Chief Judge Approves Temporary Authorization Program – April 28, 2020

As previously announced, the New York bar examination is presently scheduled for September 9-10, 2020. New York historically hosts, by far, more test-takers than any other UBE jurisdiction, and efforts are ongoing to safely accommodate as many test-takers as possible in September.

However, as the current epicenter of the pandemic in the United States, New York is facing unprecedented constraints. The Court of Appeals is communicating closely with public health officials to ensure that all prudent precautions are observed, and that the health of all participants is appropriately safeguarded. Prevailing guidance indicates that, in September, New York will be affected by ongoing travel restrictions, limitations on large gatherings, and social distancing mandates – constraints that prevent us from maximizing space in our larger testing venues across the state. Seating capacity for the September examination is likely to be limited.

As a result, the application period for the September exam, opening on May 5, will proceed on a rolling basis. Given the significant public health concerns and consequent restrictions that we face, candidates are encouraged to consider taking the Uniform Bar Examination at a later date or in other jurisdictions that may be better positioned to accommodate test-takers. While we understand the considerable stress and uncertainty caused by these limitations, the health and safety of all participants must remain our top priority. Further updates concerning registration for the September exam will be communicated by the Board of Law Examiners in advance of the application period.

To alleviate the hardship on bar applicants, on April 28 the Chief Judge approved a comprehensive and streamlined program designed to provide temporary authorization for qualified law graduates to engage in the limited practice of law. Practice orders promulgated by the Appellate Division departments will allow all covered candidates employed in New York to work under the supervision of a qualified attorney in good standing who has been admitted to practice law in New York for at least three years. Temporary authorization will be available to all first-time takers of the bar examination, including both J.D. and LL.M. candidates, irrespective of their graduation year. The temporary authorization program is intended to carry qualified candidates through their swearing-in date, so long as those candidates pass their first bar examination no later than 2021 and promptly seek admission to the bar following the release of exam results. This program will supplement existing practice order programs that authorize specified candidates to engage in the supervised practice of law, which will be unaffected by this temporary measure. Formal authorization and implementation of the program will follow in the near future.

Our goal is to conduct a safe administration of the bar examination as soon as possible and to facilitate candidates' swift admission to the bar thereafter. In the interim, the temporary authorization program should provide some assurance and stability for law students and recent law graduates eager to join the workforce. The Court is confident that New York employers will continue to exercise patience and flexibility as bar candidates navigate the obstacles presented by this crisis.