MEMORANDUM

To: Members of the JD Classes of 2016 and 2017

From: Anne Lukingbeal
Associate Dean and Dean of Students

Re: Law Student Registration with State Bar Authorities and Bar Admission Questions and Answers - Resources

Date: February 9, 2015

For the vast majority of you, the next step in your professional career following completion of your law degree will be to take the bar examination in one or more states. Some of you are aware of discussions in New York about moving to the Uniform Bar Exam which is already given in a number of states. However, no decision is likely to be made until next year. Our Registrar’s Office will keep you posted through Scoops. For now, you should assume that bar admission rules and examinations will continue to vary state to state (though virtually all have common elements such as the MBE, MPRE and MPT, and state-specific sections with essays and/or multiple choice questions). You should consult the rules for the particular state(s) in which you plan to practice. Resources for doing so are listed on the attachment to this memorandum.

While Cornell J.D. graduates should be able to take the bar examination in any state, the most common states are New York, California and Massachusetts, with New York being the most popular with approximately 130 J.D. graduates and about half of the LL.M. graduates sitting for the New York bar exam each year. The answers to the questions set out below are specifically geared to New York; however, as most states have similar components and rules, they should provide general information applicable to most states in the U.S. If you plan to take the bar exam in a state other than New York, be sure to familiarize yourself with the rules for that jurisdiction.

In 2012 the New York Court of Appeals amended the bar examination qualification rules (Section 520.3 of the Rules of the Court of Appeals) and added specific requirements so that graduation from an ABA approved law school does not automatically qualify an applicant to sit for the New York bar examination. Here at Cornell Law School, the curriculum and graduation requirements are designed so that graduates will meet both the ABA and New York requirements for a qualifying JD degree. To sit for the bar examination in New York, your law school course of study must meet the following requirements (as summarized on the New York Board of Law Examiners’ website).

Overview of Instructional, Credit Hour and Course of Study Requirements (Applicants should read Rule 520.3 in its entirety for all requirements):

- Your program and course of study must be completed no earlier than 24 months and no later than 60 months after commencement of all law study.
- A student is not permitted to enroll in coursework that exceeds 20% of total coursework required for graduation [in any semester].
- At least 83 credits hours must be required for graduation. (Cornell requires 84.)
• At least 64 of the 83 credit hours must be earned in classroom study.
• At least 2 credit hours must be earned in a course in professional responsibility.
• Up to 30 credits hours may be granted for clinical courses, field placements programs and externships (including classroom components), within defined parameters, toward the 83 credit hours.
• Up to 12 credit hours may be awarded toward the 83 credit hours (but not the 64 classroom credit hours) for joint degree or other courses taught at another school within the university or at a school affiliated with law school.
• Up to 15 credit hours of synchronous distance education courses, within defined parameters, may be included in the 83 credit hours and the 64 classroom credit hours.
• No more than one-third of total credits required for graduation may come from study in a foreign country.

Applicants qualifying to sit for the bar examination under Section 520.3 must file with the Board a completed Certificate of Law School Attendance Form, together with the completed Specimen of Applicant’s Handwriting Form, no later than February 1st for the February exam and no later than June 15th for the July exam. The Registrar’s office helps coordinate completion of both forms in the spring.

You should also be aware that all state bar authorities will request the Dean of the Law School or the Dean of Students to certify that an applicant is of good moral character and fit to be a member of the bar. Bar authorities often ask us for a copy of your law school admissions application, so please be sure that you have responded with 100% accuracy on all admissions questions, including Character and Fitness:

“Have you ever been the subject of disciplinary proceedings; or been warned; placed on probation; dropped; expelled; or been asked or advised or permitted to withdraw; or been suspended for academic, nonacademic, or any other reasons by any of the colleges, universities, graduate schools, or professional schools you have attended, or are any such proceedings pending? (If yes, please submit an explanatory statement. Also, if yes, you are required to submit a completed Dean's Certification Form from the institution where the infraction occurred or is pending.)”

AND

“Have you ever, either as an adult or a juvenile, been cited, arrested, taken into custody, charged with, indicted, convicted or tried for, or pleaded guilty to the commission of any felony or misdemeanor or the violation of any law, except minor parking or traffic violations, or been the subject of any juvenile delinquency or youthful offender proceeding? Please note that although a conviction may have been expunged from the records by an order of a court, it nevertheless should be disclosed in the answer to this question. Also, you should have available and be prepared to submit or exhibit copies of police and court records regarding any matter you disclose in reply to this question.”

You are under a continuing obligation to update all answers on your application once you have matriculated at Cornell Law School and during law school.

Any student matriculating at Cornell Law School consents to the mutual exchange of information, for educational and bar admission purposes, between the school and the bar examiners or
other authorities of any jurisdiction to which that student seeks admission.

If you have additional questions regarding the bar examination and admission process, please do not hesitate to speak with Dean Lukingbeal. You must also pay attention to notices distributed by the Registrar’s Office in Scoops and via e-mail regarding bar exam information and registration. Many of these notices require a response from you and are often time sensitive. More bar exam registration information is available at the Registrar’s Office website: http://www.lawschool.cornell.edu/registrar/index.cfm (select the “Bar Exam Information” link on the left navigation pane)

Below are questions submitted by members of the CLSA in the past along with short answers. In most cases additional information is available from either official or unofficial sources on the internet and you should consult those resources for the most up to date information on the bar exam. For starters, you should consult the official website of the New York State Board of Law Examiners. The Board’s website includes detailed information about the examination and answers to the most common questions regarding the bar examination: http://www.nybarexam.org/. We recommend strongly that you use the Board’s website and their resources. On the website you can also read and download the Board of Law Examiners’ detailed Content Outline for the New York State Bar Examination: http://www.nybarexam.org/Docs/CONTENT%20OUTLINE%20%28revised%20May%202010%20%29.pdf.

Questions and Answers:

- **What subjects are covered on the bar exam?**
  The bar exam in NY covers the MBE topics of Civil Procedure, Contracts, Constitutional Law, Criminal Law and Procedure, Evidence, Real Property, and Torts (including statutory no-fault insurance provisions) and the New York section. The NY portion is based on both procedural and substantive law. It may deal with the seven subject matters covered on the MBE. In addition, the questions may cover Business Relationships, New York and Federal Civil Jurisdiction and Procedure, Conflict of Laws, New York Constitutional Law, Criminal Procedure, Family Law, Remedies, Professional Responsibility (NY not just ABA Model Rules), Trusts, Wills and Estates, and UCC Articles 2 and 9. Administrative law will be added beginning with the February 2015 exam. More than one subject is tested in a single essay question. Except for questions involving Federal law, the New York essay and multiple choice questions are based on the law of New York. For further information, please see the BOLE’s Content Outline for the New York State Bar Examination: http://www.nybarexam.org/Docs/CONTENT%20OUTLINE%20%28revised%20May%202010%20%29.pdf.

  Applicants taking the California bar exam may be required to answer questions involving issues from the following subjects: Business Associations; Civil Procedure; Community Property; Constitutional Law; Contracts; Criminal Law and Procedure; Evidence; Professional Responsibility; Real Property; Remedies; Torts; Trusts; Wills and Succession; and the following provisions of the Uniform Commercial Code should be used where pertinent in answering the essay questions - All of Article 1; All of Article 2; and those provisions of Article 9 concerning Fixtures. Taken from the list of covered topics on the CA bar exam website: http://admissions.calbar.ca.gov/LinkClick.aspx?fileticket=VQF73jr-8IE%3D&tabid=250.

- **When do graduates usually take the bar exam?**
  In New York the bar exam is given twice per year on the last Tuesday and Wednesday of February and July. Virtually all states follow a similar pattern. Most law students take the bar
exam in July following graduation; however, some students may wait and take the bar exam in February following graduation. The Multistate Professional Responsibility Examination (MPRE) may be taken prior to graduation from law school and many JD applicants take the exam following completion of a professional responsibility course while in law school. The MPRE is given 3 times per year in March, August and November. The exam is often given in Ithaca in both November and March. In August it is given in other large cities, such as Syracuse. You must have a qualifying score of 85 on the MPRE before you may be sworn in to practice.

- **When and how do I register for the New York State Bar Examination?**
  Under current rules, you must register for the July examination between April 1 and April 30 of the year in which you plan to take the bar examination. The registration period for the February bar examination is between November 1 and November 30 of the year prior to the February examination. You register on-line at the Board of Law Examiners’ website: [https://www.nybarapply.org/](https://www.nybarapply.org/).

  In order to apply for the bar examination you must also register with the National Council of Bar Examiners (the organization that administers the MBE and the MPRE). The entry page for the New York Online Bar Exam Application (at the above link) includes an explanation about the NCBE Number requirement along with a link to the NCBE website. On the New York application there is a field where you need to insert your NCBE Number. Obtaining a NCBE number is required and is a very simple process.

- **Who may take the bar exam?**
  In New York, graduates of any ABA accredited law school may take the bar exam provided their course of study meets the New York-specific educational requirements discussed above. Foreign-trained lawyers must meet specific educational requirements, usually including completing an LLM degree at an ABA-approved law school with at least 24 credits of law study including specific coursework. Foreign-trained lawyers should consult the Board’s website for a description of the rules: [http://www.nybarexam.org/Foreign/ForeignLegalEducation.htm](http://www.nybarexam.org/Foreign/ForeignLegalEducation.htm).

- **How do applicants study for the bar exam?**
  - **Are there preparation courses?**
    Yes. Most of our graduates study for the bar exam by taking one or more bar exam preparation courses immediately following graduation from law school, though several offer specific modules for law students while in law school prior to graduation. Currently, programs are offered in Ithaca by BarBri and Kaplan. There are also on-line bar review courses offered by Themis Bar Review, and occasionally others. The law school does not specifically endorse or recommend any particular bar review course provider. Occasionally, claims of false or misleading advertising by bar review course providers circulate around the law school; therefore, we encourage you to carefully compare the promotional materials provided by the review course providers.
  
  - **What do the courses offer?**
    Most of the bar review courses offer several options, usually including a full course that covers the Multistate Bar Exam (MBE), the Multistate Professional Responsibility Exam (MPRE), the Multistate Performance Test (MPT) and the New York State and Local Section, as well as courses covering one or more of the components of the bar exam (MBE, MPRE, MPT, NY portion).
- **Do I need to take several courses?**
  That is up to you. Most Cornell graduates take only one course.

- **How much do they cost?**
  The cost varies depending on how many components of the exam the course is covering. You should consult with the representatives of the various providers for specific cost information and pricing options, discounts (most providers offer various discounts throughout the year) and tuition assistance; however, you can expect to pay up to $4,000 for the review courses unless the course is on-line only, in which case the cost may be substantially less. In addition to the review course, the bar exam registration fee for JD graduates in New York is $250.00. Some private employers provide reimbursement or a stipend to cover these costs. Please see the law school director of financial aid for information on obtaining bar study loans, if necessary.

- **Should I take certain courses in law school to prepare for the bar exam?**
  No. However, you should endeavor to include as many of the “core” subjects and bar subject courses in the curriculum as possible. Also, there is a high correlation between academic performance in law school and bar passage on the first attempt. If your grades are weak, you are encouraged to seek academic advice from Dean Lukingbeal.

- **What are the various components of the bar exam?**
  The bar examination contains two sections, the New York section which is given on Tuesday, and the **Multistate Bar Examination (MBE)** which is given on Wednesday. The New York section consists of five essay questions and 50 multiple choice questions prepared by the New York Board of Law Examiners, and one **Multistate Performance Test (MPT)** question developed by the National Conference of Bar Examiners. The second day of the exam is the MBE section which consists of 200 multiple choice questions. Each day of the examination consists of a morning session and an afternoon session with a lunch break in between. The examination is given at the same time and date at various testing locations across the state. Be aware: There is current discussion in NY about moving toward the Uniform Bar Exam in the near future. The Law School will keep students informed through announcements in Scoops.

  - **What is the MBE?**
    The **Multistate Bar Examination** is a 200 multiple choice question examination that covers the topics of Civil Procedure, Contracts, Constitutional Law, Criminal Law, Evidence, Real Property, and Torts (including statutory no-fault insurance provisions). ([http://www.nybarexam.org/TheBar/TheBar.htm#mbe](http://www.nybarexam.org/TheBar/TheBar.htm#mbe)).

  - **What is the MPRE?**
    The **Multistate Professional Responsibility Examination** is a 60-question, 2-hour, multiple choice test designed to measure the examinee’s knowledge and understanding of established standards related to a lawyer’s professional conduct. It is based on the disciplinary rules of professional conduct currently articulated in the American Bar Association (ABA) Model Rules of Professional Conduct, and the ABA Model Code of Judicial Conduct, as well as controlling constitutional decisions and generally-accepted principles established in leading federal and state cases and in procedural and evidentiary rules. The test is required in 47 states and the District of Columbia. In New York, the MPRE may be taken before graduation from law school or following the regular bar exam; however, a scaled score of **85** is required prior to admission in New York. ([http://www.nybarexam.org/TheBar/TheBar.htm#MPRE](http://www.nybarexam.org/TheBar/TheBar.htm#MPRE)).
What is the MPT?
The Multistate Performance Test is designed to test an applicant’s ability to use fundamental lawyering skills in a realistic situation. Each test evaluates an applicant’s ability to complete a task which a beginning lawyer should be able to accomplish. The MPT requires applicants to (1) sort detailed factual materials and separate relevant from irrelevant facts; (2) analyze statutory, case, and administrative materials for relevant principles of law; (3) apply the relevant law to the relevant facts in a manner likely to resolve a client’s problem; (4) identify and resolve ethical dilemmas, when present; (5) communicate effectively in writing; (6) complete a lawyering task within time constraints. (http://www.nybarexam.org/TheBar/TheBar.htm#mpt)

Are there interviews?
Not for the bar exam; however, following attaining a passing score on the examination and prior to admission, you must complete the character and fitness process, which may include personal interviews.

- When can I take the various components of the bar exam?
In general, all of the components of the New York bar exam except for the MPRE must be taken following graduation from law school. However, under a new program entitled “Pro Bono Scholars,” a small number of students are permitted to take the NY bar exam in February before graduation just prior to beginning a full term externship. More information is available from Professor Galbreath (ggg2@cornell.edu). You may take the MPRE prior to graduating and a qualifying MPRE score is valid for up to 3 years. Most Cornell JD students take the MPRE in November or March of their 2nd or 3rd year of law school. The MPRE is offered three times per year (in March, August and November) in larger cities such as Syracuse, and this year is offered in Ithaca in both November and March.

- How long is the bar examination?
The bar examination is taken over 2 consecutive days. The Board of Law Examiners provides the following description and schedule on its website (http://www.nybarexam.org/TheBar/TheBar.htm):

**Schedule for First Day of the Examination (Tuesday):**
In the morning session, which begins at 9:00 A.M. and ends at 12:15 P.M., applicants must complete three essays and the 50 multiple choice questions in three hours and 15 minutes. Although applicants are free to use their time as they choose, the Board estimates an allocation of 40 minutes per essay and 1.5 minutes per multiple choice question.

In the afternoon session, which begins at 1:45 P.M. and ends at 4:45 P.M., applicants must complete the remaining two essay questions and the MPT in three hours. Again, although applicants are free to use their time as they choose, the National Conference of Bar Examiners developed the MPT with the intention that it be used as a 90-minute test. Therefore, the Board recommends that applicants allocate 90 minutes to the MPT and 45 minutes to each essay.

**Schedule for Second Day of the Examination – MBE (Wednesday):**
The second day of the examination is the Multistate Bar Examination (MBE). The MBE is a six-hour, two-hundred question multiple-choice examination covering contracts, torts, constitutional law, criminal law, evidence, and real property. The examination is divided into two periods of three hours each, one in the morning (9:30am to 12:30pm) and one in the
afternoon (2:00 pm to 5:00 pm), with 100 questions in each period.

• **Where is the bar exam given?**
  In New York State, the bar exam is administered in Buffalo, the Albany area, New York City and Brooklyn. Information on test sites is available at: http://www.nybarexam.org/TheBar/TheBar.htm#LOCATIONS. If you are taking the bar exam in another state, be sure to check with that state’s bar examination authorities.

• **May I use my laptop computer?**
  In New York the answer is “yes,” provided space is available. In recent administrations of the NY bar exam all applicants who requested using a laptop were able to do so. Please be aware that not all states allow applicants to use laptops; check with the bar admissions authorities in the state(s) where you plan to take the bar exam. Information on laptop use in New York is available on the BLE website: http://www.nybarexam.org/TheBar/TheBar.htm#laptop.

• **How do applicants pay for the bar exam and bar review courses?**
  Many private employers either advance or reimburse for bar admission costs, including the bar review courses and registration fees. If your employer does not cover the cost, you must pay for it yourself.
  
  - **Are loans available?**
    Yes, bar study loans are available from private lenders for bar exam and review course expenses. Please see the Financial Aid Office if you have questions.
  
  - **Other options?**
    Some review courses will agree to payment plans, scholarships, or part-time work for the program to allow applicants to pay for the bar review course. You should speak directly with your bar review course administrator if you are unable to afford the review course.

• **What if I want to take the bar exam in more than one state?**
  Several states (often in close proximity) schedule their examinations so it is possible to take 2 bar examinations concurrently. Since the MBE is given on the same day in every jurisdiction, it is possible for applicants to take a concurrent bar examination in a state that gives their essay or local section on Thursday. It is the responsibility of the applicant to determine the requirements of the other jurisdiction and whether or not it is feasible to take a concurrent examination. You may choose to take the MBE portion of the examination in another jurisdiction, as part of the latter’s bar examination and your MBE scaled score in the other jurisdiction will be combined with the your scores on the New York portion of the examination taken on the previous day as if you had taken the entire examination in New York. You must notify the Board of Law Examiners in writing of your intention to take the MBE in another jurisdiction and it must be noted in the appropriate area on your application form for New York. If you elect to take the MBE concurrently in another jurisdiction and wish to transfer that score to New York, or you wish to transfer the MBE score taken in New York to another jurisdiction, it is the your responsibility to timely request a transfer of the MBE score. You must arrange for the transfer of the MBE score (http://www.ncbex.org/about-ncbe-exams/mbe/mbe-faq/). Failure to timely transfer your MBE score to New York (by April 1st for Feb exam; Oct 1st for July exam) shall result in the nullification of your bar examination scores.

Note that an increasing number of states now use the Uniform Bar Exam, which features varying
degrees of “portability.” As of spring 2015, NY has not yet joined this group.

- **How long does it take to receive the results of my examination?**
  In New York the bar exam results for the July examination are usually available by mid-November (though this year the results were released on October 28); the results from the February examination are usually available in mid-May. The results of the bar examination, in the form of written pass/fail notices, are emailed to all applicants on the same day. The day the results are released, a results lookup page is available at the Board’s website for all applicants to view their results. The next day, a list of all successful applicants is posted on the Board’s website and on the website of the New York Law Journal. Most other states are able to complete the grading of bar exams earlier than New York based upon the smaller number of test takers.

- **What is the minimum passing score for the bar exam?**
  In order to pass the bar exam in New York you must have a final total weighted scaled score of at least 665; any applicant who fails to attain a total weighted scaled score of 665 must retake the entire examination at a subsequent administration. There is no appeal from the final total weighted scaled score; however, the Board of Law Examiners automatically re-grades any tests falling within 10 points of the minimum passing score (655-664) prior to the release of the final scores by the Board of Law Examiners. For those exams, the NY essays and the MPT are re-read by a second exam grader and the two sets of scores are averaged and the final score re-calculated.

- **What are the next steps if I pass the examination?**
  Application for Admission/Character and Fitness Investigation: Shortly after the bar examination, the New York Board of Law Examiners sends to the Supreme Court, Appellate Division in each of the state’s four judicial departments, a list containing the names and addresses of the applicants from that department who took the examination. Each department then sends admission application forms to each applicant on its list in order to expedite the admission process by permitting the applicants to complete and file the forms prior to receipt of the results of the examination. The forms must be filed within three years of the date of the Board’s initial letter notifying the applicant of successful completion of the bar examination. The admission forms, which are the same for all four departments, serve as the basis for inquiry by the Committees on Character and Fitness into the applicant’s character and fitness to be members of the Bar. If an applicant has a change of address resulting in a change in Department between the time of receiving the application forms and the results of the bar examination, the applicant should immediately notify the Board in writing of such change. The Board, in turn, will acknowledge receipt of the change to such applicant and notify each Department involved of the change. The procedures for admission following successfully passing the bar exam vary in every state and you should be sure to research the rules in every jurisdiction where you are seeking admission.

- **What happens if I fail?**
  You may retake the bar exam. In New York there is no limit on the number of times you may retake the bar exam. Some states restrict the number of times the bar exam may be taken.
• Does the new 50-hour Pro Bono Requirement for admission as an attorney in New York apply to me?
On September 14, 2012, the New York State Court of Appeals adopted a new rule requiring applicants for admission to the New York State bar to perform 50 hours of pro bono services (http://www.nycourts.gov/attorneys/probono/baradmissionreqs.shtml). Any applicant for admission to practice in New York after January 1, 2015 must satisfy the 50-hour requirement. The requirement need not be fulfilled before you apply to take the New York bar examination; however, the 50 hours must be completed before filing your application for admission.

Frequently Asked Questions about the Pro Bono Requirement prepared by the Office of Court Administration are available at the following website: http://www.nycourts.gov/attorneys/probono/FAQsBarAdmission.pdf.

Further information on the New York Pro Bono admission requirement can be found on the Law School’s Career Office website: http://www.lawschool.cornell.edu/publicservice/Students/New-York-State-Bar-Pro-Bono-Requirement.cfm (password protected). If you have questions about the pro bono requirement, please discuss your situation with Assistant Dean Karen Comstock, kvcz@cornell.edu, 145 Myron Taylor Hall.

• What is the New York Bar’s pilot Pro Bono Scholars Program?
Pro Bono Scholars Program course allows third year students in their last semester to take the NY Bar Examination on February 23 and 24, 2016 and then earn their last 12 credit hours working full time from February 29 - May 26, 2016 as externs at approved placement sites doing exclusively pro bono legal services for indigent clients.

Bar Examination Resources

National Bar Exam and Admission Resources:

Office of the Consultant on Legal Education / Section of Legal Education and Admissions to the Bar
American Bar Association
321 N. Clark Street, 21st Floor
Chicago, IL 60610
Phone: (312) 988-6738
Fax: (312) 988-5681
http://www.abanet.org/legaled/baradmissions/bar.html

National Council of Bar Examiners
402 West Wilson Street
Madison, WI 53703-3614
Phone: 608-280-8550
Fax: 608-280-8552
TDD: 608-661-1275
Email Addresses MBE: contact_mbe@ncbex.org
http://www.ncbex.org/

State Bar Exam Resources:
New York State Board of Law Examiners
Corporate Plaza - Building 3
254 Washington Avenue Extension
Albany, NY 12203-5195
Phone: (518) 452-8700
Toll Free: (800) 342-3335
Fax: (518) 452-5729
http://www.nybarexam.org/

California Bar Examiners
San Francisco (Main Office)
180 Howard Street
San Francisco, CA 94105
415-538-2000
213-765-1500
415-538-2300
http://www.calbar.ca.gov/state/calbar/calbar_generic.jsp?cid=10115

Massachusetts Board of Law Examiners
Suffolk County Courthouse
3 Pemberton Square
7th Floor - Room 707
Boston, MA 02108 Phone: (617) 482-4466
Fax: (617) 542-5943
http://www.mass.gov/bbe

Bar Exam Review Course Providers (not an exhaustive list):

BarBri
http://www.barbri.com

KAPLAN
http://www.kaplan.com/Bar_Review

Pieper Bar Review
http://www.pieperbar.com

Themis Bar Review
http://www ThemisBarReview.com

Information on additional bar exam review course providers can be found by doing an Internet search (e.g., “NY bar exam review course” will bring up a number of other course providers and preparation services). As noted in our memorandum, the law school does not specifically endorse or recommend any particular bar review course providers.