MEMORANDUM

To: Members of the LL.M. Class of 2012

From: Anne Lukingbeal and Charles Cramton

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

Date: February 20, 2012

For many of you, the next step in your professional career following completion of your LL.M. degree will be to take the bar examination in New York or some other U.S. state. While there is on-going discussion at the regional and national levels exploring the possibility of some form of future “national” bar exam, bar admission rules and examinations currently vary from 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 to ensure that you are qualified to sit for the bar exam in that state. Resources for doing so are listed on the attachment to this memorandum.

While Cornell J.D. graduates may take the bar examination in any state, the options are much more limited for LL.M. students. The most common states for LL.M. students are New York and California, with New York being by far the most popular with approximately 35-45 LL.M. graduates sitting for the 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.

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 Question 18, “Have you ever been charged with or convicted of a crime, including expunged offenses, other than a minor traffic violation, or are charges pending?” 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 either Dean Lukingbeal or Dean Cramton. 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://support.law.cornell.edu/students (select the “Bar Information” button on the left navigation pane).

Set out below are questions submitted to us 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/. The website has been improved dramatically in the past year and we recommend strongly that you use the Board’s website. On the website you can find:

- the Content Outline for the New York State Bar Examination: http://www.nybarexam.org/Docs/CONTENT%20OUTLINE%20%28revised%20May%202010%29.pdf; and
- information on the qualification rules for foreign-trained lawyers: http://www.nybarexam.org/Foreign/ForeignLegalEducation.htm.

Questions and Answers:

- **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. LL.M. students sometimes feel more comfortable waiting until March to take the exam, though each year several decide to take the exam in November. The MPRE is given 3 times per year in March, August and November. In March the exam is usually given in Ithaca. In August and November it is given in other large cities, such as Syracuse. You must have a qualifying score 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/. The Board of Law Examiners requires that foreign-trained lawyers submit an advance evaluation of eligibility to sit for the bar examination. You should complete and submit the evaluation form on-line (https://www.nybarapply.org/feval).

- **Who may take the bar exam?**
  In New York, graduates of any ABA accredited law school may take the bar exam. Foreign-trained lawyers must meet specific educational requirements, usually including completing an LL.M. degree with at least 20 credits of law study including basic courses in American law. Foreign-trained lawyers should consult the Board’s website for a description of the rules: 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. Currently, programs are offered in Ithaca by BarBri and PMBR (Kaplan). There is also now an on-line bar review course offered by Themis Bar Review. The law school does not specifically endorse or recommend any particular bar review course provider. Occasionally, claims or false of 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?*
    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. Currently, programs are offered in Ithaca by BarBri and PMBR (Kaplan). There are also now on-line bar review courses offered by Themis Bar Review and Pieper Bar Review. The law school does not specifically endorse or recommend any particular bar review course provider. Occasionally, claims or false of 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. Several providers offer several options for additional study aids for LL.M. students (usually for an additional fee).

  - *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. In addition to the review course, the bar exam registration fee in New York for foreign-trained applicants is $750.00. Some private employers provide reimbursement or a stipend to cover these costs.

- **What subjects are covered on the bar exam?**
The bar exam in NY covers the MBE topics of Contracts, Constitutional Law, Criminal Law, 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 six subject matters covered on the MBE. In addition, the questions may cover Business Relationships, Conflict of Laws, New York Constitutional Law, Criminal Procedure, Family Law, Remedies, New York and Federal Civil Jurisdiction and Procedure, Professional Responsibility (NY not just ABA Model Rules), Trusts, Wills and Estates, and UCC Articles 2, 3, and 9. 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.

- **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 in the curriculum as possible. Also, academic performance in law school has a high correlation with passing the bar exam on the first attempt. If your grades are weak, you are encouraged to seek academic advice from Dean Lukingbeal (J.D. students) or Dean Cramton (LL.M. students).

- **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 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.

  - **What is the MBE?**
The Multistate Bar Examination is a 200 multiple choice question examination that covers the topics of Contracts, Constitutional Law, Criminal Law, Evidence, Real Property, and Torts (including statutory no-fault insurance provisions).

  - **What is the MPRE?**
The Multistate Professional Responsibility Examination is a 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.

- **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.

- **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?**
All of the components of the New York bar exam except for the MPRE must be taken following graduation from law school. 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 March of their 2nd or 3rd year of law school when the exam is administered in Ithaca, though several, including LL.M. students, opt to take the exam in November in another city. The MPRE is offered three times per year (in March, August and November) in larger cities such as Syracuse.

- **How long is the examination?**
The 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](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. The Multistate Bar Examination (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 [9:00am to 12:00pm] and one in the afternoon [1:30pm to 4:30pm], with 100 questions in each period.

- **Where is the bar exam given?**
  In New York, 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](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.

- **Can 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](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, for some students. Bar study loans may be available from private lenders for bar exam and review course expenses if you meet their qualifications (e.g., citizenship, financial guarantor, job offer, etc.).
  - **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 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 your responsibility to timely request a transfer of the MBE score. You must arrange for the transfer of the MBE score by using the MBE Score Transfer Form available through the National Conference of Bar Examiners (NCBE) at [http://www.ncbex.org/multistate-tests/mbe/services/transfers/](http://www.ncbex.org/multistate-tests/mbe/services/transfers/). There is currently a $25 fee payable to NCBE. Failure to timely transfer your MBE score to New York (by April 1st for Feb exam; Oct 1st for July exam) may result in the nullification of your bar examination scores.

- **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 in mid-November (though this year the results were released early on November 2); 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 mailed 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.
Bar Examination Resource Sheet

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 pmbr
http://www.kaplanpmbr.com/Bar_Review

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

Themis Bar Review
http://www.themisbar.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.