

*State of New York
Court of Appeals*



*Janet Di Fiore
Chief Judge*

*Court of Appeals Hall
Albany, New York 12207*

April 30, 2020

Dear Deans:

I am writing to update you on our plans for the September bar examination and to thank you for your assistance in that endeavor. While the pandemic has affected prospective bar candidates in jurisdictions around the country, as we are all aware the impact in New York – for many weeks, the epicenter of the crisis -- has been especially severe. As you know, each year, we test more candidates by far than any other Uniform Bar Examination (UBE) jurisdiction (indeed, more candidates than any other state in the nation). For our July examination, we typically accommodate upwards of 10,000 prospective attorneys by renting convention centers and other large venues across the state where we seat 1,000s of test-takers in one space. But this year we were compelled by the health crisis to postpone the New York Bar Examination, originally scheduled for July, to September 9-10, 2020 and the application period for the exam will be opening soon. While it is impossible to predict precisely what social distancing and other mass-gathering restrictions may be in effect when we administer the test in the fall, it is critical that we do what we can now to plan for the safest possible administration of the bar exam. After consultation with health officials, it has become clear that it is not enough merely to change the dates of the examination – in New York, we must reimagine how we administer the test.

To that end, we requested the assistance of each of you – the Deans of New York's fifteen law schools -- and you answered the call, offering the use of your facilities for administration of the examination. This historic partnership between New York law schools and the Board of Law Examiners will permit the simultaneous testing of many, relatively small groupings of candidates with appropriate social distancing restrictions. While some larger venues will still be employed, candidate density will be significantly reduced in those facilities; we will safely seat hundreds of candidates in spaces that, in years past, would have accommodated several thousand. I want to take this opportunity to express my gratitude to you for your unwavering commitment to the goal we all share – facilitating the swift admission of New York bar candidates. It is my hope that other UBE jurisdictions will form similar partnerships with their local law schools and other stakeholders to ensure the prompt and safe examination of graduates from those institutions in these extraordinary times.

Although, with the assistance of our partners, the Board of Law Examiners is committed to seating as many candidates as can be accomplished under a safe and prudent administration of the exam, it will not be able to seat the number of candidates accommodated in past years. Accordingly, the application process will proceed on a rolling basis as space permits, beginning with J.D. and LL.M. candidates who have graduated (or will graduate in Spring 2020) from a New York law school and who have never previously taken the bar examination. At the conclusion of the initial application period, after determining the number of seats that remain available, the Board will open the application period to additional pools of candidates until seating capacity is exhausted.

New York has a long and proud history of testing and admitting aspiring attorneys from across the country and around the globe. Our adoption of a temporary priority seating protocol – unavoidable this year – should not be interpreted as a step away from that commitment. The primary advantage of the UBE is portability – candidates can take the UBE anywhere in the United States and transfer that score to support admission to the bar in New York. Last week, I announced the adoption of a temporary practice program that will permit bar candidates employed in New York to engage in the limited practice of law pending admission, making it possible for some to defer taking the bar examination until next year. Given ongoing public health concerns and our limited seating capacity, and depending on their location and personal circumstances, all candidates are encouraged to consider sitting for the UBE at a later date or in other jurisdictions that may be better positioned to accommodate them at this time. Despite our efforts to seat as many candidates as possible, the health of all participants must remain our top priority.

Very truly yours,



Janet DiFiore

To:

Alicia Ouellette
President and Dean: Professor of Law
Albany Law School

Michael T. Cahill
President, Joseph Crea Dean & Professor of Law
Brooklyn Law School

Aviva Abramovsky
Dean and Professor of Law
University at Buffalo School of Law

Melanie Leslie
Dean and Samuel Belkin Professor of Law
Benjamin N. Cardozo School of Law

Gillian Lester
Dean and the Lucy G. Moses Professor of Law
Columbia Law School

Mary Lu Bilek
Dean and Professor of Law
CUNY School of Law

Eduardo Peñalver
Allan R. Tessler Dean and Professor of Law
Cornell Law School

Matthew Diller
Dean and Paul Fuller Professor of Law
Fordham University School of Law

Judge Gail Prudenti
Dean and Executive Director of the Center for Children, Families and the Law
Maurice A. Deane School of Law at Hofstra University

Anthony W. Crowell
Dean and President, Professor of Law
New York Law School

Trevor W. Morrison
Dean and Eric M. and Laurie B. Roth Professor of Law
New York University School of Law

Horace Anderson, Jr.
Dean and Professor of Law
Elisabeth Haub School of Law at Pace University

Michael A. Simons
Dean and John V. Brennan Professor of Law & Ethics
St. John's University School of Law

Craig M. Boise
Dean and Professor of Law
Syracuse University College of Law

Elena B. Langan
Dean and Professor of Law
Touro College Jacob D. Fuchsberg Law Center