

New York Court of Appeals – Skills Competency Requirement Frequently Asked Questions

As you may know, the New York Court of Appeals has instituted a new requirement for admission to the New York State Bar. The new provision requires applicants for admission in New York to establish that they have acquired the skills and competencies necessary to practice law through one of five specified pathways. **The requirement only applies to students who commence legal studies after August 1, 2016.**

Listed below are some common questions about this new requirement. Full FAQ for New York’s Skills Competency and Professional Values Bar Admission Requirement can be found [here](#). The Court of Appeals’ Notice to the Bar can be read [here](#). The following is our attempt to summarize the most relevant points. Please be sure to check the official site for additional information; do not rely solely on this summary, particularly as the rules may change.

Q. How do I know if the new skills competency requirement applies to me?

A. If you started your JD studies after August 1, 2016, the skills competency and professional values requirement applies to you. All current members of the Class of 2019 and subsequent classes are subject to this requirement. Members of the Class of 2018 and previous classes are not.

Q. What are the five pathways established by the New York Court of Appeals?

- A.
- 1 – Law school certification of competence in skills and professional values
 - 2 – Law school certification of credit acquisition
 - 3 – Pro bono scholars program
 - 4 – Apprenticeship
 - 5 – Practice in another jurisdiction

NOTE: Notre Dame Law School does not presently have a program that satisfies Pathway 1. The vast majority of Notre Dame Law School graduates who seek to practice in New York will pursue Pathway 2.

Q. What does Pathway 2 require?

A. Pathway 2 requires applicants to submit a certification that they completed 15 credits of practice-based experiential coursework designed to foster professional competency training.

Q. How do bar applicants prove compliance with the skills competency and professional values requirement?

A. As part of the admission application, an applicant must submit an Affidavit of Compliance with the Skills Competency and Professional Values Requirement.

Q. What types of courses qualify as “practice-based experiential coursework” for Pathway 2?

A. Anything labeled an “experiential course” or a “skills course” in the NDLS course catalog qualifies toward the New York skills requirement. Course examples include, but are not limited to: trial

advocacy, deposition skills, interviewing, counseling, negotiation, mediation, advanced legal research & writing, pre-trial preparation, clinics, and externships. Note that the Legal Externship – Summer course and the Professional Responsibility course at NDLS do NOT count towards Pathway 2.

Q. Can any of my summer work experience count toward the credit?

A. Yes, some full-time summer employment will qualify. Up to six of the 15 credits can be earned through summer work experience, provided those employment opportunities satisfy certain other criteria. Note that those six credits are not “academic” credits, and do not count towards any graduation requirement at NDLS; they are credits strictly for purposes of the New York bar certification.

Q. What does a summer employer need to certify?

A. The supervising attorney must provide a certification to the law school confirming that the various requirements of the rule have been met. Without the certification, NDLS cannot award credit for summer employment under Pathway 2. It would be prudent to confirm *before starting work* that the employer is willing to meet the requirements and make this certification. The elements of the certification include:

- The work must be supervised by an attorney in good standing in any state;
- The supervising attorney must certify to the law school the following information:
 - beginning and ending dates of the employment,
 - that the student satisfactorily completed the employment, and
 - that the work experience:
 - provided the student with an initial orientation session;
 - implemented a system for assignments that assured that the student was actually engaged in the performance of legal work, including a diversity of tasks, as part of the ongoing practical work of the law office during normal business hours and throughout the required period;
 - provided the student with experience and guidance in the skills and values required for basic competence and ethical participation in the legal profession;
 - gave the student timely oral and written feedback; and
 - engaged the student in reflection on his/her experiences and learning during the employment.

Q. Is there a form to be completed for my summer experience to be awarded credit?

A. Yes, and it can be found on our website [here](#). It must contain a notarized signature from your employer. The original should be returned to Anne Hamilton for review and awarding of credit.

Q. How does summer employment translate into credits?

A. Fifty hours of full-time qualifying employment is required for each substituted credit. If a student works 100 hours at a summer job meeting the requirements, the school may award the student two credits under Pathway 2. Up to six of the 15 required credits can be earned through summer employment. Therefore, at most, a student may apply 300 hours of qualifying summer employment to count toward Pathway 2.

Q. Can the summer experience be paid?

A. Yes. Summer experience used toward the credits can be paid or unpaid.

Q. Does part-time employment during the academic year count? Or employment during school breaks?

A. No. Only full-time law-related employment during the summer may count toward the credits in Pathway 2.

Q. I know that New York also requires applicants for the bar to complete 50 hours of pro bono service. Can work experience used to earn credit under Pathway 2 also be used to satisfy the 50-hour pro bono requirement?

A. No. The same hours cannot be used to satisfy both the 50-hour pro bono requirement and the skills competency requirement. However, hours during the same summer can be used toward satisfying both requirements (just not the same hours).

By way of example, Student A works a total of 150 hours at a legal services provider during the summer. 50 hours can be used to satisfy the pro bono requirement, and the remaining 100 hours can be converted to two credits toward the skills requirement. Student B works 50 hours at the same legal services provider. She must choose where to apply those 50 hours – toward one credit of the skills requirement or to satisfy the pro bono requirement.

Q. Can I use a clinic or externship to satisfy both the 50-hour pro bono requirement and earn credit under Pathway 2?

A. Yes, but the same hours cannot be used to satisfy both requirements. If a student uses 50 hours of work done during a clinic to satisfy the pro bono requirement, the school cannot also use those same 50 hours in computing the amount of credits awarded toward Pathway 2.



PLEASE CHECK THE OFFICIAL WEBSITES FOR UP TO DATE AND ACCURATE INFORMATION

- The New York State Board of Law Examiners website describes the new skills requirement [here](#).
- Full FAQ for New York’s Skills Competency and Professional Values Bar Admission Requirement are available [here](#).
 - Access full FAQ for New York’s pro bono requirement [here](#).
 - Find the Affidavit of Compliance for Pro Bono Credit [here](#).