the duplication of effort associated with taking the bar exam in multiple jurisdictions
- Reduces the cost, delay, anxiety and uncertainty of having to take multiple bar exams
- Maximizes employment opportunities
- Enhances mobility for law graduates and their families
- Offers more options when choosing where to take the bar exam

I’m very concerned about the fact that [the UBE] is going to test on uniform law. I have been one of New York’s five uniform law commissioners for 26 years. Unfortunately, New York is not big on adopting and passing uniform laws. We have a terrible time getting most uniform laws through the legislature . . . . When we do get uniform laws passed, we have a New York version of those uniform laws, and it’s questionable whether they’re really uniform. . . . That is an issue that must be addressed.<sup>25</sup>

Thus, substituting the UBE for the NYBE may impede the efforts of New York law schools to prepare graduates to be practice-ready, that is, ready for practice in New York State. This is because, with the UBE, law schools would have to teach the uniform laws in order to prepare students for the bar exam.

In addition, bar preparation is for all practical purposes part of legal education. As bar-preparation professional John Gardiner Pieper stressed in the *New York Law Journal* on November 5, 2014, eliminating the intensive training in New York law that is now required to pass the bar exam would do a disservice to new lawyers:

Stripping the bar exam of its local component would do a disservice to newly admitted attorneys, including the foreign-trained attorneys who now account for nearly one-third of bar exam applications in New York and for whom bar exam preparation often is their first opportunity to learn New York law. These new lawyers have more than enough to learn and navigate in the first years of practice in New York without the specter of entering the practice without the benefit of having studied New York law and procedure that

we as a bar were not just encouraged, but required to know for admission. No matter how concentrated, experienced and specialized one may become, one should have a base knowledge of certain core subjects at one's disposal along the way. The New York BOLE has labeled this "minimum competency."<sup>26</sup>

New York law schools have recently emphasized preparing students to be practice-ready, adding many clinical courses, all of which must necessarily focus on New York law. The Pro Bono Scholars Program initiated by Chief Judge Jonathan Lippman counts additional practice readiness as among its objectives.<sup>27</sup> In many law schools, the effort to achieve practice-readiness may extend throughout the curriculum, encompassing doctrinal courses, writing courses, and clinics. Substituting the UBE for the New York Bar Exam would force in-school courses to reduce teaching for practice-readiness, that is, for New York law, by substituting uniform laws for New York law. To aid graduates in obtaining employment, many of the law schools in New York have also added credit-bearing courses specifically tailored to preparing students for the New York bar exam. This creates a conflict for the law schools.

### How Candidates Prepare for the Bar Exam

At many of the New York State law schools, law students can enroll in for-credit bar-preparation courses focusing on New York law, taught either by members of their own faculty or by representatives of the various bar courses. Whether or not they take such courses in law school, almost all candidates for the New York bar exam take a full six-week bar-preparation course emphasizing New York law. Courses for the NYBE are offered by BarBri, Pieper Bar Review, Themis, Kaplan, Marino, and BarMax. Supplemental shorter courses teach essay or MPT or MBE skills, or all three, or are geared to re-takers. These include BarWrite®, BarBri, Marino, Pieper, and Kaplan. Because of the numerous ways in which New York law and practice is state-specific, full bar-preparation courses and supplemental essay courses devote substantial time to preparing candidates for the five New York essays and the 50 New York multiple-choice questions.<sup>28</sup>

### Effect on Competence of Foreign-Trained Candidates

The effect on the education and testing of foreign-trained bar candidates raises significant issues about how the differences between the uniform laws and New York law may affect the usefulness of the UBE. If the BOLE has an alternative plan for training foreign-trained candidates if the UBE is adopted, the BOLE has not disclosed it. Foreign-trained bar candidates, about one-third of all New York bar candidates, make up one of the largest groups significantly impacted by the UBE proposal. Many contracts entered into worldwide are governed by New York law. New York's unusually liberal standards for allowing foreign-trained law graduates to take the bar

exam have been justified as promoting the global spread of New York law. For foreign-trained bar candidates, bar preparation is necessarily a key part of legal education. When they take a six-week course preparing them for the current New York bar exam, they learn the CPLR and the so-called New York distinctions, as well as law for the subjects on the Multistate Bar Exam. It weighs against the UBE that preparation for a one-hour test will not make for effective global ambassadors. By reducing the emphasis on New York law in foreign-trained candidates' bar-preparation, the UBE will serve neither these bar candidates nor the policy goals of New York State.

### Possible Effect on Pass Rates

The MEE appears to require candidates to know less substantive law than the current New York bar exam, and in fewer subjects. Depending on how the exam is graded, that might be expected to raise pass rates. However, the MEE essays are difficult in a different way. Their structure requires more issue-spotting than do the NYBE essays. This may impact the speed with which candidates must answer. Anyone hoping to raise bar pass rates by adopting the UBE must be aware that, in fact, bar pass rates have been dropping nationwide, and particularly in states administering the UBE:

Pass rates have declined (dramatically in some cases) from the July 2013 bar exam to the July 2014 bar exam in the majority of the UBE states. The pass rate for people taking the bar exam dropped a whopping 22% in Montana, 15.2% in Idaho, and 13% in North Dakota. The pass rate is down 7.7% and 7.5% in Arizona and Washington, respectively. Other UBE states reporting a lower pass rate include Alabama, Wyoming, and Utah.<sup>29</sup>

The first-time pass rate for J.D.s with a degree from ABA-approved schools in New York State also dropped, but by much less. It was 83% in July 2014. In 2012, it had been 85% and in July 2013, it was 88%.<sup>30</sup>

### Possible Effect on Attractiveness of Law Schools in New York to Prospective Students

Practitioner Eileen Millett, Co-Chair of the NYSBA Committee on Legal Education and Admission to the Bar, poses the question: "Does the UBE take away or add to the allure of coming to a New York law school? It remains to be seen." That is, would adoption of the UBE make law schools in New York less attractive?<sup>31</sup>

### Conclusion

The Board of Law Examiners and the National Conference of Bar Examiners have presented substantial arguments in favor of the Uniform Bar Examination, which tests on uniform laws. However, there is an understandable reluctance to give up a markedly successful bar examination, one that is a source of prestige and pride to

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the profession. From a practical point of view, New York law, which is in many ways unique, plays an important role in commerce locally, nationally, and throughout the world. New York's host of New York-specific laws and rules of procedure, which many law schools now emphasize in their effort to help students become practice-ready, also weigh strongly against adoption of the UBE. With the UBE, law schools may be placed in a position of choosing between preparing students for practice by teaching New York law or preparing students for the bar exam by teaching uniform laws. Until this conflict is resolved, we should be concerned about the potential for the UBE to reduce New York graduates' practice-readiness. ■

1. See Request for Public Comment <http://nylawyer.nylj.com/adgifs/decisions14/100714rfc.pdf>. Joel Stashenko, *Court System Seeks Comment on Adopting Uniform Bar Exam*, NYLJ, Oct. 7, 2014. <http://www.newyorklawjournal.com/id=1202672451929?>
2. One of the authors of this report, Mary Campbell Gallagher, is a member of the Committee.
3. Christine Simmons, *Don't Rush Adoption of New Bar Exam, State Bar Cautions*, NYLJ, Nov. 4, 2014. <http://www.newyorklawjournal.com/id=1202675408809?>
4. "Request for Public Comment on the Uniform Bar Exam" (Nov. 12, 2014). <http://nylawyer.nylj.com/adgifs/decisions14/111314request.pdf>.
5. Joel Stashenko, *Hearings Set on Adopting UBE in New York State*, NYLJ, Dec. 31, 2014. <http://www.newyorklawjournal.com/id=1202713691686/Hearings-Set-on-Adopting-UBE-in-New-York-State>, referring to the "Notice of Public Hearings," <http://www.nycourts.gov/ip/bar-exam/publichearing.shtml>.
6. Most states now have a two-day bar examination. The bar examinations of California and Louisiana extend over three days, rather than two.
7. As of February 2015, the MBE comprises seven subjects: contracts, torts, constitutional law, real property, evidence, criminal law and procedure, and federal civil procedure.
8. <http://www.nybarexam.org/TheBar/TheBar.htm#qual>.
9. Section 520.3 of the Rules of the Court of Appeals.
10. Section 520.4 of the Rules of the Court of Appeals.
11. Section 520.5 of the Rules of the Court of Appeals.
12. Section 520.6 of the Rules of the Court of Appeals. See also the section titled "Foreign Legal Education," <http://www.nybarexam.org/Foreign/ForeignLegalEducation.htm>.
13. An additional three candidates were graduates of non-ABA law schools, and none passed. Four candidates combined law office study with law school, and three passed. [http://www.nybarexam.org/ExamStats/2014\\_NY\\_Bar\\_Exam\\_Statistics.pdf](http://www.nybarexam.org/ExamStats/2014_NY_Bar_Exam_Statistics.pdf).
14. <http://www.nycourts.gov/attorneys/probono/baradmissionreqs.shtml>; <http://www.nybarexam.org/Rules/Rules.htm#520.16>.
15. Rule 520.9 of the Board of Law Examiners. <http://www.nybarexam.org/Rules/Rules.htm#520.9>.
16. Rule 520.12 of the Board of Law Examiners. <http://www.nybarexam.org/Rules/Rules.htm#520.12>.
17. Rule 520.17 of the Board of Law Examiners. <http://www.nybarexam.org/Rules/Rules.htm#520.17>.
18. "Content Outline," revised August 2014. <http://www.nybarexam.org/Docs/CONTENTOUTLINE.pdf>.
19. See *supra* note 7.
20. Stashenko, *supra* note 1.
21. See Minnesota sample candidate answers: <http://www.ble.state.mn.us/file/JULY2013RGAsEAs.pdf>
22. See New York sample candidate answers: <http://www.nybarexam.org/ExamQuestions/JULY2013QA.PDF>.
23. See the discussion of "brief-writing" bar examination questions as opposed to "memo-writing" questions in Mary Campbell Gallagher, *Scoring High on Bar Exam Essays 21-26* (2006).
24. NCBE and ABA Section of Legal Education and Admissions to the Bar, *Comprehensive Guide to Bar Admission Requirements*, 2014. [http://www.ncbex.org/assets/media\\_files/Comp-Guide/CompGuide.pdf](http://www.ncbex.org/assets/media_files/Comp-Guide/CompGuide.pdf).
25. Meeting of the NYSBA House of Delegates, November 1, 2014. <http://www.totalwebcasting.com/view/?id=nysbar> at 160:00-160:25.
26. John Gardiner Pieper, *Why UBE Needs Careful Consideration*, NYLJ, Nov. 5, 2014. <http://www.newyorklawjournal.com/id=1202675467003/Why-UBE-Needs-Careful-Consideration#ixzz3P6ePjFhS>.
27. Rules of the Board of Law Examiners, "Pro Bono Scholars Program." "The Pro Bono Scholars Program is a voluntary component of legal education that provides law student participants in their final semester of study with an opportunity to assist in improving access to justice for persons of limited means while acquiring practical legal skills training." <http://www.nybarexam.org/Rules/Rules.htm#520.17>.
28. For example, full bar-preparation courses teach the CPLR. This instruction serves graduates of out-of-state J.D. programs, graduates of in-state J.D. programs that do not include the CPLR, and LL.M. graduates. Perhaps stressing a national character, not all law schools in New York State offer a course in the CPLR, which is intensively tested on the New York bar exam. Nor, to this writer's knowledge, do any out-of-state law schools offer courses in CPLR. Accordingly, to prepare candidates for local practice, bar review courses stress the CPLR.
29. Joseph Marino, "Declining Nationwide Bar Pass Rates" (advertisement), Oct. 27, 2014. <http://abovethelaw.com/2014/10/declining-nationwide-bar-exam-pass-rates/>.
30. Tania Karas, *Deans Dismayed by Drop in Bar Pass Rates*, NYLJ, Nov. 13, 2014. <http://www.newyorklawjournal.com/id=1202676229642/Deans-Dismayed-by-Declines-in-BarPass-Rates>.
31. "What is the incentive to come to a school in New York? Why pay the high cost of tuition at an unranked New York law school when you can study in Colorado? Can these schools in New York survive the UBE?" Joseph Marino, "Ask the Professor: New York and the Uniform Bar Exam," Oct. 9, 2014. <http://abovethelaw.com/2014/10/ask-the-professor-new-york-and-the-uniform-bar-exam>.

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