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# New York to Adopt a Uniform Bar Exam Used in 15 Other States

By **STEPHANIE CLIFFORD** and **JAMES C. McKINLEY Jr.** MAY 5, 2015

New York State will begin using a standard bar examination given in 15 other states next summer, making it the largest state so far to adopt what amounts to a national credential for lawyers, the state's chief judge, Jonathan Lippman, announced on Tuesday.

While other states already use the test, the so-called Uniform Bar Examination, Judge Lippman said in an interview that he expected the move by New York to result in a "domino effect" with the remaining states, given New York's prominence in the legal world.

Missouri, in 2011, was the first to offer the uniform test, but the nation's most populous states — California, Texas and Florida — still run state-specific bar exams.

"When I first started hearing about it, I think I had the natural reaction, which is, 'Gee, but we're New York,'" Judge Lippman said. "While I hope we're not being parochial, we certainly have always viewed New York as the gold standard in terms of the profession of law."

However, he said, he changed his mind as he considered that lawyers now often relocate, or handle cases involving multiple states or countries. Judge Lippman also noted, in his remarks as prepared for the speech, given on Tuesday in Albany, that "employment prospects for recent graduates are still grim" and that law-school enrollment in New York had dropped 23 percent since 2010. The universal exam allows for better job prospects because it offers more flexibility, he said.

"We recognize it's a global world and there has to be portability with the law license around the country," Judge Lippman said in an interview. "We think we

would be sticking our heads in the sand if we don't realize the practice of law doesn't stop at state lines."

The New York State Court of Appeals, the state's highest court, approved the change in closed session last week.

In his speech, the chief judge said adopting the uniform exam "is a huge step towards a national, uniform bar exam for the entire country," which he characterized as "not only desirable but necessary for the mobile, interconnected society in which we live."

To practice in New York State, new lawyers will have to pass the uniform exam, which includes questions about general principles of law. They will also be required to take an online course on New York State law, showing "hours of videotaped lectures" on the topic, and pass a shorter multiple-choice exam. "We don't think it's necessary to test New York law on the bar exam itself anymore," Judge Lippman said.

Erica Moeser, president of the National Conference of Bar Examiners, which developed the uniform exam, said such adjustments had made other states more comfortable with the uniform exam.

"There's a very sincere belief that every state's law is different and if we don't maintain a local element somehow, something will be lost in licensing," she said. In about half of the 15 states that had adopted the exam, she said, they "have figured out a way to address the 'state law significant distinction' issue by online programming or online tests."

The current New York exam includes about 200 questions from a different test known as the multistate bar exam, also devised by the National Conference of Bar Examiners. That is worth 40 percent of the score. Then the student must complete five essays on New York State law, worth another 40 percent, and answer 50 multiple-choice questions on New York law worth 10 percent. Finally, there is a multiple state performance test worth another 10 percent.

Under the new plan, one day will still be devoted to the 200-question multistate bar exam. The first day of testing, though, will have six essays and two "lawyering skills tasks" created by the National Conference of Bar Examiners, with no testing on "unique distinctions in New York law."

Jenny Rivera, an associate judge on the New York Court of Appeals and chairwoman of the advisory committee on the uniform bar exam, said the two

performance tasks on the uniform test were a welcome shift away from heavily standardized tests.

“It’s basically a file that’s provided to a test-taker, and they have to do an exercise that a lawyer would do — write a memo, write a letter to the client,” she said. “There will be more assessment of those kinds of lawyering skills.”

For students, said Matthew Diller, dean of the Cardozo School of Law at Yeshiva University, the move will probably be welcome.

“They’ve accepted it as a given that it’s a drag to have to prepare for multiple bar exams,” Mr. Diller said. “The prospect that they may not have to do that anymore is one that I think students will find very attractive.” He added, “To have a more coordinated system of licensing in the legal profession around the country makes a lot of sense.”

Glenn Lau-Kee, president of the New York State Bar Association, said his central question would be “how prepared are new lawyers to practice law in New York, both for the protection of the profession and the public,” after the new test is put into effect.

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