

Bar Admission



**YLS Career Development Office
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Introduction

In order to obtain a license to practice law, law school graduates must apply for bar admission through the board of bar examiners in the state(s) in which they wish to practice. Licensing involves a demonstration of worthiness in two areas – competence and character and fitness. To meet the competency requirement, an applicant must hold an acceptable educational credential (most often a J.D.) and pass the state’s bar exam. To meet the character and fitness requirement, the board of bar examiners must be satisfied that the applicant’s background meets certain standards of conduct.

Because each state determines what criteria they will use to determine an attorney’s eligibility for law practice, it is critical that you determine the individual requirements for your state prior to embarking on the bar admission process. Links to each state’s bar admissions office is available online through the National Conference of Bar Examiners (NCBE) web site at www.ncbex.org by clicking “Bar Admissions Offices.”

Bar Exam Formats

The bar exam is offered two times per year, generally on the last Tuesday and Wednesday in July and February. The exams in most states contain a state specific portion and a multistate portion. However, the content and format of both portions varies from state to state.

The standardized multistate options include:

- **The Multistate Bar Exam (MBE)** – a 6-hour, 200 multiple choice question exam covering contracts, torts, constitutional law, criminal law, evidence, and real property.
- **The Multistate Essay Exam (MEE)** – a three-hour, six question essay exam covering agency and partnership, commercial paper, conflicts of laws, transactions, and trusts and future interests.
- **The Multistate Performance Test (MPT)** – three 90 minute skills questions covering legal analysis, fact analysis, problem solving resolution of ethical dilemmas, organization and management of lawyering tasks, and communication.

- **The Multistate Professional Responsibility Exam (MPRE)** – a 60 question, 2 hour, multiple choice exam administered three times per year. (Discussed more fully below).

The most common bar exam format is a two-day exam, with one day devoted to the MBE and another day of substantive essay questions tailored for practice in that jurisdiction. For specific details regarding the type of exam administered in your state, consult the NCBE's *Comprehensive Guide to Bar Admission Requirements* which is available in CDO and on NCBE's website (www.ncbex.org). Charts V and VI of the *Comprehensive Guide* list the exams that are required in each state.

Which Bar Exam(s) to Take

If you secure permanent employment before bar applications are due, this question is usually easy to answer – take the bar exam in the state in which you have accepted employment. One exception to this is for students who will be working in DC. DC allows you to take the bar in another jurisdiction and be admitted to the DC bar if you receive a scaled score of 133 or higher on the MBE, a scaled score of 75 or better on the MPRE, and are admitted in the jurisdiction in which you took the bar (see www.dcappeals.gov/dccourts/appeals/coa/faq.jsp#12).

Another possible exception is for students working for the federal government. For some agencies, being an active member in good standing of a bar of any U.S. jurisdiction will suffice. Other offices, including many U.S. Attorneys Offices, require their attorneys to be admitted to the bar of the state where the office is located. Be sure to check with your employer about their requirements before registering for a bar exam.

If you have not accepted a job and are uncertain about where you will settle, you can either apply to sit for the bar in the state in which you hope to obtain employment, or wait to secure a position before taking the exam. If you find yourself in this situation, feel free to talk over the options with a counselor in CDO.

You may find it relevant to determine the Admission by Waiver (also known as Admission on Motion or Reciprocity) rules for some of the states you are considering to determine what impact, if any, your passing the bar exam in one state will have on your attempt to relocate to another state. As mentioned above, DC has the most lenient Admission by Waiver rules. The rules in other states are stricter. Florida, for example, requires all attorneys to pass the Florida bar exam prior to admission (see www.floridabarexam.org under FAQ). California allows attorneys who have been admitted in active status in good standing for four years to take a shorter “Attorneys Exam” instead of the bar exam (see www.calbar.ca.gov/calbar/pdfs/admissions/75sf.pdf). New York allows for admission on motion for applicants who have practiced for five of the preceding seven years, and who are admitted to practice in one of 30 listed reciprocal jurisdictions (see www.nybarexam.org/AOM/AdmissiononMotion.htm). Consult each state's bar admission requirements to learn how they handle these issues.

You may decide to sit for two bar exams, either because you are unsure about where you will work or because you anticipate relocating in the near future. You can accomplish this by sitting in one state for the state and multistate portions of the exam and sitting in another state for just their state portion. This is only possible if the two state exams are on different days, if your multistate score will be accepted by both states, and if you can make it from one state to the other in one evening.

When to Take the Bar

Most students take the July bar exam during the summer after graduation. However, students who haven't obtained a job by graduation or are working in a temporary position such as a judicial clerkship or fellowship, may decide to defer taking the exam until later. Keep in mind that while many legal positions do not have bar passage as a prerequisite for hiring, a few do. To the extent possible, learn the hiring requirements of your desired employer(s). Feel free to speak with a CDO counselor with any questions about these issues.

Judicial Clerks and the Bar

Students who will be clerking for a judge after graduation have some unique considerations relating to the bar exam in terms of both timing and expense reimbursement. Some judges prefer that their clerks not study or sit for the bar during their clerkships; in those situations, clerks schedule their bar exam around the start and end dates of their clerkships. Some judges prefer clerks to take the bar exam prior to the commencement of their clerkships. Other judges have no preference. Because clerks with bar admission and one year of legal experience can earn an additional \$10,000 during their clerkships, clerks who pass the bar prior to their clerkships may be entitled to a jump in salary late in their clerkship year. Consult CDO's *Judicial Clerkships in the U.S.* guide for detailed clerkship salary information.

If you will be working for a law firm upon the completion of your clerkship, the firm will likely reimburse you for bar expenses and may provide you with a stipend for the summer you spend studying for the bar. Some judges do not allow clerks to receive any financial remuneration from an employer until the end of the clerkship year, other judges allow clerks to accept certain types of reimbursement. The best approach with regard to all of these issues is to speak with your judge about his/her bar exam preferences.

Application Process

Consult your state's bar admissions office for accurate application information. Links to those offices are available through the NCBE website (www.ncbex.org). Some applications can be downloaded from the web; for other states, you must call or write to request an application.

Some application deadlines are quite early (e.g., South Carolina – January 10 for the July exam); some give a range (e.g., New York – between 120 and 90 days prior to the date of the exam); and others are much later (e.g., Connecticut – early June for July exam). Many states offer both a regular filing deadline and a late filing deadline (for an additional fee).

Get to work on your application early – most of them are very involved and will take more time than you might think to complete. For example, you may be asked to list every place that you have lived in the past 10 years, every job you have held, and information about your financial and credit history. It can take a lot of time to track down all of this information.

The Registrar's Office is responsible for certifying to your state that you are eligible to sit for the bar. Some states require that you have your degree in hand; some want to know that you have completed all requirements necessary to graduate; others want to know that you are within a certain number of credits from meeting your graduation requirements. Early in your third year, visit Marilyn Griffith in the Registrar's Office to tell her which bar(s) you plan to take and to sign a release allowing her to provide your state with all bar-related information they may require, including transcripts. Depending on the state, the Registrar may have additional responsibilities regarding your bar application. For example, New York requires applicants to conduct an in-person verification of a handwriting sample. Other states require that the application form itself be notarized. The Registrar's Office can assist you with these tasks, but don't wait until the last minute.

Bar application costs vary – in New York the application fee is \$250; in California it is around \$530 plus more for character and fitness investigations. Some states provide a discount to students who register early. Many employers (typically law firms) will reimburse these expenses. Inquire with your employer as to what costs they will cover.

Bar Registration

Some states require, and others encourage, law students to register with the state during law school. For example, California requires that students register with the state bar within 90 days of starting law school. However, students who do not register at that time are still allowed to sit for the bar after being assessed a late fee. A list of states that have a law student registration process is available in Chart I of the NCBE *Comprehensive Guide*.

The Multistate Professional Responsibility Exam (MPRE)

Most states require a passing score on the MPRE exam in order to be admitted to practice. The 60-question, 2-hour, multiple choice exam tests your knowledge and understanding of the ethical standards of the legal profession. The test is offered nationwide three times per year – in March, August and November. Some states (i.e., Massachusetts) require that you take the MPRE prior to the bar exam, while other states (i.e., New York) don't care whether you take the exam before or after the bar exam. Most students take the exam in March of their third year. The deadline for registering for that test is typically late January. Unlike the bar exam, you can take the MPRE in any state and have your score submitted to another state. For more information about the MPRE, including subject areas covered, deadlines, statistics and fees, consult the NCBE website at www.ncbex.org and click the MPRE link.

Bar Review Courses

Most students studying for the bar choose not to go it alone, and instead sign up for a bar review course with one of the numerous bar review outfits. One of the more popular companies is BARBRI, but there are many others including those that allow you to study at home, online and in a classroom setting. Many courses prepare students for both the multistate and state portions of the bar exam and for the MPRE. Others focus only on one portion of the test. For a list of some of the many bar review options, visit findlaw's website at <http://stu.findlaw.com/thebar/barreview.html>.

These courses are not cheap – to study for the New York bar with BARBRI costs roughly \$3,000. Fortunately, many employers (typically law firms) will reimburse these expenses. Inquire with your employer as to what costs they will cover. As mentioned above, judicial clerks should be aware that some judges will not allow clerks to be reimbursed for bar expenses incurred prior to the start of the clerkship. Check with your judge about his/her policies. For students who will not be reimbursed by an employer, bar loans are available if taken out prior to graduation. Speak with Patricia Barnes in the Financial Aid Office for additional information.

Character and Fitness

In addition to passing the bar exam, your character and fitness must be established as a prerequisite to licensure. To assess these qualities, you will be required to provide detailed information about your background. If the bar examiners believe that the information you provide reflects poorly on your character or fitness, they will require additional investigation.

Examples of topics your state may cover include:

- educational history, including any disciplinary actions against you
- employment history, including any charges of misconduct or discharges
- criminal history
- financial history, including any neglect of financial responsibilities
- litigation history
- driving history
- mental health
- substance abuse

Consult Chart II in the NCBE *Comprehensive Guide* for guidance on the character and fitness determinations of each state (www.ncbex.org). New York State Lawyer Assistance Trust authors a very helpful brochure about the New York character and fitness requirement, *Are You Fit to Be a Lawyer?*, which is available through their website www.nylat.org under publications and then brochures. To learn more about California's moral character requirements, visit www.calbar.ca.gov/state/calbar/calbar_generic.jsp?cid=10115 and click "Moral Character".

In reviewing your information and determining its significance, various factors are likely to be considered including your age at the time the conduct occurred, when the conduct occurred, the seriousness of the conduct, your candor in providing the information, and your conduct since the incident(s) took place. As to mental health and substance abuse matters, the fact of treatment for these problems is not usually enough for denial of admission. Typically examiners want to see that an applicant is taking personal responsibility and addressing the problem(s).

Do not omit information for fear that the information will prohibit you from admission. Failure to disclose information is likely to cause you more difficulty in admission than the incident itself. Answer all questions completely and honestly. Direct any questions about the character and fitness requirements to the board of bar examiners of your state.

Useful Links

Bar Admission Offices

<http://www.ncbex.org/bar-admissions/offices/>

Bar Review Courses

<http://stu.findlaw.com/thebar/barreview.html>

Comprehensive Guide to Bar Admission Requirements

<http://www.ncbex.org/comprehensive-guide-to-bar-admissions/>

Multistate Professional Responsibility Exam Information

<http://www.ncbex.org/multistate-tests/mpre/>

New York Board of Law Examiners

www.nybarexam.org

New York State Lawyer Assistance Trust brochure about Character and Fitness Requirement

<http://www.nylat.org/publications/brochures/documents/CharacterandFitnessBrochure09.pdf>

State Bar of California

http://www.calbar.ca.gov/state/calbar/calbar_home.jsp

DC Court of Appeals Committee on Admissions

<http://www.dcappeals.gov/dccourts/appeals/coa/index.jsp>